



**PERBAHATHAN
PARLIMEN
DEWAN RA'AYAT YANG KEDUA
PENGKAL KEEMPAT
PENYATA RASMI**

KANDONGAN

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MALAYSIA

DEWAN RA'AYAT YANG KEDUA

PENGGAL YANG KEEMPAT

Penyata Rasmi

Hari Khamis, 16hb November, 1967

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YANG HADHIR:

- Yang Berhormat Yang di-Pertua, DATO' CHIK MOHAMED YUSUF BIN SHEIKH ABDUL RAHMAN, S.P.M.P., J.P., Dato' Bendahara, Perak.
- „ Perdana Menteri dan Menteri Hal Ehwal Luar Negeri, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ Timbalan Perdana Menteri, Menteri Pertahanan, Menteri Hal Ehwal Dalam Negeri dan Menteri Pembangunan Negara dan Luar Bandar, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ Menteri Kerja Raya, Pos dan Talikom, TUN V. T. SAMBANTHAN, S.S.M., P.M.N. (Sungai Siput).
- „ Menteri Pengangkutan, TAN SRI HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- „ Menteri Pelajaran, TUAN MOHAMED KHIR JOHARI (Kedah Tengah).
- „ Menteri Kesihatan, TUAN BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ Menteri Perdagangan dan Perusahaan, DR LIM SWEE AUN, J.P. (Larut Selatan).
- „ Menteri Kebajikan 'Am, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- „ Menteri Kerajaan Tempatan dan Perumahan, TUAN KHAW KAI-BOH, P.J.K. (Ulu Selangor).
- „ Menteri Hal Ehwal Sarawak, TAN SRI TEMENGGONG JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).
- „ Menteri Buroh, TUAN V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- „ Menteri Penerangan dan Penyiaran dan Menteri Kebudayaan, Belia dan Sokan, TUAN SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).
- „ Menteri Hal Ehwal Tanah dan Galian dan Menteri Ke'adilan, DATO' HAJI ABDUL-RAHMAN BIN YA'KUB (Sarawak).
- „ Menteri Muda Pembangunan Negara dan Luar Bandar, TUAN SULAIMAN BIN BULON, P.J.K. (Bagan Datoh).
- „ Menteri Muda Kebudayaan, Belia dan Sokan, ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N., S.M.T., P.J.K. (Trengganu Tengah).

- Yang Berhormat TAN SRI FATIMAH BINTI HAJI HASHIM, P.M.N.
(Jitra-Padang Terap).
- .. TUAN S. FAZUL RAHMAN, A.D.K. (Sabah).
- .. TUAN GEH CHONG KEAT, K.M.N. (Pulau Pinang Utara).
- .. TUAN HAJI HAMZAH BIN ALANG, A.M.N., P.J.K. (Kapar).
- .. TUAN HANAFTI BIN MOHD. YUNUS, A.M.N., J.P. (Kulim Utara).
- .. TUAN HANAFIAH BIN HUSSAIN, A.M.N. (Jerai).
- .. TUAN HARUN BIN ABDULLAH, A.M.N., J.P. (Baling).
- .. WAN HASSAN BIN WAN DAUD (Tumpat).
- .. TUAN STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- .. DATO' HAJI HUSSEIN BIN MOHD. NOORDIN, D.P.M.P., A.M.N.,
P.J.K. (Parit).
- .. TUAN HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- .. TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN, S.M.K., J.P.
(Kota Bharu Hulu).
- .. TUAN IKHWAN ZAINI, K.M.N. (Sarawak).
- .. TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN,
S.S.M., P.M.N. (Johor Timor).
- .. TUAN ISMAIL BIN IDRIS (Pulau Pinang Selatan).
- .. PENGHULU JINGGUT ANAK ATTAN, K.M.N., Q.M.C., A.B.S.
(Sarawak).
- .. TUAN KADAM ANAK KIAI (Sarawak).
- .. TUAN KAM WOON WAH, J.P. (Sitiawan).
- .. TUAN KHOO PENG LOONG (Sarawak).
- .. TUAN LEE SECK FUN, K.M.N. (Tanjong Malim).
- .. DATO' LING BENG SIEW, P.N.B.S. (Sarawak).
- .. DR LIM CHONG EU (Tanjong).
- .. TUAN LIM KEAN SIEW (Dato Kramat).
- .. TUAN LIM PEE HUNG, P.J.K. (Alor Star).
- .. DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).
- .. TUAN T. MAHIMA SINGH, J.M.N., J.P. (Port Dickson).
- .. DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K.
(Kuala Kangsar).
- .. TUAN MOHD. ARIF SALLEH, A.D.K. (Sabah).
- .. TUAN MOHD. DAUD BIN ABDUL SAMAD (Besut).
- .. TUAN MOHAMED IDRIS BIN MATSIL, J.M.N., P.J.K., J.P.
(Jelebu-Jempol).
- .. TUAN MOHD. TAHIR BIN ABDUL MAJID, S.M.S., P.J.K.
(Kuala Langat).
- .. TUAN HAJI MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- .. TUAN MOHD. ZAHIR BIN HAJI ISMAIL, J.M.N. (Sungai Patani).
- .. WAN MOKHTAR BIN AHMAD (Kemaman).
- .. TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- .. TUAN MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH
(Pasir Mas Hilir).
- .. TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S.
(Sarawak).

Yang Berhormat DATO' HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., A.M.N., J.P. (Sabak Bernam).

- .. TUAN MUSTAPHA BIN AHMAD (Tanah Merah).
- .. TAN SRI NIK AHMAD KAMIL, D.K., S.P.M.K., S.J.M.K., P.M.N., P.Y.G.P., Dato' Sri Setia Raja (Kota Bharu Hilir).
- .. TUAN NG FAH YAM (Batu Gajah).
- .. TUAN ONG KEE HUI (Sarawak).
- .. TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
- .. TUAN OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- .. TUAN QUEK KAI DONG, J.P. (Seremban Timor).
- .. TUAN HAJI RAHMAT BIN HAJI DAUD, A.M.N. (Johor Bahru Barat).
- .. TUAN RAMLI BIN OMAR (Krian Darat).
- .. TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P. (Rembau-Tampin).
- .. RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).
- .. TUAN SANDOM ANAK NYUAK (Sarawak).
- .. TUAN SEAH TENG NGIAB, S.M.J., P.I.S. (Muar Pantai).
- .. TUAN D. R. SEENIVASAGAM (Ipoh).
- .. TUAN SIM BOON LIANG, A.B.S. (Sarawak).
- .. TUAN SIOW LOONG HIN, P.J.K. (Seremban Barat).
- .. TUAN SENAWI BIN ISMAIL, P.J.K. (Seberang Selatan).
- .. TUAN SNG CHIN JOO (Sarawak).
- .. TUAN SOH AH TECK (Batu Pahat).
- .. TUAN SULEIMAN BIN ALI (Dungun).
- .. TUAN SULEIMAN BIN HAJI TAIB (Krian Laut).
- .. TUAN TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- .. TUAN TAI KUAN YANG, A.M.N. (Kulim Bandar Bharu).
- .. TUAN TAMA WENG TINGGANG WAN (Sarawak).
- .. DR TAN CHEE KHOON (Batu).
- .. TUAN TAN TOH HONG (Bukit Bintang).
- .. TUAN TAN TSAK YU (Sarawak).
- .. TUAN TIAH ENG BEE (Kluang Utara).
- .. TUAN TOH THEAM HOCK (Kampar).
- .. TENGKU ZAID BIN TENGKU AHMAD (Pasir Mas Hulu).
- .. TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).

YANG TIADA HADHIR:

Yang Berhormat Menteri Kewangan, TUN TAN SIEW SIN, S.S.M., J.P. (Melaka Tengah).

- .. Menteri Pertanian dan Sharikat Kerjasama, TUAN HAJI MOHAMED GHAZALI BIN HAJI JAWI (Ulu Perak).
- .. Menteri Muda Ta' Berjabatan, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- .. Menteri Muda Pelajaran, TUAN LEE SIOK YEW, A.M.N., P.J.K. (Sepang).

Yang Berhormat TUN ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan).

- „ TUN HAJI ABU BAKAR BIN HAMZAH, J.P. (Bachok).
- „ O.K.K. DATU ALI UDDIN BIN DATU HARUN, P.D.K. (Sabah).
- „ DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- „ DATO' GANIE GILONG, P.D.K., J.P. (Sabah).
- „ TUN GANING BIN JANGKAT (Sabah).
- „ TAN SRI SYED JA'AFAR BIN HASAN ALBAR, P.M.N. (Johor Tenggara).
- „ TUN THOMAS KANA, K.M.N. (Sarawak).
- „ TUN EDMUND LANGGU ANAK SAGA (Sarawak).
- „ TUN AMADEUS MATHEW LEONG, A.D.K., J.P. (Sabah).
- „ TUN PETER LO SU YIN (Sabah).
- „ TUN C. JOHN ONDU MAJAKIL (Sabah).
- „ TUN JOSEPH DAVID MANJAJI (Sabah).
- „ DATO' HAJI MOHAMED ASRI BIN HAJI MUDA, S.P.M.K. (Pasir Puteh).
- „ ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).
- „ TUN MUSTAPHA BIN DATU HARUN, S.M.N., P.D.K. (Sabah).
- „ DATO' S. P. SEENIVASAGAM, D.P.M.P., P.M.P., J.P. (Menglembu).
- „ PENGIRAN TAHIR PETRA (Sabah).
- „ TUN TAN CHENG BEE, A.M.N., J.P. (Bagan).
- „ TUN TAN KEE GAK (Bandar Melaka).
- „ TUN YEH PAO TZE, A.M.N. (Sabah).
- „ TUN STEPHEN YONG KUET TZE (Sarawak).

DO'A (PRAYERS)

Tuan Yang di-Pertua *mempengerusikan meshuarat*

(Mr Speaker in the Chair)

JAWAPAN² MULUT BAGI PERTANYAAN²

LIMIT OF EXPENDITURE OF A CANDIDATE IN STATE OR PARLIAMENTARY ELECTION

1. Tuan Kadam anak Kiai (Sarawak)
[under S.O. 24 (2)] (*dengan izin*) asks the Prime Minister to state whether there is any rule introduced in Malaysia to limit the amount of money for campaigning for any candidate for the State or Parliamentary election as being practised in England and New Zealand.

Timbalan Perdana Menteri (Tun Haji Abdul Razak): Tuan Yang di-Pertua, saya memohon izin hendak berchakap dalam bahasa Inggeris. There is already such a rule introduced to limit the amount of money for campaigning for any candidate for either State or Parliamentary election. It is provided by Sections 18 and 19 of the Election Offences Ordinance, 1954, as applicable at the moment to West Malaysia and Sabah and will be applicable in the near future to Sarawak—Sections 18 and 19 of the Election Offences Ordinance, 1954.

KEGUNAAN KAPAL² LAUT YANG DI-BERI OLEH KERAJAAN JEPUN

2. Tuan Haji Mokhtar bin Haji Ismail minta kepada Perdana Menteri terangkan untuk guna apa-kah yang telah di-buat kepada kedua² buah kapal laut yang di-beri oleh Kerajaan Jepun

kapada Malaysia, sa-bagai menyelesaikan hutang darah itu, dan apa-kah nama yang di-beri kapada kedua² buah kapal itu.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, dua buah kapal yang Kerajaan Malaysia akan terima daripada Kerajaan Jepun sa-bagai keputusan kapada Perjanjian Muhibbah yang telah di-tandatangani dalam bulan September tahun ini akan menjadi lunas kapada sa-buah Sharikat Perkapalan Kebangsaan Malaysia. Penubohan Sharikat Perkapalan Kebangsaan akan membolehkan Kerajaan menyelamatkan wang pertukaran luar yang pada masa ini terpaksa di-bayar kapada kapal² luar negeri yang membawa barang² export dan import sa-bagai bayaran² tambang pengangkutan.

Kerajaan belum lagi memikirkan tentang nama kedua² kapal ini.

Tuan Ramli bin Omar (Krian Darat): Soal tambahan, Tuan Yang di-Pertua. Ada-kah Kerajaan Jepun sedia memberi latehan kapada anak² negeri kita mengendalikan kapal ini?

Tun Haji Abdul Razak: Tuan Yang di-Pertua, perkara ini kita akan timbangkan dan rundingkan dengan Kerajaan Jepun bila sampai masa-nya kelak.

MALAYAN CIVIL SERVICE— PROPORTION OF MALAYS TO NON-MALAYS

3. Dr Tan Chee Khoon asks the Prime Minister to state:

- (a) the present proportion of Malays to Non-Malays in the Malayan Civil Service and the number of M.C.S. posts still not filled;
- (b) whether it is true that the proportion is now 9 to 1 and that there is a great deal of dissatisfaction amongst the non-Bumiputera M.C.S. officers as evidenced by the spate of resignations from the M.C.S. lately.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya mohon izin, hendak menjawab dalam bahasa Inggeris.

Sir, the Malayan Civil Service is no longer in existence since it has been merged with the External Affairs Service Branch "A" last year to form the Malaysian Home and Foreign Service, and the proportion of Malays to non-Malays in the Malaysian Home and Foreign Service is about 6 to 1 and the number of vacancies is 40.

It is not true to say that the proportion of Malays to non-Malays in the Malaysian Home and Foreign Service is now 9 to 1, and the Government is not aware of any feeling of dissatisfaction among the non-bumiputera officers. In the last three years there were three resignations from non-bumiputera officers as compared with six bumiputera officers. I cannot agree that this number can be taken as evidence of dissatisfaction among the non-bumiputera officers. It is known that they have resigned to accept more lucrative offers from the private sector.

Dr Tan Chee Khoon (dengan izin): Is the Honourable Deputy Prime Minister aware that far from what the Deputy Prime Minister tells us, that they have resigned merely to accept more lucrative offers from the private sector, although that is one of the reasons, the main reason of quite a number of these non-bumiputeras resigning from the Civil Service is that they find that they, perhaps, have no prospects of going further up than that of, say, Superscale "D". One instance was that of a Deputy Permanent Secretary. It is true that there was a Permanent Secretary who also resigned, but he never got more than Superscale "D". Can the Honourable the Deputy Prime Minister reconcile this with what he has stated?

Tun Haji Abdul Razak: There is actually no truth in this. Once an officer has joined the Service, then it is provided in the Constitution that he would be treated fairly as regards his promotion. And as far as this Government is concerned, we have seen to it that all officers would be promoted fairly in accordance with their merits. Promotion to Superscale "D" and

above will, of course, depend on many factors—on vacancies and merits. Promotion up to Superscale “F” has generally been, as it were, automatic, but promotion beyond Superscale “D” will have to depend on availability of posts, and it is not true to say that non-bumiputera officers, non-Malay officers, have no prospects for promotion beyond Superscale “D”. There are now a few non-bumiputera officers occupying Superscale “C” and “B”. I will quote one example—the Head of the Economic Planning Unit. He is now an officer of Superscale “B”.

Tuan Lim Kean Siew (Dato Kramat) (*dengan izin*): Mr Speaker, Sir, without going into recriminations, perhaps the Honourable Deputy Prime Minister can assure this House that there is no discrimination in the appointment of Civil Servants to top posts, because there is one person, whose name I do not choose to mention in this House, who was working for many years in England and who was later sent to another country, because it was found that he could not be given a post more senior than the post he had held in London because he was not a Malay?

Tun Haji Abdul Razak: Sir, there is absolutely no truth in this at all. I have assured this House in the past, and I can assure this House again, that all officers who are in the Service, now Malaysian Home and Foreign Service, would be treated fairly and justly, and their promotions will be carried out in accordance with the procedure depending on merits and availability of posts.

Tuan Mohd. Daud bin Abdul Samad (Besut): Tuan Yang di-Pertua, soalan tambahan. Apa-kah usaha yang bersungguh² dan berkesan yang sedang di-jalankan sekarang ini untuk memenohkan kehendak Perlembagaan bagaimana yang telah di-tentukan, atau pun telah di-kotakan di-dalam Perlembagaan itu bahawa Pegawai M.C.S. hendak-lah di-beri satu orang kapada orang yang bukan Melayu dan tiga orang kapada orang Melayu dan saya di-fahamkan bahawa sekarang ini

sudah 10 tahun negara ini sudah merdeka dan berjalan-nya Perlembagaan ini, tetapi masih lagi kekosongan itu tidak dapat di-penohkan dan bilakah, atau pun pada tahun berapa-kah yang akan jawatan ini di-penohkan mengikut Perlembagaan.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, usaha² telah di-jalankan untuk mengadakan scholarship² bagi anak² Melayu memasoki sekolah tinggi, universiti di-Malaysia dan juga di-luar negeri, dan pada masa ini ada 54 orang Federal Scholars, anak² bumiputera, yang sekarang ini dalam tahun yang akhir dalam universiti² dan di-perchayai akan lulus pada tahun hadapan. Ini tidak termasuk scholarship² yang di-beri oleh Kerajaan² Negeri.

Jadi, kalau mereka ini bersedia hendak masuk berkhidmat dalam Kerajaan, saya perchaya vacancy yang ada ia-itu 40 itu akan dapat di-isi.

Dr Tan Chee Khoon: Mr Speaker, Sir, we are indeed grateful to the Honourable Deputy Prime Minister for the assurances he has given us that there will be no discrimination in promotion prospects. However, how does he reconcile the statement that he has made in this House with what is prevalent in what he calls the Malaysian Home and Foreign Service at the moment? It is true that he has mentioned that there is one non-Bumiputera officer with Superscale “B” in the E.P.U., but what about the host of others? If one makes a comparison proportionately as between bumiputeras and non-bumiputeras amongst the Superscale holders, one finds that there is only one Superscale “B”—and what about all the others? Do not they rate anything proportionately to what he has told us? If what he has told us is true, then there should be at least some more in Superscale “B” or “C”, or one would have thought that there would be some who are fit enough to be Permanent Secretaries.

Tun Haji Abdul Razak: The Honourable Member must understand that as far as the Civil Service is

concerned, it was only in 1952, or 1953, that the Conference of Rulers agreed to allow the admission of non-Malays into the Civil Service. So, that is why we find that the large proportion of the senior officers in the Service are Malays. It was only at the end of 1952 that the decision was made, and action was only taken in 1953. That is why the majority of non-Malay officers are in the lower grade, but promotions have been made—in some cases accelerated promotions—I quoted one example of a Superscale “B” officer who is the Head of the Economic Planning Unit, and also now there is a Superscale “C” in the Treasury, and also soon I think there will be another Superscale “C” in the Prime Minister’s Department to be filled by a non-Malay. This is only for the Civil Service, but we must also take into consideration the Technical Services—and the majority of the Heads of Departments of Technical Services are non-Malays. I think, if we take the picture as a whole, the Public Service as a whole, the proportion of Malays and non-Malays is not bad. I mean it is fair—and I think my non-Malay colleagues in the Cabinet, the Honourable Minister of Works, Posts, and Telecommunications would bear me out that there has been fairness and justice to all in the Civil Service. I have heard this talk and rumour about discrimination, but I have had talks with senior non-Malay officers and have tried to find out whether there is such a thing, but so far I have not been able to find. I would ask that such a rumour should be dispelled, because it would not add to the morale of the Public Service, but if there is any instance of injustice, we would like to know and we will certainly put it right.

I repeat, Sir, I have had talks a number of times with senior non-Malay officers in the Civil Service and I have not been told that there has been any such discrimination or injustice.

Dr Tan Chee Khoon: Mr Speaker, Sir, since the Honourable Deputy Prime Minister says that he is not

aware, may I point out to him one specific instance of an officer who has felt that he has been by-passed—I want to make it very clear that I have not at all discussed this thing with the officer concerned, but I do know the facts of the case—by people who have been very below him in the Civil Service and he has now joined the rubber industry as Secretary of MAPA. The Deputy Prime Minister will know whom I am referring to.

Tun Haji Abdul Razak: Sir, I do not wish to discuss specific instances in the Civil Service. Of course, promotion is considered on merits, and, in respect of the higher grades—Superscale “D” and above—also on the availability of posts. And sometimes officers are by-passed, even Malay officers. In promotion, if an officer is not considered suitable to occupy a post, he is by-passed by another officer. This happens in life and also in the Civil Service, and I would again assure the Honourable Member that there has been fairness and justice as far as the Civil Service is concerned to all members of the Civil Service.

Wan Abdul Kadir bin Ismail (Kuala Trengganu Utara): Tuan Yang di-Pertua, soalan tambahan. Berpandu kepada penerangan yang di-berikan oleh Timbalan Perdana Menteri, maka tidak-kah Kerajaan sedar bahawa thema yang di-bawa oleh Ahli dari Batu dan rakan²-nya, baik Ahli dari Dato Kramat atau Ahli dari Bungsar ada-lah merupakan suatu usaha yang berulang kali untuk menchetuskan rasa perkauman dan bahawa mereka ada-lah Bapa Perkauman dalam negeri ini?

Tuan Yang di-Pertua: Tidak ada kena-mengena dengan soalan ini. (Ketawa).

RESUMPTION OF DIPLOMATIC RELATIONS WITH INDONESIA

4. Tuan Kadam anak Kiai [under S.O. 24 (2)] (dengan izin) asks the Minister of Foreign Affairs why, despite several announcements by the Foreign Affairs that diplomatic ties with Indonesia

would be resumed at ambassadorial levels on 31st August, 1967, this has not occurred, and whether he could give a firm date when full diplomatic ties would be resumed.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya hendak meminta izin hendak menjawab dalam bahasa Inggeris. Mr Speaker, Sir, Malaysia has already resumed full diplomatic ties with Indonesia at Ambassadorial level on 31st August, 1967, as announced. Now, for the information of the Honourable Member, having relations at Ambassadorial level does not mean that an Ambassador must be sent there and then. Pending the arrival of the Ambassador, the Embassy is headed by a Charge-de-Affairs. However, we have already appointed Tan Sri Yaacob bin Abdul Latif to be our Ambassador to Indonesia and he will be leaving to take up his post very soon.

DETENTION OF HAMID TUAH

5. Dr Tan Chee Khoon (*dengan izin*): asks the Minister of Home Affairs to state:

- (a) if it was true that Hamid Tuah was detained twice under the Internal Security Act and that the order for detention was signed by the Menteri Besar of Selangor;
- (b) if it is true whether the Menteri Besar has any authority to do so, and if so, to state the authority; and
- (c) If Hamid Tuah has been detained under the Internal Security Act whether this is not an abuse of the I.S.A. which was not designed to deal with such a contingency and whether the Menteri Besar had exhausted all legal remedies before resorting to such arbitrary action under the shelter of the I.S.A.

Tun Haji Abdul Razak (*dengan izin*): Sir, the arrest and detention of Hamid Tuah has been made under the Restricted Residence Enactment and not the Internal Security Act. The power to make an order under the Restricted Residence Enactment has been dele-

gated by the then Minister of Interior on the 4th January, 1964, to the Menteri² Besar and the Chief Ministers.

Dr Tan Chee Khoon: Sir, is the Honourable Minister for Home Affairs aware that the Menteri Besar of Selangor has time and again stated through the Press that if Enche' Hamid Tuah would not behave and toe the line, he would be detained under the Internal Security Act?

Tun Haji Abdul Razak: Sir, I am not responsible for what the Menteri Besar of Selangor says, but as far as detention under the Internal Security Act is concerned, the power is with me as Minister of Home Affairs.

PEMISAHAN KUMPULAN WANG SIMPANAN PEKERJA² (E.P.F.) DARI CENTRAL PROVIDENT FUND, SINGAPORE

6. Tengku Zaid bin Tengku Ahmad [*di-bawah S.O. 24 (2)*] bertanya kepada Menteri Kewangan:

- (a) ada-kah benar bahawa urusan Kumpulan Wang Simpanan Pekerja² (E.P.F.) maseh belum dipisahkan dari C.P.F. Singapura sa-hingga sa-olah² Singapura maseh merupakan sa-bahagian dari Malaysia, jika ya, maka bila-kah perkara itu dapat diselesaikan; dan
- (b) ada-kah Kerajaan akan meminda Undang² E.P.F. supaya membolehkan penyimpan²-nya mengambil sa-bahagian tertentu dari simpanan mereka sa-belum mereka sampai umur 55 tahun untuk membeli rumah.

Menteri Muda Kewangan (Dr Ng Kam Poh): Tuan Yang di-Pertua, Lembaga Kumpulan Wang Simpanan Pekerja dan Lembaga Kumpulan Wang Pusat Singapura, mempunyai pentadbiran yang berasingan dari dahulu lagi. Pentadbiran kedua² Lembaga ini tidak pernah di-satukan sa-belum atau pun sa-sudah Malaysia di-tubuhkan. Sunggoh pun kedua² Lembaga ini mempunyai tujuan yang sa-rupa tetapi mereka tidak-lah sama dalam semua perkara. Perkataan Malaya, ada di-gunakan dalam

Sekshen 13 (1) (D) dalam Undang² Kumpulan Wang Simpanan Pekerja yang memberi syarat bahawa Ahli Kumpulan Wang Simpanan Pekerja itu boleh mengeluarkan wang-nya bila ia meninggalkan negeri ini untuk sa-lama²-nya.

Perkataan² Malaya ini di-beri ma'ana sa-bagai kawasan² negeri² Persekutuan dan Singapura oleh Interpretation dan General Clauses Ordinance, 1948. Dengan lain² perkataan sa-orang ahli Kumpulan Wang Simpanan Pekerja mesti-lah meninggalkan negeri² Persekutuan dan Singapura untuk sa-lama²-nya sa-belum dia boleh menggunakan syarat² ini untuk mengeluarkan wang-nya daripada Kumpulan Wang Simpanan Pekerja itu. Ini mungkin telah menimbulkan salah faham bahawa kedua² Kumpulan Wang Simpanan ada-lah di-bawah satu pentadbiran, sa-sunggoh-nya bukan-lah begitu.

(B) Berkenaan dengan bahagian kedua soalan itu tentang bantuan kepada ahli² untuk membeli rumah, saya telah pun menyatakan dalam jawapan kepada soalan yang sa-rupa dari sa-orang ahli Dewan ini. Kerajaan maseh menanti shor² tentang pekerjaan ini dari Lembaga Kumpulan Wang Simpanan Pekerja. Saya telah di-beritahu bahawa perkara ini sangat rumit dan saya perchaya Ahli Yang Berhormat tentu tidak mahukan sa-suatu chadangan di-laksanakan sa-belum semua masaalah yang rumit telah di-selesaikan sa-hingga memuaskan hati Lembaga yang sa-sunggoh-nya menjadi Badan Amanah Wang² Anggota Kumpulan Wang Simpanan Pekerja itu.

Dr Tan Chee Khoon: Tuan Yang di-Pertua, soalan tambahan. Ada-kah Menteri Muda Kewangan sedar perkara ini telah timbul bukan sekarang sahaja, tetapi barangkali tiga empat tahun yang lalu pada masa itu beberapa Kesatuan² Sa-kerja telah meminta wang daripada E.P.F. untuk mendirikan rumah dan sekarang Menteri Muda Kewangan berkata Kerajaan akan siasat, boleh-kah Menteri Muda memberitahu kepada Rumah Yang Berhormat ini berapa lama lagi Kerajaan

Pusat akan menimbulkan perkara ini untuk mengatasi beberapa masaalah², atau kerumitan² yang ada?

Dr Ng Kam Poh: Tuan Yang di-Pertua, soalan daripada Yang Berhormat dari Batu telah faham, yang telah pun saya beri tahu kepada Ahli² Yang Berhormat di-Dewan ini. Perkara ini sangat rumit dan ma'alum-lah oleh kerana Kumpulan Wang Simpanan Pekreja ini hendak di-siasat lagi. Oleh kerana itu maka sampai sekarang saya tidak boleh-lah memberi jawapan sampai bila saya boleh memberi wang untuk membenakan rumah² itu.

PILING AT THE POLICE FIELD FORCE COMPLEX, TANJONG RAMBUTAN—INVESTIGATION

7. Dr Tan Chee Khoon asks the Minister for Works, Posts and Telecommunications to state:

- (a) if the P.W.D. has completed the investigations into the piling at the Police Field Force Complex at Tanjong Rambutan, and the results of the investigations; and
- (b) whether it is true that—
 - (i) the contractors Gammons & Co., Ltd, have admitted liability;
 - (ii) that they have agreed to pay compensation to the tune of \$200,000 plus for the under-pinning work that has been carried out.

Menteri Kerja Raya, Pos dan Telekom (Tun V. T. Sambanthan): Tuan Yang di-Pertua, saya memohon kebenaran menjawab dalam bahasa Inggeris. Yes, the Public Works Department has just completed investigations into the piling of the buildings at the Police Field Force Base at Tanjong Rambutan and the report and recommendations will be submitted to the Cabinet for a decision.

Dr Tan Chee Khoon: The Minister, I do not know whether deliberately or inadvertently, has chosen to by-pass (b) of my question. If it is in the negative, I shall be very grateful for an answer to that effect. Part (b) of my question is

whether it is true that the contractors Gammons & Co., Ltd, have admitted liability; (ii) that they have agreed to pay compensation to the tune of \$200,000 plus for the under-pinning work that has been carried out. I shall be grateful for a definite answer.

Tun V. T. Sambanthan: I am afraid the Honourable Member is always in very much of a hurry. I have said just now that the investigations have just been completed and that the report will be submitted to the Cabinet for a decision, and now it is up to the Cabinet to decide whether this report should be accepted or not. Even before the report is accepted, where is the point of my negotiating with Gammons to ask them whether they accept liability or not? Where the Government is concerned, if there had been over-calculation of plies, they will have to pay. There is no running away from it.

Dr Tan Chee Khoo: This business of piling in this country has become curious and curious as time goes by and if we are not careful we may all end up with Alice in Wonderland. The Honourable Minister of Works, Posts and Telecommunications in his reply to me on 22nd of February, 1967, had stated very categorically that the Designs and Research Section itself had under-designed—the word here I read is “under-designed”—the load of this particular building. Then he says, “But the tilt of this particular building is not related to the fault of Gammons in all fairness to them, but on the P.W.D. itself. We cannot get at the people responsible for it for they happen to be expatriate officers and they have left the country”. That was the reply on the 22nd of February, 1967. In reply to another question that I had followed up in June, a written reply in June 1967, this is what the Minister says: Again I had asked the Minister of Works, Posts and Telecommunications if the P.W.D. has completed the investigations into the piling at the Police Field Force Complex at Tanjong Rambutan, and if so, what are the results of the investigations. The last paragraph of the reply is very interesting reading in view of the cate-

gorical statement by the Honourable Minister in this House that the fault lies with the P.W.D. engineers expatriates at that and not with Gammons. I read the last paragraph: “Based on the investigation work of seven blocks of building, there is an indication of short piling by the contractor and the amount of such short piling is being examined by the Department”. Can the Honourable Minister of Works, Posts and Telecommunications tell us how does he reconcile this reply with the original categorical statement he had made in this House in that Gammons was not at fault.

Tun V. T. Sambanthan: I am afraid the Honourable Member, being in very much of a hurry, does not go through these things carefully. If he took time off and went through the replies carefully, he would find that there are two distinct spheres. One sphere relates to the piling of the buildings and the other relates to the tilt of a certain building. I referred to the tilt of a certain building and I said that his was caused by under-design by the Designs and Research Branch of the P.W.D. and, as such, it would not be fair to throw the blame on Gammons simply because they have a bad name.

The second part relates to the piling work as such for the whole of this annexe. With regard to the piling work, he said we were satisfied that there was a degree of under-piling and that we would have to go into careful investigation to assess the actual nature of the over-calculation of these piles by Gammon & Co. That has been gone through by the P.W.D., as I replied this morning, and as I said, the report is now available, and the report and recommendations will be submitted to the Cabinet for its decision. I do not know what is devious about the whole thing?

Dr Tan Chee Khoo: Is the Honourable Minister of Works, Posts and Telecommunications aware that under-pinning work has been carried out in this complex and that the bill to the tune of \$200,000 over has been plunked on Gammons? Under-pinning of faulty piling and of the tilt of the building

in the Tanjong Rambutan Police Field Force complex has been going on and if I am correct he says it has been carried out and that the expenditure for this work has been plunked on to Gammon & Co., Ltd.

Tun V. T. Sambanthan: Am I to understand, Sir, that he is now holding a brief for Gammon & Co., Ltd and is he now pleading that we do not charge Gammon & Co. for this underpinning work?

Dr Tan Chee Khoon: Mr Speaker, Sir, I am not doing anything of that sort. What I am trying to point out is this. Possibly the Minister may be very devious in his answer; I am not devious in my questions. I am holding brief for no one. I hold brief in this House for my constituents and for this country to see that the money voted by this House is carefully spent and does not go into the pockets of corrupt officials. Let the Honourable Minister of Works, Posts and Telecommunications give us a straightforward answer.

Tun V. T. Sambanthan: He is speaking of public funds and at the same time he says that if we are going to charge Gammons for underpinning work it is not fair.

Dr Tan Chee Khoon: I did not say anything of that sort. What I wanted to ask the Honourable Minister of Works, Posts and Telecommunications—perhaps my English is not as good as it should be.

Mr Speaker: I think if you are more definite in your supplementary questions, to the point, you will get better answers.

Dr Tan Chee Khoon: The question to which I seek an answer is this: is the Minister of Works, Posts and Telecommunications aware that underpinning work to rescue the tilt of the building, to rescue short piling, has taken place and that this bill has been debited towards Gammon & Co. Ltd? That is all I ask. I am not saying whether it is fair or unfair.

Tun V. T. Sambanthan: I have said that his matter will be put before the

Cabinet. After the Cabinet has taken a decision, I will certainly give him all the facts. Where is the hurry?

Tuan Lim Kean Siew: Mr Speaker, Sir, perhaps the Honourable Minister of Works, Posts and Telecommunications would inform this House whether or not this underpinning work carried out by Gammons is as a result of the tilt or is as a result of short piling. Then we will know who is to blame.

Tun V. T. Sambanthan: Who said that this underpinning work has been carried out by Gammons?

Tuan Lim Kean Siew: Mr Speaker, Sir, very well, that underpinning work has been carried out, whether by Gammons or by somebody else. *(Laughter).*

Mr Speaker, Sir, the Honourable the Minister of Works, Posts and Telecommunications said that my Honourable colleague had mixed up the two points; one answer given by him was with regard to the tilt which, he says, was due to the fault of the P.W.D. Engineers; the other was the question of short piling and that is what the investigations are about, and we do not yet know who is responsible; the report is ready and is being studied by the Cabinet as to whether or not there is short piling, as to whether or not who should pay for the short piling. Now, the question my Honourable colleague has asked is a very simple matter. He understands that Gammons had agreed to pay compensation to the tune of over \$200,000 for underpinning work which has been carried out. Now, it is very simple to inform this House whether or not this underpinning work has been carried out, and if so, was it due to the short piling or was it due to the tilt, because if it was due to the short piling, then Gammons is liable. If it was due to tilting, then of course, the P.W.D. is liable according to the answers given to this House,

Tun V. T. Sambanthan: Mr Speaker, Sir, if the Honourable Member had read, he read a part of it my reply given on the 22nd February, 1967, and I have armed myself with a copy of it

here, he would have known, that my reply then said: "It is not related to the fault of Gammons' work, in all fairness to them". Having said that, why does he think we are going to bill Gammons \$200,000 for this under-pinning work? That is my question; why does he assume these things? It is an assumption which is neither necessary nor warranted by any reply I have given in this House. If anything, the assumption that he can have is, since I have said publicly in this House that Gammons are not responsible for this particular bit of work, that Gammons would therefore not be charged for this under-pinning, but he assumed that Gammons will be charged and now holding a brief for Gammons, he is asking: "Please do not charge them". My reply has been, if he would have gone through this reply earlier on, that such a question does not arise, because we have been frank enough to accept our fault in this House. That being so, we can now get rid of that aspect of under-pinning work. The question does not arise. The rest is with regard to the investigations on this piling. I said in earlier replies that we are satisfied that there has been a degree of over-calculation or under-piling whichever way you look at it. There has been something wrong there, and therefore we have gone into careful investigation. Having gone into careful investigation, we have now got the report which will be submitted to the Cabinet. When the Cabinet takes a decision we would know the tune to which Gammons would have to pay the Government. That is all there is to it. I think I am very clear in my reply, Sir.

Dr Tan Chee Khoon: Mr Speaker, Sir, I am very grateful for the concise reply by the Honourable Minister of Works, Posts and Telecommunications. If you would refer to the original question that I asked on 22nd February, 1967, it was on the talk of short piling and I was only concerned about the short piling and not the tilting. Number two, I agree with him entirely that if Gammons were not responsible for the tilting, then they should not be criminally liable. He has now tried to be

very euphemistic regarding short piling; instead of calling it short piling, he says over-calculation. Now, be that as it may, Mr Speaker, Sir, he now says that there is a degree of short piling and that the Cabinet is looking into this problem and that whatever action that will be taken will be based on Cabinet's decision on the short piling. Now, we all entirely agree with him. What I wish to tell the Minister is this: my information, which is a reliable piece of information

Mr Speaker: Are you going to tell, or are you going to ask? (*Laughter*).

Dr Tan Chee Khoon: I want to ask the Minister whether he is aware my information is that Gammons have accepted liability for under-pinning work as a result of short piling to the tune of \$200,000. Now, if Gammons are not at fault in that they have not short-piled, then they would not want to pay compensation, as they have paid in Singapore to the tune of \$2.7 million. This is not a small matter or a laughing matter as the Minister of Works, Posts and Telecommunications knows. I hope the Cabinet will be very serious about this matter in that if there is evidence of short piling, then not only should they be criminally liable for any rescue work that may have to be done or have been done, but the matter should be reported to the Anti-Corruption Agency.

Tun V. T. Sambanthan: Not all the shears in this world can remove the woolly-headedness of my friend, Sir. I have given categorical answers so far and all I would like to say here is, that whoever is his informant he had better correct the method in which his informant gets his information.

Tuan Speaker: Sekarang kita keluar dari Tanjong Rambutan (*Laughter*).

KEDUDOKAN KERAJAAN MALAYSIA MENGENAI PENERBANGAN MALAY- SIA-SINGAPURA

8. **Tengku Zaid bin Tengku Ahmad** bertanya kepada Menteri Pengangkutan apa-kah sa-benar-nya kedudukan Kerajaan mengenai M.S.A. (Penerbangan

Malaysia-Singapura), sa-takat manakah Kerajaan telah terlibat pada membiayai M.S.A. dan sa-jauh manakah Kerajaan telah masuk champor dalam urusan M.S.A.

Menteri Pengangkutan (Tan Sri Haji Sardon bin Haji Jubir): Tuan Yang di-Pertua, Kerajaan Malaysia telah mengaku untuk mengendalikan Sharikat Penerbangan Malaysia-Singapura (M.S.A.) dengan memelihara dari samasa ka-samasa kelebihan saham bersama² yang utama dengan Kerajaan Singapura dan sesuai dengan pengakuan ini Kerajaan² Malaysia dan Singapura, masing² mempunyai 4 orang Pengarah di-dalam Lembaga Pengarah Sharikat Penerbangan Malaysia-Singapura. Saya berpuas hati bahawa dengan chara ini—penguasaan yang sungguh berkesan ka-atas segala hal ehwal urusan sharikat ini dapat diadakan.

Tengku Zaid bin Tengku Ahmad: Soalan tambahan, Tuan Yang di-Pertua. Mengikut Yang Berhormat Menteri Pengangkutan tadi, Kerajaan Malaysia ada mempunyai sama banyak saham dengan Kerajaan Singapura, tetapi mengapa-kah pula peringkat "Management" atau pun daily administration yang di-dapati dalam M.S.A. sekarang ini kebanyakan-nya terdiri daripada orang² warganegara Singapura, sedikit sahaja daripada warganegara Malaysia.

Tan Sri Haji Sardon bin Haji Jubir: Ahli Yang Berhormat ini ada lagi tiga pertanyaan besok yang berhubung dengan ini, tetapi malang-nya dia sudah meminta pada hari ini. Jadi saya bagi jawapan dengan 'am sahaja. Berkenaan Dengan banyak atau tidak warganegara Malaysia ini mengikut riwayat tawarikh dahulu—Malayan Airways—yang mana Kerajaan tidak mempunyai share atau pun mempunyai share yang sedikit; daripada masa itu apabila diiklankan hendak menggunakan orang, kebanyakan orang daripada Tanah Melayu tidak suka tinggal di-Singapura, jauh daripada rumah tangga, anak bini, tetapi bagaimana pun ada juga yang hendak, sebab itu ini historical, tetapi kita sekarang ini semenjak mengadakan

hubungan bersama, kita menjaga hak kita bersama.

Tengku Zaid bin Tengku Ahmad: Tuan Yang di-Pertua, saya ingat Menteri berchakap lebih garang dan marah sedikit ini, tetapi saya minta, pada fikiran saya, tidak-kah Yang Berhormat sedar berkenaan dengan management hari² itu yang di-jalankan oleh M.S.A. sekarang ini, kebanyakan yang saya tanya tadi terdiri daripada orang Singapura. Apa-kah tindakan yang akan di-ambil oleh Menteri yang berkenaan untuk memberi sama banyak pekerjaan ini kepada anak² Malaysia sama, bukan sahaja terdiri daripada orang² Singapura.

Tan Sri Haji Sardon bin Haji Jubir: Saya berkata tadi tentang kita punya Directors atau Pengarah, kita ada 4, Singapura ada 4; ini yang menentukan policy. Management ini menjalankan dasar atau policy dan apabila kita sudah tetapkan jawatan² yang tinggi sekarang ini apabila hendak memakai orang² baharu akan di-ishtiharkan dan warganegara Malaysia dan Singapura ada berhak sama memohon dan akan di-interview on merit tidak on discrimination yang ini Melayu-kah, ini Singapura-kah, tetapi sa-berapa boleh kita akan minta persamaan daripada hari yang kita bekerjasama dan bermodal sama. Tetapi soal yang sudah itu macham mana kita hendak tambah lagi General Manager, tambah lagi General Manager; ini perniagaan, chuba-lah Yang Berhormat itu fikir baik².

SHARIKAT PENERBANGAN MALAYSIA/SINGAPURA—BAHAGIAN SAHAM YANG DI-PUNYAI OLEH KERAJAAN MALAYSIA DAN KERAJAAN SINGAPURA

9. Tengku Zaid bin Tengku Ahmad bertanya kepada Menteri Pengangkutan ada-lah Kerajaan Singapura mempunyai lebih banyak saham daripada Kerajaan Malaysia dalam M.S.A., jika tidak, boleh-kah beliau menerangkan sebab²-nya kenapa semasa pengambilan pekerja² jelas ternampak lebih ramai Ra'ayat Singapura dari Ra'ayat Malaysia telah dapat bekerja di-M.S.A.

itu terutama sa-kali dalam jawatan² tinggi.

Tan Sri Haji Sardon bin Haji Jubir: Tuan Yang di-Pertua, jika Ahli Yang Berhormat dapat menyemak sa-mula rekod² atau pun chatetan² perjalanan Meshuarat Dewan ini, beliau akan dapati bahawa saya telah berulang kali menjawab pertanyaan² sa-umpama ini, tetapi memandangkan bahawa beliau sa-orang Ahli baharu Dewan ini, maka saya ulang sa-kali lagi bagi pihak Yang Berhormat itu. Kerajaan Malaysia mempunyai saham yang sama dalam Sharikat Penerbangan Malaysia-Singapura dengan Kerajaan Singapura dan mempunyai jumlah wakil yang sama di-dalam Lembaga Pengarah. Saya ingin memberitahu Ahli Yang Berhormat bahawa Kementerian saya selalu berhasrat agar warganegara Malaysia di-beri peluang bekerja yang sama di-dalam semua peringkat pekerjaan termasuk jawatan² tinggi sama dengan warganegara Singapura. Mengenai keadaan ke-lebihan pegawai² tinggi yang terdiri daripada warganegara Singapura sekarang ini ada-lah mungkin di-sebabkan pada masa dahulu lebih banyak permohonan telah di-terima daripada warganegara Singapura.

PENERBANG MALAYSIA/SINGAPURA—CHALUN² MELAYU DI-TOLAK OLEH JUMA'AH PEMILEH, SINGAPURA

10. Tengku Zaid bin Tengku Ahmad bertanya kepada Menteri Pengangkutan ada-kah benar bahawa Juma'ah Pemilih di-Singapura itu terdiri dari Ra'ayat bukan Melayu Singapura yang mana ada mempunyai rasa *prejudice* terhadap orang² Melayu Malaysia, sama ada beliau bersetuju dengan tuduhan yang menyatakan bahawa chalun² Melayu telah di-tolak sekali pun mereka ada mempunyai kelayakan² yang di-kehendaki.

Tan Sri Haji Sardon bin Haji Jubir: Tuan Yang di-Pertua, saya telah pun menjawab bahagian pertama soalan ini. Saya tidak fikir bahawa Lembaga Pemilih Sharikat Penerbangan Malaysia-Singapura mempunyai prasangka terhadap pengambilan chalun² Melayu

untuk bekerja dengan Sharikat Penerbangan Malaysia-Singapura dan jika Ahli Yang Berhormat mempunyai alasan² atau keterangan² yang penoh mengenai perkara ini, saya merasa sangat gumbira menyiasat-nya dan mengambil tindakan² yang sa-wajar-nya, sa-kira-nya tuduhan² yang di-hadapkan itu telah di-siasat kelak.

Tuan Mustapha bin Ahmad (Tanah Merah): Boleh-kah Menteri Pengangkutan membuat satu syarat baharu supaya tidak timbul masalah tidak puas hati pegawai² yang akan di-ambil di-dalam M.S.A. ini, ia-itu ditentukan jumlah-nya dari Malaysia dan Singapura. Soal pemilehan itu boleh-lah di-serahkan kepada satu board yang tertentu, tetapi orang yang akan bekerja umpama-nya 10:5-5—daripada Singapura 5, daripada Malaysia 5 untuk mengelakkan daripada tuduhan mengatakan bahawa ada-nya prejudice dan lain² dari pemilehan itu.

Tan Sri Haji Sardon bin Haji Jubir: Ingatan Yang Berhormat, saya ucapkan terima kasih tetapi sama ada praktik tidak praktik ini chadangan atas kertas satu kesah. Saya akan perentahkan pengarah² dan wakil Malaysia ini supaya membuat chadangan yang praktik supaya boleh kita menjaga jangan sampai-lah prejudice atau apa pun yang di-sangkakan itu akan timbul lagi.

Haji Wan Abdul Kadir bin Ismail (Kuala Trengganu): Menurut keterangan Menteri tadi bahawa Lembaga Interview Singapura itu tidak ada mempunyai perasangka atau prejudice kepada ra'ayat Malaysia. Dapat-kah Menteri memberi jaminan, fahaman prejudice ini sa-benar-nya tidak ada, memandangkan langkah Singapura selama ini yang telah mengenakan work permit kepada orang² Malaysia dan mengenakan lagi bayaran sekolah yang tinggi kepada anak² Malaysia di-Singapura, jaminan tentang tidak ada-nya perasangka itu.

Tan Sri Haji Sardon bin Haji Jubir: Tuan Yang di-Pertua, jaminan itu saya akan hubungkan dengan Kerajaan Singapura, kerana soal work permit

itu bukan soal kuasa Kerajaan Persekutuan, tetapi daripada perjanjian yang telah di-adakan memang ada syarat², pegawai² yang gaji-nya tinggi; ada had-nya, saya lupa, tetapi saya akan bagi nanti kepada Yang Berhormat itu.

Berkenaan dengan pegawai² teknikal, berkenaan dengan work pass itu boleh katakan otomatis, tetapi yang menjadi soal ini, kadang² kerja yang menjadi tukang sapu, jadi peon, kalau yang pemohon itu dari Tanah Melayu ini hendak pergi ka-sana, barangkali dengan gaji yang kecil itu pun tidak memadai—tidak hendak barangkali. Jadi, ini pengarah² sedang lagi menguruskan dan apabila saya dapat pengakuan daripada Kerajaan Singapura, semua tingkat yang saya chakap ini, saya akan bagi tahu Rumah Yang Berhormat ini.

Tuan Abdul Razak bin Hussin (Lipis): Tuan Yang di-Pertua, oleh sebab perkara² yang berlaku antara dua Kerajaan berhubung dengan M.S.A. ini, yang kedua-nya, oleh sebab kawasan Malaysia sendiri lebih luas daripada Singapura, ada-kah Kerajaan Malaysia berchadang untuk menubuhkan ka-buah sharikat yang berasingan daripada M.S.A.

Tan Sri Haji Sardon bin Haji Jubir: Tuan Yang di-Pertua, sa-benar-nya Yang Berhormat itu telah pun mengadakan soal-an, tetapi malang-nya tidak sampai waktu bagi saya menjawab-nya. Saya faham yang di-kehendaki dan bagi pihak Kerajaan saya sendiri sedang menyiasat sa-halus²-nya kerana apabila Singapura berpisah Kerajaan Singapura, Kerajaan Malaysia menimbangkan pada waktu itu tidak ada lebih² elok dan lebih menguntungkan mengadakan bersama², tetapi kita bukan akan kekal bersama², kita akan menyelideki sa-halus²-nya dan apabila sampai waktu-nya nanti, kita akan mengambil tindakan yang mana di-fikirkan boleh menguntungkan ra'ayat, negara dan juga sharikat penerbangan, kalau kita hendak mengadakan sendiri.

Haji Wan Abdul Kadir bin Ismail: Oleh kerana nampak-nya tidak ada jaminan yang tegas tentang tiada perasangka daripada pihak Singapura

boleh-kah pihak Menteri meninjau semula keseluruhan kedudukan pengambilan kaki-tangan M.S.A. oleh pihak Kerajaan Malaysia?

Tan Sri Haji Sardon bin Haji Jubir: Saya telah beri perintah kepada Pengarah² yang baharu sahaja meshuarat pada 7 haribulan yang lampau dan mereka barangkali akan mengadakan satu² chara yang lebih sesuai lagi sebagaimana saya terangkan tadi yang chara boleh di-pretikkan.

JUALAN CHOKLAT BERAHI

11. Tuan Mustapha bin Ahmad [di-bawah S.O. 24 (2)] bertanya kepada Menteri Pelajaran ada-kah benar bahawa satu jenis coklat yang di-sebut "choklat Berahi" telah merebak jualan-nya ka-maktab² dan sekolah² menengah di-Malaysia Barat; dan ada-kah Kementerian Pelajaran sudah memastikan bahawa coklat² itu betul² "choklat Berahi", dan jika sudah, apa-kah langkah² yang di-ambil untuk menchegehah penjualan "choklat²" itu.

Menteri Pelajaran (Tuan Mohamed Khir Johari): Tuan Speaker, Kementerian Pelajaran belum ada lagi menerima laporan mengenai penjualan coklat jenis yang di-sebutkan itu di-sekolah² atau pun di-maktab², tetapi saya telah merujokan perkara itu kepada Kementerian Kesihatan untuk di-siasat.

Tuan Mustapha bin Ahmad: Soalan tambahan, Tuan Yang di-Pertua. Adakah benar coklat² berahi ini banyak datang-nya daripada negeri Siam?

Tuan Speaker: Datang-nya daripada mana?

Tuan Mustapha bin Ahmad: Banyak datang dari Thailand dan telah timbul sungutan² daripada sa-tengah kawasan² yang berdekatan dengan sempadan Siam itu, ibu bapa tidak puas hati dan orang ramai tidak puas hati, kerana pihak Kementerian Kesihatan tidak menchegehah-nya dengan bersungguh².

Tuan Mohamed Khir Johari: Tuan Speaker, kalau dia datang daripada Siam, barangkali datang ikut Sungai Golok (*Ketawa*).

Tuan Ahmad bin Arshad (Muar Utara): Soalan tambahan. Bagaimana jawapan yang di-beri oleh Yang Berhormat Menteri Pelajaran tadi dan beliau juga sa-bagai sifat Pengerusi Ranchangan Keluarga kita, kira-nya dalam siasatan itu benar ada coklat berahi ini dengan berluasa² di-Malaysia ini, ada-kah sa-bagai Pengerusi Ranchangan Keluarga itu hendak menambah pill yang di-beri kepada orang ramai sekarang termasuk pill coklat berahi ini yang sangat di-hajat oleh ra'ayat Malaysia dan juga kelamin² berkehendakkan berahi.

Tuan Mohamed Khir Johari: Tuan Yang di-Pertua, saya sa-bagai Pengerusi Lembaga Peranchang tidak menegah orang hendak buat itu-lah, yang saya tahan fasal beranak sahaja (*Ketawa*).

Dr Tan Chee Khoo: Soalan tambahan, Tuan Yang di-Pertua. Boleh-kah Menteri Pelajaran menjamin kepada Rumah Yang Berhormat ini coklat itu tidak masuk melalui Perlis dan Kedah terutama Kedah, bukan Sungai Golok sahaja.

Tuan Mohamed Khir Johari: Itu Ahli Yang Berhormat dari Kelantan yang bertanya tadi.

BILANGAN KELAS² ATAU SEKOLAH² BERSENDIRIAN DI-TUTUP KERANA USAHA² SABERSIF

12. Tuan Mustapha bin Ahmad [*di-bawah S.O. 24 (2)*] bertanya kepada Menteri Pelajaran berapa banyak-kah kelas² atau sekolah² bersendirian telah di-perintah supaya di-tutup kerana terlibat dalam usaha² sabersif dan sebutkan nama sekolah² dan tempat²-nya.

Tuan Mohamed Khir Johari: Tuan Yang di-Pertua, sa-takat ini belum lagi sa-buah sekolah pun yang di-tutup oleh kerana terlibat dalam usaha² sabersif. Tindakan sedang di-ambil sekarang di-atas kelas² haram yang tidak di-daftarkan mengikut undang². Bilangan-nya tidak dapat saya beri tahu pada masa ini.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, boleh-kah Yang Ber-

hormat Menteri Pelajaran membentangkan di-dalam Dewan ini pada masa akan datang semua usaha² yang dikatakan sabersif yang di-lakukan dalam kelas² malam seperti mana yang tersibar meluas dalam negeri kita pada hari ini.

Tuan Mohamed Khir Johari: Boleh.

PRICES OF PRIMARY PRODUCTS OF MALAYSIA

13. Tuan Kadam anak Kiai (Sarawak) [*under S.O. 24 (2)*] asks the Minister of Commerce and Industry to state the steps taken to improve prices of primary products in Malaysia.

Menteri Perdagangan dan Perusahaan (Dr Lim Swee Aun) (*dengan izin*): Mr Speaker, Sir, the prices of primary products are influenced by the fluctuations in the world markets. These fluctuations may be reduced by international bodies or international negotiations and Malaysia has taken every opportunity to look after the prices of our primary commodities in all international forums.

RANCHANGAN UNTOK MENUBOHKAN PERUSAHAAN KECHIL DI-KAWASAN BATU GAJAH

14. Tuan Ng Fah Yam bertanya kepada Menteri Perdagangan dan Perusahaan ada-kah beliau mempunyai apa² ranchangan bagi mengadakan perusahaan² kechil dalam kawasan Batu Gajah, dan jika tiada, berikan sebab²-nya.

Dr Lim Swee Aun: Tuan Yang di-Pertua, pada masa sekarang belum ada ranchangan² untok menubuhkan perusahaan² kechil di-kawasan Batu Gajah. Sunggoh pun begitu, jika keadaan memerlukan, saya tentu sa-kali akan menimbangkan kemungkinan untok menubuhkan perusahaan² kechil bukan sahaja dalam Batu Gajah akan tetapi dalam bandar² yang lain.

Tuan Mohamed Idris bin Matsil (Jelebu-Jempol): Tuan Yang di-Pertua, soalan tambahan. Dengan jawapan Yang Berhormat Menteri tadi, tidak-kah ada Kerajaan Negeri Sembilan

menyampaikan kenyataan² supaya perusahaan² yang kecil sa-umpama itu di-jalankan atau di-usahakan di-sabwah kawasan perindasterian, ia-itu di-kawasan Senawang di-Negeri Sembilan.

Dr Lim Swee Aun: Sunggoh pun ada satu kawasan perusahaan di-Negeri Sembilan, akan tetapi belum lagi ada kilang² perusahaan kecil yang terdiri di-kawasan itu.

WITHDRAWAL OF TRANSIT STATUS IN RUBBER OF BATU PAHAT

15. Tuan C. V. Devan Nair (Bungsar) (*Dengan izin*) asks the Minister of Commerce and Industry to state the date and reasons for the withdrawal of the transit status of Batu Pahat in rubber trade and to narrate the events leading up to the withdrawal of the transit status including details of the representations which the Ministry received on the matter.

Dr Lim Swee Aun (*dengan izin*): Sir, the transit status of Batu Pahat in rubber was withdrawn on the 1st of July, 1967. The withdrawal was made at the request of the Rubber Dealers' Association Batu Pahat, who contended that their rubber dealers were in difficulty in getting rubber from Indonesia which were mostly transhipped to Singapore by road from Batu Pahat. Events leading to the withdrawal are as follows.

Prior to March, 1967 a fee of \$500 was levied by the Customs Department for supervising the transhipment of goods from Indonesia to Singapore which do not attract import duty under section 140 of the Customs Ordinance, 1952. During that period, Batu Pahat millers consumed about one-third of the Indonesian rubber imported through this port whilst the balance, the remaining two-thirds, was transhipped by road to Singapore. The fee of \$500 was reviewed and was reduced to \$10 per ton in order not to impose too great a burden on the traders. This new rate was effective on the 1st of March, 1967. It would appear that as a result of this new rate, it became much cheaper to tranship

Indonesian rubber from Batu Pahat to Singapore. As a result of this, all the rubber that came through Batu Pahat went through to Singapore and the millers in Batu Pahat could not get any rubber other than a re-import from Singapore. It was, therefore, considered that since the millers in Batu Pahat could not remill the rubber which came via Batu Pahat directly, it was thought necessary that the transhipment of rubber to Singapore should be stopped. That was why on the 1st of July, 1967, the transhipment was stopped.

Since then this has evoked contrary views from the Chinese Chamber of Commerce and others in Batu Pahat who maintain that as a result of this ban, Indonesian barter traders no longer called at Batu Pahat but went straight to Singapore. This resulted in the slackening of barter trade in that area, and the Minister of Finance again took away this ban on the transhipment on the 3rd of November.

BANTUAN WANG YANG DI-BERIKAN KEPADA KAMPONG² BAHARU DAN MAJLIS² TEMPATAN DI-DALAM KAWASAN BATU GAJAH PADA TAHUN² YANG LEPAS

16. Tuan Ng Fah Yam bertanya kepada Menteri Kerajaan Tempatan dan Perumahan apa-kah pemberian yang telah di-berikan kepada Kampong² Baharu dan Majlis² Tempatan dalam kawasan pilehanraya Batu Gajah pada tahun² yang lepas, untuk meningkatkan taraf hidup mereka.

Menteri Kerajaan Tempatan dan Perumahan (Tuan Khaw Kai-Boh): Tuan Yang di-Pertua, oleh kerana Kampong² Baharu dan Majlis² Tempatan di-negeri itu ada-lah tanggungjawab Kerajaan Negeri, soalan tersebut patut-lah di-rojokkan kepada Kerajaan Negeri Perak yang akan dapat menyatukan jenis² peruntukan yang telah di-beri kepada Kampong² Baharu dan Majlis² Tempatan di-kawasan pilehanraya Batu Gajah.

Tuan Yang di-Pertua: Masa untuk pertanyaan² bagi Jawab Mulut telah chukup. Persidangan di-tempohkan.

(Tempoh Pertanyaan Mulut telah chukup, dan jawapan² kepada Pertanyaan No. 17 sampai No. 19 ada-lah di-beri di-bawah ini.)

AMENDMENT TO THE INDUSTRIAL RELATIONS ACT

17. Tuan C. V. Devan Nair asks the Minister of Labour whether he would incorporate the following amendment in the Industrial Relations Act; "Any award, or decision or order of the Court shall not be subject to certiorari, prohibition, mandamus or injunction in any court account" to fill the obvious lacunae in the Act which have permitted some employers to frustrate the objectives of the Act.

The Minister of Labour (Tuan V. Manickavasagam): My Ministry is in consultation with the Attorney-General on the feasibility of inserting such a provision in the Industrial Relations Act.

LAWATAN ROMBONGAN KEBUDAYAAN KA-INDONESIA

18. Tuan Haji Mokhtar bin Haji Ismail bertanya kepada Menteri Kebudayaan, Belia dan Sukan, ada-kah Kerajaan akan menimbang menghantar Rombongan² Kebudayaan Malaysia ka-Indonesia untuk mengadakan pertunjukan² kebudayaan atas dasar bertukar², sa-laras dengan apa yang dibuat oleh Kerajaan Indonesia supaya mengeratkan lagi perhubungan kita dengan Indonesia; dan jika tidak, mengapa.

Menteri Kebudayaan, Belia dan Sukan (Tuan Senu bin Abdul Rahman): Tuan Yang di-Pertua, pada masa ini Kerajaan belum lagi dapat menghantar rombongan² kebudayaan Malaysia ka-Indonesia oleh kerana beberapa sebab terutama dari segi kewangan. Menghantar satu² rombongan keluar negeri memerlukan perbelanjaan yang besar. Oleh kerana kedudukan kewangan pada masa ini tidak begitu sehat, maka soal membuat lawatan ini terpaksa di-tangguhkan.

Rombongan Indonesia yang membuat lawatan ka-Malaysia hampir

kesemua-nya di-anjorkan oleh Shari-
kat² Perniagaan atau badan² tertentu di-sini. Badan² kebudayaan Malaysia belum lagi ada membuat rancangan untuk meminta Sharikat² di-Indonesia menganjorkan lawatan di-Indonesia.

MARKETING SCHEMES OF FAMA

19. Tuan Lim Kean Siew asks the Minister of Agriculture and Co-operatives to state what planning went into the scheme of FAMA and what surveys were made before the scheme was introduced.

Menteri Pertanian dan Sharikat Kerjasama (Tuan Haji Mohd. Ghazali bin Haji Jawi): Tuan Yang di-Pertua, before FAMA implements any marketing scheme necessary investigations and surveys are carried out by FAMA economists with the advice and assistance of an F.A.O. Marketing Expert now working with FAMA.

Persidangan di-tempohkan pada pukul 11.00 pagi.

Persidangan di-sambong sa-mula pada pukul 11.40 pagi.

(Tuan Yang di-Pertua mempengerusikan Meshuarat)

RANG UNDANG²

THE EDUCATION (AMENDMENT) BILL

Bachaa Kali Yang Kedua dan Ketiga

Menteri Pelajaran (Tuan Mohamed Khir Johari): Tuan Yang di-Pertua, saya mohon menhadangkan supaya Rang Undang² Pelajaran (Pindaan) 1967 di-bacha pada kali yang kedua.

Peratoran² Kumpulan Wang Simpanan Guru², 1962 tidak mengandongi peruntokan bagi perlantekan wakil atau pun waris—nominee—kapada sa-saorang pencharom. Pehak Guru dalam Lembaga Wang Simpanan Guru² dan Majlis Bersama Kebangsaan bagi Guru² telah meminta supaya peruntokan di-adakan dalam peratoran² itu bagi membolehkan perlantekan saperti itu.

Permintaan ini telah di-binchangkan pada mesuarat yang ka-14 Lembaga Kumpulan Wang Simpanan Guru² pada 22hb April, 1967, yang telah memutuskan supaya tindakan di-ambil untuk membuat pindaan² yang perlu dalam Act Pelajaran. Pindaan ini akan membolehkan wakil, atau pun waris² pencharom, mengeluarkan wang tidak lebeh dari \$3,000 apabila sa-orang pencharom mati dengan tidak memerlukan surat pengesahan wasiat atau pun surat kuasa-nya. Oleh yang demikian peruntukan ini akan merengankan kesusahan kewangan yang menimpa keluarga sa-saorang pencharom apabila beliau meninggal dunia.

Untuk membolehkan peruntukan saperti itu di-buat Section 117 dalam Act Pelajaran, 1961, perlu-lah di-pinda. Oleh kerana itu, Tuan Yang di-Pertua, saya mohon menchadangkan.

Tan Sri Haji Sardon bin Haji Jubir: Tuan Yang di-Pertua, saya mohon menyokong.

Tuan Mohamed Zahir bin Haji Ismail (Sungei Patani): Tuan Yang di-Pertua, Bill ini akan membolehkan sa-saorang contributor itu melantek sa-saorang nominee, umpama-nya isteri atau anak sulong-nya atau sa-siapa² pun. Sunggoh pun nampak-nya chara² melantekkan nominee ini boleh di-anggap daripada segi ugama Islam ia-lah membuat satu wasiat, tetapi saya rasa oleh sebab keadaan memaksa, patut-lah di-adakan peratoran² yang sa-umpama ini supaya memudahkan orang² yang di-tanggongkan oleh si-mati itu mengeluarkan wang untuk sara nafkah mereka itu buat sementara waktu. Tetapi nampak-nya Bil yang di-hadapan kita ini menghadkan satakat \$3,000 sahaja. Saya berasa hendak bertanya mengapa-kah sharat ini di-hadkan kepada \$3,000 sahaja bukan-nya tidak di-hadkan sa-bagai mana yang telah di-sharatkan di-bawah Undang² Provident Fund 1951 yang membolehkan mana² contributor itu membuat nomination dengan tidak menghadkan banyak mana-kah wang-nya yang boleh nominee-nya itu mengambil keluar.

Nampak-nya tujuan Bill yang di-hadapan kita ini saperti yang telah di-uchapkan oleh Yang Berhormat Menteri tadi ia-lah hendak menolong kapada tanggongan² si-mati, umpama-nya kapada kanak²-nya yang belum chukup umur yang maseh lagi di-bangku sekolah mengeluarkan wang itu dengan serta merta dengan tidak payah lagi menunggu surat kuasa, kerana ada kala²-nya si-mati itu tidak melantek sa-orang trustee. Yang satakat baki lebeh daripada wang \$3,000 itu nampak-nya kena-lah juga di-masokkan ka-dalam kuasa, jikalau sa-kira-nya sa-saorang trustee belum lagi di-lantek. Mengikut Section 117 (3) (b) wang Provident Fund ini tidak-lah boleh di-anggap sa-bagai harta pusaka.

Oleh sebab² ini, maka saya suka hendak mengeluarkan sedikit fikiran dengan kerana ada kala-nya sa-saorang nominee telah pun mengambil keluar wang-nya itu dengan tidak membayarkan kapada orang² tanggongan yang lain², umpama-nya jikalau sa-kira-nya nominee itu di-lantek kapada janda-nya, maka jikalau sa-kira-nya janda-nya itu tidak membayar sara nafkah kapada tanggongan² yang lain², mithal-nya barangkali anak²-nya itu bukan-lah anak²-nya sendiri dan ada kala-nya nominee itu di-lantek kapada bapa saudara dan bapa saudara-nya itu mengambil keluar wang itu dengan tidak menghiraukan muslihat² kapada anak² saudara-nya yang maseh di-bangku sekolah, atau pun yang di-dalam kemiskinan.

Oleh yang demikian saya memintalah Yang Berhormat Menteri itu mengadakan peratoran² tambah yang lebeh ketat sedikit supaya ka-atas nominee yang menerima wang²-nya itu atau pun ka-atas kepala kuasa menerimakan wang² itu oleh kerana wang ini bukan-lah sa-bahagian daripada pusaka hendak-lah di-adakan peratoran. Sa-takat mana-kah dan sabanyak mana-kah tiap² sa-orang tanggongan itu berhak kapada duit itu, sama ada patut-nya atau tidak duit ini di-serahkan kapada Public Trustee supaya wang ini di-kelolakan oleh Public Trustee dan di-perbahagikan

wang² ini kepada tanggungan² si-mati itu mengikut faraid yang patut diterima oleh tiap² sa-orang yang menjadi tanggungan kepada si-mati itu.

Tuan Haji Rahmat bin Haji Daud (Johor Bahru Barat): Yang Berhormat Tuan Yang di-Pertua, saya memberikan tahniah kepada Kementerian Pelajaran yang telah mengeshorkan Undang² ini dan saya berharap juga daripada Kementerian² yang lain akan mengikut langkah yang sa-umpama ini untuk menolong pekerja² yang telah meninggal dunia bagi waris²-nya, bukan sahaja Kementerian Pelajaran bahkan Kementerian yang lain² itu pun patut buat yang sa-macam ini.

Terima kaseh.

Dato Dr Haji Megat Khas (Kuala Kangsar): Tuan Yang di-Pertua, saya juga sambil menyokong Bill yang di-hadapan kita ini suka hendak memberi fikiran ia-itu sa-kira-nya guru² yang meninggal itu beragama Islam barangkali wang simpanan ini ia-lah termasuk kepada harta pusaka juga dan dengan sebab itu hendak-lah di-fara'idzkan oleh waris²-nya dan kalau sa-kira-nya di-adakan wakil nominee dengan bersaorangan, ia-itu kesusahan-nya akan timbul, kerana barangkali kurang kejujuran bagi wakil yang menerima itu dia tidak akan memanjangkan wang yang di-kehendaki bagi menyelenggarakan hal kesusahan puak si-mati itu. Maka dengan itu, saya juga-lah menyokong macham mana yang telah di-kemukakan oleh Ahli Yang Berhormat dari Sungai Patani tadi ia-itu satu atoran hendak-lah di-sediakan terlebih dahulu supaya wang ini tidak terkecoh kepada tempat² yang tidak menasabah. Tetapi sementara itu juga saya berasa, ia-itu satu tingkatan wang hendak-lah disampaikan kepada waris si-mati itu untuk menolong di-dalam masa dan tempoh yang tertentu sementara mereka itu mengambil surat kuasa-nya masing². Dengan itu, saya rasa tidak-lah ada jalan yang wang itu boleh terpusing kepada tempat² yang tidak di-kehendaki. Terima kaseh.

Tuan Mohamed Khir Johari: Tuan Yang di-Pertua, saya ucapkan terima

kaseh di-atas segala buah² fikiran yang telah di-keluarkan oleh Ahli² Yang Berhormat tadi. Saya suka menerangkan, ia-itu wang yang di-tetapkan sebanyak \$3,000 ini ia-lah dengan permintaan daripada wakil guru² itu sendiri. Sa-kira-nya mereka itu berkehendakkan lebeh, pehak saya memang-lah bersetuju sahaja dengan kehendak mereka itu.

Berkenaan dengan tegoran lain atau shor mereka yang beragama Islam, ini saya akan mengambil ingat untuk di-bawa kepada Majlis ini bagi ditimbangan bagi masa yang akan datang. Terima kaseh.

Usul di-kemukakan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangan dalam Jawatan-kuasa.

(Tuan Speaker *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 dan 2 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² PERTAROHAN POOL

Bachaaan Kali Yang Kedua dan Ketiga

Menteri Muda Hal Ehwal Dalam Negeri (Tuan Hamzah bin Dato' Abu Samah): Tuan Yang di-Pertua, saya memohon izin sa-lepas membacha kepala nama Rang Undang² ini, di-dalam bahasa Melayu, membacha keterangan², penjelasan² berkenaan dengan Undang² ini di-dalam bahasa Inggeris, oleh kerana Rang Undang² ini ada-lah bagi pertama kali-nya di-bawa ka-Dewan ini dan kedua-nya di-dalam Rang Undang² ini, ia-itu teks-nya ada-lah yang rasmi-nya ada-lah di-dalam bahasa Inggeris dan

mengandongi beberapa perkataan teknikal berkaitan dengan Undang² dan kalau saya berhakap dalam bahasa kebangsaan, saya bimbang berbangkit satu perkara yang harus mengelirukan. Oleh itu saya dengan hormat-nya memohon izin supaya saya di-benarkan berbahasa Inggeris, sa-lepas membacha tajok nama Undang² ini dalam Melayu, di-dalam bahasa Inggeris.

Tuan Yang di-Pertua, saya ingin mengusulkan supaya Rang Undang² yang bernama, "Suatu Act bagi membuat peruntukan berkenaan dengan pengeluaran lesen atau penubohan sabuah Lembaga bagi menjalankan atau menganjorkan pertarohan kumpul dan berkenaan dengan perkara² yang bersangkutan dengan-nya, di-bacha pada kali yang kedua.

Mr Speaker, Sir, it is common knowledge that many people in this country have for some years been participating in betting in football pools operated in England, and that the number of bets made in the United Kingdom football pools from Malaysia has steadily increased in recent years. About \$2 million worth of pool betting were remitted or sent abroad through Post Offices every year. Although, Sir, we have been deriving revenue from postage and postal order commission from such pool bettings made to the United Kingdom, at the same time we have been losing a lot by way of foreign exchange in respect of such bets. It would be to our advantage, therefore, if such betting were to be channelled to Malaysia instead of having to be diverted to some other country. It is for this reason, therefore, Sir, that a small committee of senior officials was appointed in 1966 to study the proposal to operate football pools in this country; and this Committee, Sir, has found not only that the operation of football pools in this country would prevent the drain of foreign exchange but would also provide a number of benefits. Firstly, it would provide an additional source of revenue to meet increased development commitments and expenditure to which our Government is at the moment committed. Secondly, Sir, it would create a

significant and regular source of funds to sustain and to stimulate football and other sports as well as social and welfare activities in this country. And thirdly, it would provide employment and income for Malaysians who will be employed in the operation of this form of betting. Furthermore, Sir, football pool is relatively inexpensive and small and it is, therefore, reasonable to permit this form of betting in this country. It will also provide local facilities for Malaysians, particularly those who follow the game of soccer, to participate in this enjoyable pastime which might enable them, with some luck, to share in big dividends from a comparatively small investment. The Government, as a result of this Committee's recommendations, has decided to permit a private company to operate the pools for a trial period of two years during which it will be in a position to assess whether or not betting operations should continue to be operated by a company or by a statutory body.

Clause 5 of this Bill, Mr Speaker, Sir, provides for the issue of a licence for the collection, operation or promotion of pool betting by the Minister, and in this case the relevant Minister would be the Minister of Finance. To enable the Minister to ensure the smooth and proper running and promotion of this kind of betting, the Minister is given the power under this Bill to impose conditions or restrictions during the currency of the licence and to revoke such a licence without having to assign any reason therefor. Where, however, after a two-year trial period, it is found necessary that pool betting should be operated by a statutory body and not by a private company, then the Bill makes provision for the establishment of a board for the purpose of operating, promoting or managing such pool betting.

The Government, Sir, has taken up 40 per cent, i.e. \$100,000 of the \$250,000 share capital of this Company, with a view to ensuring that there is proper management of the Company, and that the profits accruing from the grant of a monopolistic licence are not assigned entirely to private gain. A

resolution seeking the approval of this House to subscribe this \$100,000 in the share capital of the Company will be moved as soon as this Bill has been passed by Honourable Members. The Football Association of Malaysia, Sir, has also taken up 10% i.e. \$25,000 of the company's share and it is intended to allot a further 10% to the Olympic Council. It is only right and proper, Sir, that the Football Association of Malaysia be given this opportunity to have a share in this worthwhile venture. Football and other sports for that matter, Sir, need financial backing in order to thrive and to achieve a standard at least comparable to that now achieved by some countries in this part of the world. Sporting organisations would have to have money, a lot of money, for various projects such as the employment of coaches to carry out intensive coaching and training of school children in schools which are necessary for future and upcoming sportsmen of this country, secondly, to organise big competitions in this country, and thirdly, to enable teams to be sent abroad to participate in big international tournaments. It is not possible, Sir, for the Government to fully subsidise sporting organisations, having regard to its many other commitments and, therefore, whatever revenue the Association, i.e. the Football Association of Malaysia and the Olympic Council derive from this source of revenue, i.e. from betting pool, would go some way towards helping them in their task of building a healthy and vigorous nation through sports.

Perhaps, Sir, I should only briefly outline the contribution which the introduction of football pools would generally make to revenue. By agreement with the promoters in the United Kingdom—the Vernon Pools Limited and Littlewoods Pools Limited—the Government will levy a 25% tax on the gross stake while the local company would get 16% of the gross stake. In other words, for every dollar staked as a bet, the Government would get 25 cents while the local company will get 16 cents which will be used by it for the purpose of administration,

including the payment of commission to agents and financial support for sport activities. Thus, out of every dollar bet, 41 cents will definitely be retained in this country while the balance of 59 cents will be put into the common pool for distribution as prizes and dividends after deduction of the United Kingdom pool companies expenses and tax.

The percentage of tax accruing to Government as revenue is, however, subject to review from time to time after a reasonable period pending negotiations between the United Kingdom pools companies with the British Treasury for remission either in whole or in part of the British tax on the stake money remitted to the United Kingdom. It is estimated that, with the introduction of football pools in this country, the percentage of outflow of money staked in football pools will be much less than the present practice of direct airmail betting by individual Malaysian bettors with pool promoters in United Kingdom.

The question of outflow of money will, however, be kept constantly under review by the Government but, if participants expect to share in the dividends of the total pool as provided under the scheme, it is unavoidable that a certain portion of the stake money will be remitted and invested in the common pool for distribution as dividends. One, Sir, cannot have the cake and eat it at the same time. If our Malaysian nationals are lucky enough, they may even win considerable sums which would lead to an inflow of funds into this country.

In moving this Bill, Sir, the Government is fully encouraged by the very favourable response from the public to the Honourable Prime Minister's announcement regarding the proposed introduction of football pools made in February this year at the Fourth Annual General Meeting of the Football Association of Malaysia. The positive support given by officials and some members of the Opposition Parties, sporting organisations and the general public has fortified the Government's view that it would be of benefit

to this country to have football pools conducted locally.

I should now, Sir, like to deal briefly with the main provisions of the Bill. An important provision of this Bill is Clause 5 which enables the Minister responsible, and in this case as I have said just now, the Honourable Minister of Finance, to prescribe in the licence the terms and conditions under which the operations are to be conducted. The Minister may revoke the licence without assigning any reason. The interests of the participants, the bettors in this case, are protected under Clause 16, wherein it is provided that not later than a date to be named by the Minister, a scheme for the operation, promotion or management of pool betting and betting agencies, of the collection of pool betting will have to be submitted to the Honourable Minister of Finance for his approval. Such a Scheme, Sir, will have to provide for the proper administration of the scheme, for the establishment, maintenance and operation of pool betting agencies and the collection or the receiving of pool betting. Although the provisions of Clause 16 are specially made to apply to a Board, Clause 27 of the Bill, however, would make the provision of Clause 16 to apply also to a licensee. Under Clause 16, the Government, therefore, will ensure that this scheme contains sufficient safeguards against any malpractice by licensee or the agencies involved in the conduct of pool betting.

The Government, Sir, is fully conscious of the need to ensure that there will be maximum possible security and integrity in respect of the conduct of football betting by the persons or agencies involved. It is the Government's hope that the operation would be implemented smoothly and the revenue accruing from its introduction will be put to good use for the purposes of development and the promotion of social welfare and sporting activities of the country and, I am confident, Sir, that the Honourable Members of this House who wish to see these objectives realised will support the passage of this Bill.

Sir, I beg to move.

Menteri Muda Kewangan (Dr Ng Kam poh): Tuan Yang di-Pertua, saya menyokong.

Dr Tan Chee Khoon (Batu) (dengan izin): Mr Speaker, Sir, I think the Honourable Assistant Minister of Home Affairs is a little too optimistic and is taking things too much for granted, when he ended in the optimistic note that he feels that this Bill will have the support of the Members of this House. I think he is taking for granted that we on this side of the Opposition benches will vote like sheep according to the orders of the Whip on his side of the House. He knows very well that there are us on this side of the House who are totally opposed to any sort of increase of organised gambling in this country.

Mr Speaker, Sir, the Government knows that there is already in this country far too much gambling. With your permission, Sir, I shall enumerate a few of them. There is the Government-sponsored Social Welfare Lottery, which runs into millions of dollars every month. There is the Turf Club which is described as the third biggest industry in this country—God alone knows how many millions of dollars change hands every time the horses run on the Turf Club; there is the three-digits, whether legal or illegal—perhaps, the Assistant Minister of Home Affairs would care to look into this question of the illegal three-digits gambling that is going on in this country; there is this *chee fah* that is the addiction of the Chinese in this country; there is mahjong; there is cards, whether respectable or not so respectable, that goes on in the cardrooms of various clubs. If we do not stop organised gambling from going on, next we will have dog racing in this country. Now, where do we go from here, Mr Speaker, Sir? The Government, instead of being very concerned over all these social illness, seeks now to foist on us more gambling.

Now, Mr Speaker, Sir, we have heard the Honourable Prime Minister saying to the Press, "Well, you know, we

cannot control people betting". The Assistant Minister of Home Affairs has himself told us that close on \$2 million is sent out of this country by way of bets on the football pools in the U.K. You know that you cannot control it. Then, what do you do? You make it legal. Now, if we follow that same line of logic and reasoning, may I ask the Honourable Assistant Minister of Home Affairs, since he was in the legal service, "Why can't the Government also legalise the world's oldest profession?" It has been with man since the beginning of time, and he cannot say that that profession does not exist in this fair capital city of Kuala Lumpur and also in the kampongs. Why should not he seek to legalise it? I defy the Government to try and legalise the world's oldest profession and let them go and face the P.M.I.P.

AN HONOURABLE MEMBER: Will you support it?

Dr Tan Chee Khoo: I do not support it. I have not frequented it (*Laughter*). But I defy the Government to legalise it along the same line of reasoning. "You know, you cannot control people placing small bets"; he says that small bets—the words he uses time and again are "small bets"—do not do any harm. Why should he not legalise the world's oldest profession? Try and legalise it in Kota Bharu, for example, and see whether the Alliance can survive there. (*Interruption*) I do not, although it is very close to Sungei Golok (*Laughter*). We all know the evils of gambling. When this House debated the Racing Turf Club Bill that sought to legalise people, who are not members of the Turf Clubs placing a bet, unfortunately, that Bill went through without the P.M.I.P. Members and I having a look-see at it. It just shot through—like this. Now, the Government knows very well the evils of gambling. Amongst other things, gambling breaks up families, it breaks up family life, and it leads to all sorts of social evils—from gambling you go on; you lose at it, you are in charge of cash in a company, what you do? You take \$10, \$20, put on the football pools with the hope that through the

one million to one chance you will get something big there and something to cover it up. One needs only to open the newspapers to see that this social evil is a very serious one and instead of trying to curb it, the Government seeks to open the doors wider to increase the consequences of the evils of gambling. I shall not dwell too much on this. The Members of the P.M.I.P. I see are raring to have a go at the Government. They will tell the Government from the Islamic point of view how we should take cognizance of the evils of gambling and not open wide the doors of gambling but try and close the doors.

Now, Mr Speaker, Sir, the Assistant Minister of Home Affairs also tells us that in all there is \$2 million lost on these small bets every year. So, to conserve our foreign exchange, we must try and block up this loophole and so we start these football pools. He is sitting beside the Honourable Assistant Minister of Finance, and his colleague there will tell him that there is a greater loss of foreign exchange from this country, to a tune of \$500 millions taken out by the foreign interests in this country, not \$2 million. Try and curb that outflow of \$500 millions. What has the Government done to do that? Now, he talks also, "You know, we get 25 cents in the dollar to the Government, 16 cents in the dollar to the Football Pools, making 41 cents". Then what happens? Fifty-nine cents presumably goes abroad, or comes back again in terms of profits by way of prizes. Now, it stands to reason, Sir, that there is hardly anyone who knows about the football pools. Now you open wide the doors. I notice in the newspapers now, in the sports column, instead of talking about Kilat Club vs Selangor Club in cricket and in hockey, they put football pools every day. Now, people who have never heard of football pools now say, "I will put two shillings on this and three shillings on that". What happens? More and more people participate in it, more and more money goes out—we have heard this authoritatively that 59 cents in the dollar goes out. If it comes back by way of

prizes, then you stop foreign exchange from leaving this country. If it does not, instead of \$2 million going out, perhaps, ten times that amount of foreign exchange is lost. This sort of logic, Mr Speaker, Sir, I cannot fathom. If the Government wants to allow some of these senior officials to have a little flutter, by all means say so. Let us be honest about it, do not try specious logic and reasoning—"You know, we try and save foreign currency".

Now, Mr Speaker, Sir, to me, at least, this indecent and unseemly haste to get this Bill through this House is really unworthy of the Government. We have had, on the Order Paper for Monday as item 27 a motion to allow the Government to vote funds for these Football Pools, before the Bill has been passed in this House. Look at the haste, the unseemly and indecent haste, with which the Government seeks to push this Bill through this House, to put in the cart blatantly before the horse.

Dr Ng Kam Poh: Untuk penjelasan, Tuan Speaker. (*Dengan izin*) I believe that this Bill was removed from the Order Paper for the first day, and on the second day, too, it was removed from the Order Paper, and there was a motion from the Parliamentary Secretary to the Minister of Finance.

Dr Tan Chee Khoon: Yes, I know that, Mr Speaker, Sir. I am talking of the first day that this motion was on the Order Paper. The Government knows very well that unless the Bill is passed in this House it cannot move the motion. That is why I say there is an indecent and unseemly haste. There is another curious feature of this Bill that really puzzles me, at least. This Bill, we are told by the Assistant Minister of Home Affairs will be under the control of the Minister of Finance. How come the Assistant Minister of Home Affairs is moving this Bill? I really cannot understand Mr Speaker, Sir. This Bill gets more and more curious every day when one looks at it in more detail.

Dr Ng Kam Poh: Tuan Yang di-Pertua, untuk penjelasan. Perkara ini

yang sa-betul-nya di-Kementerian Kewangan, tetapi Perdana Menteri hendak menandatangani Bill ini. Oleh sebab itu Yang Berhormat Menteri Muda Hal Ehwal Dalam Negeri hari ini menandatangani perbahathan Bill ini di-dalam Dewan ini. Itu sahaja, bukan lain.

Dr Tan Chee Khoon: Kalau sa-kira-nya, Tuan Yang di-Pertua, Yang Berhormat Menteri Muda Kewangan dapat menjelaskan perkara itu menggunakan bahasa Inggeris kalau sa-kira-nya beliau tidak berapa faham apa yang di-katakan oleh saya. Penjelasan beliau tidak menjelaskan, atau menerangkan apa yang di-katakan oleh saya.

Dr Ng Kam Poh: Untuk penjelasan, Tuan Yang di-Pertua, jikalau Ahli Yang Berhormat daripada Batu tidak faham bahasa kebangsaan, itu bukan kesalahan saya (*Ketawa*).

Dr Tan Chee Khoon: Now, Mr Speaker, Sir, the Bill has not been passed in this House. But what has happened? The Chairman has already been appointed. The Chairman has gone to London to look into this matter—I see, Mr Speaker, Sir, the Chairman is with us today. As I said, the Government with its overwhelming majority now seeks to steamroll this thing through and we perhaps on this side of the House will also be tacked on to the Government. I do not know whether the Chairman-designate had been sent at the taxpayers' expense to London on this work, because if he had been sent at the taxpayers' expense to look into this matter and if members of the UMNO in their wisdom say, "This is too much for us to stomach in view of 1969, and there is withdrawal—if there is a revolt, a 'place revolution' in this House—what happens?

Mr Speaker, Sir, this Bill here makes it very clear that "This Act may be cited as the Pool Betting Act, 1967 and shall be deemed to have come into operation on the 1st November, 1967". This Bill seeks to make it retrospective. Now, I am sure that the Honourable Assistant Minister of Home Affairs, who has been in the legal Service, I

mention again, will agree with me that any retrospective legislation is bad in law. There may well be occasions for the Government to introduce retrospective legislations. Why this hurry? Why make it 1st of November? Why cannot we wait till this Bill is passed? If it is passed by this House, it goes to the Dewan Negara; from the Dewan Negara it travels to get the Royal Assent, and then from that day you make this Bill effective. Now, Mr Speaker, Sir, I think I am correct in saying that the operation of the football pools will start, from my information, on the 18th of this month, that is, this Saturday. The Chairman-designate is here. If I am wrong, correct me. By implication, I cannot think of this Bill receiving the Royal Assent, unless from here it travels to the Dewan Negara and from there it is taken by helicopter to the Istana Negara, receiving the Royal Assent by the 18th, Saturday of this week. Consequently, if I choose to place a little bet on this and it travels to London, and there if I were to win the \$2 million prize, what will Littlewoods and Vernons say?—"Look here, this Bill is not legal yet in your country. Sorry, chum, you don't get any money". Now, this is why I say there is unseemly and indecent haste over this whole fishy business, and the Government would be well advised to look into this legal aspect of it; instead of, "This Bill shall come into effect on the 1st of November, 1967", at least it should say, "This Bill shall come into effect when it receives the Royal Assent", as is the usual case with most of the Bills before this House.

Now, Mr Speaker, Sir, it is also no secret that many people have "jumped the gun". It is no secret that lots of people have been appointed as licencees under this Bill. I do know because one organisation that I am connected with has been sending me these Vernons and Littlewoods forms, but I must admit that I have not got a clue as to what is in there. Consequently, in my simple mind, what do I do? I threw them into the waste-paper basket. You see the implication of it? Postage lost, paper lost, labour lost, I am sure there were many of us in this country who just

threw these things into the waste-paper baskets.

The other thing that I wish to commend to the Assistant Minister of Home Affairs is this—the legal side of it. This organisation that I am connected with is on Old Boys' Association. How come that an Old Boys' Association, amongst its aims and objectives, include the taking on of organised gambling? Now, the Assistant Minister of Home Affairs has control over the Registrar of Societies and he would be well advised to ask the Registrar to look and see whether the Old Boys' Associations dotted up and down the country can indulge in this form of gambling. Do their aims and objectives permit such Associations taking part in organised gambling? I do know that the Registrar is so strict that once you say anything about language—The Registrar says, "You know, that is very dangerous. You can't say it". But what about this—this is equally dangerous.

Now, Mr Speaker, Sir, the Assistant Minister of Home Affairs also tells us, "You know, organised football is very important, very popular". I do agree that football is very popular, that football needs a boost from the Government and therefore this is a good device. He, perhaps, has forgotten that there is a Ministry of Culture, Youth and Sports, that there is not only a Minister but there is an Assistant Minister. What are they all doing, if they are not helping organised sports in this country? And I agree there is need for the Government to help organise sports in this country. Why should not the Government give such aid out of general revenue? Why start another form of a gambling? Take the cricketers. If the President of the Malayan Cricket Association, in his wisdom, thinks that next time he should also have a little flutter in connection with the country games in the United Kingdom—and, Mr Speaker, Sir, the President of the Malayan Cricket Association is also none other than the Assistant Minister of Home Affairs—if he, in his wisdom, also thinks, "You know, if we should have only a little flutter with football, we

should have a little flutter with cricket. You know, you can bet on Yorkshire versus Surrey, Nottinghamshire versus Lancashire, or the Battle of the Roses—Yorkshire versus Lancashire, etc.," what is going to happen to this country? You start with football, next it is cricket. We have badminton representatives in this House, basketball representatives in this House. All these people also went football pools, basketball pools. Then, where do we go from here, Mr Speaker, Sir?

The other thing, Mr Speaker, Sir, is that these are based on football matches in the United Kingdom. Football is undoubtedly popular in this country. I dare challenge the Assistant Minister of Home Affairs to tell us how many people in this country know about the football teams in the United Kingdom. I wonder if the Assistant Minister of Home Affairs knows for example, who is leading the Division I in the current football competition in the United Kingdom, whether he knows that Liverpool is leading or who is at the bottom of the First Division in the Football competition in the United Kingdom, or whether he knows that Denis Law of Manchester United, or John Ure of Arsenal were both suspended for fighting in the recent game between Manchester United and Arsenal. Now, if he himself cannot know about these things, how on earth can he expect the ra'ayat of this country to know. The people in Besut, for example, have they ever heard of Arsenal, have they ever heard of Liverpool or Denis Law? Now, you are asking them to place a bet on a thing that they do not know—"Ini, mini, mina, mo", and they place a bet on it—This is a thing that you are asking them to do and they have not the slightest clue as to anything about if you have 8 draws, you get a million dollars to one dollar that you place on it. Now, this is a sort of thing that I really cannot understand. Football is popular. If a person wants to place a bet on football matches in this country at least, he can read the Straits Times or the Berita Harian and read about them. I dare say that even in this House people, who are conversant with

football in the U.K., can be counted on the fingers of one hand, and the Government is foistering such a practice on the people of this country.

Now, Mr Speaker, Sir, Clause 9 (4) of the Bill says that the Members can fix the rules and rates for themselves with the approval of the Minister—and we are told just now that the Minister is the Minister of Finance. Now, this is a very extra ordinary state of affairs in that members can fix the rules. I can understand they want to fix the rules. But, if they fix the rates we are told here that the members need not exceed 10—and then if they in their wisdom say, "Well, you know, it is good thing that we have managed to get into this Board, why don't we vote ourselves \$500 a month?" What is going to happen, Mr Speaker, Sir, as they are allowed to do so? I would have thought that the Government, even if it wants to go into such organised gambling should see to it that the Government, or the Minister, regulates the rules and the rates—not the members voting for themselves anything that they think fit. I commend this to the Assistant Minister for Home Affairs.

The other thing that I wish to draw his attention to is Clause 9 (2). It says here—to me, at least, the quorum here is a very vague thing—"all question at the meeting of the Board shall be determined by a majority of the members personally present and voting; and each person shall be entitled to cast one vote, and in the event of an equality of votes the member presiding shall have a second or casting vote". Now, in Clause 7 we are told that "The Board shall consist of not more than 10 members, which means this as I see it: if two or three people are present then they decide everything by a majority. Now, surely one would have thought that in such an important thing, where the Assistant Minister for Home Affairs himself has pointed out that there may be irregularities, surely on an important thing like this the Government should state clearly that the quorum shall be five or six and there shall be majority of decision and in the event of equality of votes, the Chairman can or the person presiding can

have a second or casting vote. But no, I do not know whether it is deliberate or otherwise, but it is left there very vague, and he knows that this Board is going to administer a very large sum—he has told us that \$2 million are going out of this country. Now, we do know for example, that there is a good deal of malpractices associated with the Social Welfare Lottery, and I, myself, have drawn the attention of the Director of the Anti-Corruption Agency to this aspect of the Social Welfare Lottery. I dare say that, once you start a football pool in this country, those who are administering it—mind you, you have licenses up and down the country—there will be, I am sure, opportunities for malpractices. And if on the top of all these opportunities for malpractices, you have a little flutter you have a quorum that is so vague, then, I think the Government is deliberately trying to make it easy for people who want to indulge in corrupt practices.

Now, Mr Speaker, Sir, we know that the Government has gone into Malaya-wata. We know now that the Government has gone into the rubber industry—now you go in and you come out. Government is trading. Now, the Government is participating in football pools. We are told it is 40%. Now, may I ask why cannot the Government be a little more bold and go into participation in the private sector in other affairs? Transport, for example. I commend to the Assistant Minister of Home Affairs and ask him to pass it on to the Minister of Transport. Why should not the Government try to nationalise the transport industry? We can make far more profit out of that—mana tahu?

If the Government wants to participate more and more in the private sector, why should not the Government take the bull by the horns and go into the private sector in a big way and nationalise the transport industry? I commend this idea to the Assistant Minister for Home Affairs.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, saya bangun untuk menentang Rang Undang² ini kerana pada pandangan saya

Mr Speaker: Bangun untuk menyokong-kah, atau menentang.

Tuan Mustapha bin Ahmad: Menentang. Saya ulangi sa-kali lagi, saya bangun kerana menentang Rang Undang² ini kerana pada pandangan saya Rang Undang² ini bertentangan dengan semangat Perlembagaan kita sendiri yang mengakui agama Islam sa-bagai Agama rasmi. Yang lebeh utama daripada itu sa-kali pada pandangan saya dia bertentangan dengan ajaran Islam, ajaran Allah yang membuat saya, yang membuat Tuan Yang di-Pertua, dan membuat kita semua di-sini. Dengan alasan dua perkara itu-lah, Tuan Yang di-Pertua, di-mana² sahaja perbuatan yang ingkar di-sisi Allah, kami daripada pehak Persatuan Islam Sa-tanah Melayu terus menerus menentang di-dalam Dewan ini.

Ada di-kalangan umat Islam sendiri menganggap kami sa-bagai fahaman kolot, kerana terlampau banyak kami menyedok pandangan kami daripada ajaran Islam, atau pun point of view daripada Islam. Tetapi, Tuan Yang di-Pertua, bagi kami sa-bagai sa-orang Islam, sa-lama kami perchaya ada-nya Allah, sa-lama kami perchaya Allah yang berkuasa, maka sa-lama itu-lah kami merasa ajaran daripada Allah itu-lah ajaran yang terbaik sa-kali, termoden sa-kali dan tidak ada jalan lain kami akan pilih melainkan jalan Allah-lah. Dengan alasan itu-lah, Tuan Yang di-Pertua, saya perchaya kejadian² yang bertentangan dengan ajaran Islam yang telah achap kali berlaku dalam negara kita

Mr Speaker: Saya suka hendak mengingatkan kita bukan bahathkan fasal agama tetapi fasal Bill ini. Jadi, tolong berchakap tepat pada Bill ini di-mana² yang tidak betul-nya, atau pun sama sa-kali tidak betul-kah. Tak usahlah sampai panjang² sangat.

Tuan Mustapha bin Ahmad: Jadi, Tuan Yang di-Pertua, saya minta izin, sebab dalam soal ini berhubong juga dengan Perlembagaan kita mengatakan agama Islam agama rasmi dalam negara ini.

Mr Speaker: Tak kata di-mana pun.

Tuan Mustapha bin Ahmad: Jadi, Rang Undang² ini juga saya akan masoki, sebab dia ada hubungan juga dengan ajaran Islam. Jadi sudah achap kali, Tuan Yang di-Pertua, Kerajaan Perikatan melakukan kesalahan² dalam perkara Islam. Pernah mereka membuat tok pekong dengan bantuan Kerajaan Pusat, buat berhala, buat gereja sa-lain daripada membuat masjid. Kemudian sekarang ini pula mereka itu membuat satu Rang Undang² Perjudian (Football Pool) di-namakan-nya. Saya perchaya, saudara² kita daripada UMNO yang ada dalam Perikatan itu sendiri bersama² dengan kami di-sini, hati kechil mereka tidak bersetuju dengan perbuatan bagini, sebab saperti mana yang di-katakan oleh wakil daripada Batu tadi sa-patut-nya mereka itu sa-benarnya menyokong Rang Undang² ini. Tetapi dia sa-olah²-nya bersama² dengan kita orang PAS menentang Rang Undang² ini.

Masharakat di-dalam negara kita bukan-lah sa-benar-nya kita menchegeh daripada perbuatan perjudian ini, tetapi nampak-nya makin hari makin meluas, makin hari makin manusia yang tidak faham dan tidak mengerti dan tidak pernah melakukan perjudian dalam negeri ini, sudah pun mahu chuba sahingga achap kali, Tuan Yang di-Pertua, terjadi pertentangan² di-dalam rumah tangga, terjadi kerosakan² di-dalam perhubungan keluarga dan lain² lagi akibat daripada perjudian terus menerus.

Tuan Yang di-Pertua, sa-kira-nya benar Kerajaan mahu menchari kewangan dengan sumber² lain, sa-lain daripada ini, saya rasa dan saya perchaya dapat, sebab Kerajaan Perikatan adalah terdiri daripada orang bijak pandai semua bahkan ahli² semua. Jadi, kalau-lah mereka itu tidak-lah membuat satu Undang² Perjudian sa-chara rasmi, erti-nya sa-olah², Tuan Yang di-Pertua, kita menyeru kapada ra'ayat dalam negeri ini mari-lah kita berjudi semua kerana aku telah menghalalkan satu perjudian yang di-namakan football pool ini.

Dalam pandangan Islam, Tuan Yang di-Pertua, kalau kita melakukan satu kesalahan sa-chara diam², lain bedza-

nya dengan kita melakukan kesalahan sa-chara berterangan dan kita mengajak orang lain juga supaya membuat satu perkara yang bertentangan dengan Allah.

Jadi ini-lah, Tuan Yang di-Pertua, saya merasa patut sama sa-kali Undang² saperti ini menjadi kajian atau perbahathan juga bagi saudara² kita yang ada dalam UMNO yang ahli di-dalam soal ugama ini dan saya perchaya, saya tidak mahu berchakap banyak dalam masaalah ini, kita mahu melihat sa-jauh mana saudara² kita yang ada dalam UMNO yang pandai dalam soal ugama ini memberi pandangan mereka, apa-kah mereka lebeh mementingkan pandangan daripada Allah, atau pun mereka lebeh mementingkan untok dudok dalam Perikatan ini. Sa-banyak itu sahaja-lah, Tuan Yang di-Pertua.

Tuan C. V. Devan Nair (*dengan izin*): Mr Speaker, Sir, my support and sympathy is entirely with the Honourable Member for Batu in this matter. I would not want to wade into this issue like a Salvation Army crusader or, as one of the Honourable Members over there—I forget which constituency—has called me, the Priest for Bungsar. I am not a priest, nor a practising yogi; and if I had started off as a priest I might probably have been unfrocked by now. Sir, every morning in this House we say a prayer I am not a practising religionist. I am quite satisfied that Al-mighty God is neither a Christian, nor a Muslim, nor a Hindu, but I do join in this prayer silently. The English translation reads, "Let Thy blessing descend upon us here assembled, and grant that we may treat and consider all matters that shall come under our deliberations in so just and faithful a manner as to promote Thy honour"—how football pools and gambling can promote the Al-mighty's honour escapes me, Sir—"and Glory, and to advance the peace prosperity and welfare"—"welfare of Malaysia—and its inhabitants:" I think this Bill, Sir, in my humble opinion goes against the spirit of that prayer.

Sir, this country is going through difficult times—economically, the price of rubber is down, there is need for

economic expansion, and need for discipline—and one would have thought, Sir, the ideal, the social ideal we would have set before ourselves would not perhaps have been spartan, spartan rigidities, spartan asceticism, and so on, but probably nearer the ideal of Athens. But here we seem to be deriving our values neither from sparta nor Athens, but from Babylon, Byzantium, and later on perhaps move on to Sodom and Gomorrah. Sir, I would have thought that our administration would have been primarily concerned with meeting the very serious social, economic and political challenges before this country. I am not saying that we should completely stifle the gambling instinct. The gambling instinct is a fact of life and we have to live with it, but whether there should be any need to expose the people to greater exploitation of the gambling instinct, whether that would be in the interests of the country, remains highly dubious.

The Honourable Member for Batu has pointed out the dangers of malpractices arising with all these licences running loose in the country; all kinds of malpractices can arise, and members of the Government too would probably find themselves involved in settling matters of malpractices arising from football pools and betting and so on, instead of concentrating their entire energy on far more vital fundamental issues before the country. The only consolation that I can see in this Bill—but that is not much of a consolation—is that the Chairman of this Board will be the former Honourable Minister for Home Affairs. The fact that a man of the undoubted integrity and rectitude of the former Honourable Minister of Home Affairs is going to be in charge, Sir, will not help. This bill is not going to be improved by putting the Honourable ex-Minister in charge, nor will it derive any dignity ultimately from having a man of his calibre in charge; and I think it will be a complete waste of the talents and the skills and the obvious calibre of a man like him. I would plead Sir, not as a Salvation Army type—that this

is not the kind of Bill which should be presented to our country at this stage, or at any stage. The possibilities of malpractices are there. We are introducing values into our society which are not going to be in accord with our prayer here—that what we do in this House will be for the welfare of the country. There are many things we can import from England, desirable things, but this is one of the undesirable imports which we are going to get from the United Kingdom, and I hope, Sir, that this House should be allowed to vote on this matter not on a party basis: we would suggest to the Honourable the Prime Minister and the Ministers sitting on the Government benches that the Whip be withdrawn and that every member of this House be allowed to vote in accordance with his conscience and not in accordance with party instructions in the matter. Thank you, Sir.

Tuan D. R. Seenivasagam (Ipoh)
(dengan izin): Mr Speaker, Sir, in debating this Bill, I think the essential question before us is not whether individually we like gambling, or we do not like gambling. What is before us is this—whether this Bill, as the Member for Bungsar has said, is in the interests of the country and the people.

Mr Speaker, Sir, I think it was in the Readers Digest some months back that a commentator in an interview with the Honourable Prime Minister said that the Prime Minister, in so many words, had told him that during the height of the Emergency, the people of Malaysia were still drinking, gambling, wining and dancing, and we were a nation of gamblers, drinkers and winners, etc. Now, this Bill, therefore, is only in keeping with the statement in the Readers Digest which comes from the Prime Minister himself; and since the Government in power has that opinion of the people of Malaysia, I think, the Bill, in their view, must be proper and right to come before this House. As far as we are concerned, we cannot support, legalise, naked gambling of this nature. But the greatest danger is not in the Pool itself; the greatest danger is the

manner in which this organisation, like the turf clubs, may be manipulated for the personal benefit of a handful of people. One has only to bear in mind the remarks made by the Honourable Member for Batu with regard to possible corrupt practices, mal-practices, being introduced into this organisation. One has only to look at the three-digits that are being run by the turf clubs. I think all of us know the manipulation, the hundreds, thousands, the millions of dollars certain people make in the turf clubs through land deals, through giving out agencies to run the three-digit character lotteries—through them they make their money. It is known, and I have no doubt that the new Anti-Corruption Department will certainly have a look into how these deals are concluded by some of the turf clubs in Malaysia. It is possible for the same thing to happen as far as these Pool organisation is concerned and, here, I agree that it is at least a redeeming feature that we have the Honourable Member for Johore Timor to head this organisation at least for the moment, and I can only say this: we appeal to him to see that in this organisation, at least, there is no room for comment which is now so frequent and so true with regard to turf clubs in Malaysia.

Mr Speaker, Sir, we oppose this Bill on the principle that gambling cannot and should not be legalised, as it is being done in this case, and particularly on events that have taken place outside our country. Secondly, again I am no priest and no prophet, but I say this: certainly from what I understand from the Islamic faith, this is against all tenets of Islamic faith. If you can do this there is nothing else that can offend a religion in this country. Thank you, Sir.

Nik Abdul Aziz bin Nik Mat (Kelantan Hilir): Tuan Speaker yang di-hormati, saya tahu bahawa usul ini di-bawakan kerana kita berkehendakan wang, tetapi Kerajaan tentu ingat bahawa kebanyakan daripada puncha² wang kita sendiri sekat dan kita

anggap dia itu tidak baik seperti rasuah kita sekat, wang menyeludop kita sekat. Jadi saya menarek perhatian Dewan ini, perlu kita sekat wang daripada puncha judi ini sa-bagaimana yang kita sekat puncha wang dengan chara lain. Perjudian ini umum-nya bukan sahaja berjudi bola, bukan sahaja berjudi loteri, umum-nya tetap tidak sa-laras dengan dasar pembangunan kita. Sa-tengah dari dasar pembangunan kita yang kita mengadakan sekolah², daripada sekolah rendah sampai kepada sekolah menengah, sampai kepada sekolah Universiti. Sekolah dasar-nya memang menchanai fikiran, kita melateh akal fikiran manusia supaya cherdek.

Kita mengadakan Ilmu Hisab, kita mengadakan makmal sains, kedua² ini chontoh yang terang dan tegas bahawa kita hendak memimpin manusia menuju kepada kecherdekan. Kita mengadakan Ilmu Hisab supaya manusia boleh hidup dengan selamat, mengetahui perkara² depan dengan chara yang betul dan sah. Begitu kita mengadakan makmal sains untuk manusia mengetahui benda² yang datang untuk kemuslihatan manusia dengan chara yang sah dan halal. Tetapi judi ada-kah sa-orang ahli ilmu hisab yang bijak dapat mengetahui chara² kemenangan dalam masaaalah judi, beri satu chara ilmu hisab untuk membolehkan saya menang. Saya yang berserban, saya yang berjanggut, saya sanggup berjudi, kalau saya ada mempunyai ilmu hisab yang di-ajar sa-chara akademik dalam sekolah, atau Universiti. Mari-lah sa-orang ahli ilmu hisab dalam Universiti sa-kali pun dia tidak akan memberi kepada manusia sa-chara yang sah bagaimana chara hendak menjadi menang dan kalah. Jadi kita menghabiskan wang berjuta², beratus juta, untuk membolehkan manusia mengetahui Ilmu Hisab, kemudian serentak dengan itu juga kita membodohkan manusia membuka peluang judi supaya manusia tertarek sa-mula ka-belakang. Ilmu hisab maju ka-hadapan, ilmu—judi membawa manusia ka-belakang. Ini arti-nya Kerajaan mengadakan hospital dan bersama itu Kerajaan mengadakan

kolam untuk membiakkan nyamok² tempat itu.

10 juta kita mengadakan wang untuk sa-buah hospital membuat manusia sehat, tetapi 10 juta pula kita membelanjakan wang untuk memelihara nyamok, untuk memelihara kuman; ini satu perkara bodoh dan tolol.

Yang kedua, bila kita yakin, judi ini membawa manusia hala ka-belakang menghabiskan wang dengan chara tidak tentu hala. Hal ini akan melihatkan kanak² sekolah bagaimana yang di-sebut²kan tadi. Anak² sekolah yang maseh mentah sudah tentu suka mengeluarkan wang dengan chara yang bagini. Kita memimpin anak² baik yang sudah dewasa, memimpin supaya mereka itu menggunakan sa-tiap sen daripada wang mereka itu dengan chara yang halal. Berniaga walau pun boleh jadi rugi, tetapi ada ilmu hisabnya, ada peratoran-nya, ada chara dan taktik-nya untuk menentukan untung dan rugi, tetapi budak mana dan orang dewasa mana bahkan Menteri mana sanggup membolehkan dia itu untung daripada judi? Tidak ada ilmu hisab dan tidak ada makmal sains yang membolehkan mereka itu mengerti keuntungan. Itu sa-chara rengkas.

Ketiga, judi merupakan pertentangan dengan dasar kita. Kita menghabiskan wang untuk membelanjakan kepada Majlis Ugama Islam. Kita menghabiskan berapa ribu juta sa-satahun untuk perbelanjaan Majlis Ugama Islam untuk Imam, untuk Khatib, untuk Khutbah, dalam Surau-nya, dalam Masjid, dalam Madrasah, dalam radio, dalam talivishen, kita kempen supaya manusia beragama.

Judi tetap di-tentang oleh Ahli² ugama, oleh Imam, oleh Khatib, oleh pensharah radio, oleh pensharah talivishen dan sa-bagai-nya. Jadi kita membelanjakan sa-genap perkara untuk memajukan ugama; di-sabelah sini kita dengan sa-chara terang², bukan dengan sa-chara senyap² kita menentang ugama; ini kerja sunggoh² tidak layak timbul daripada sa-orang Ahli Dewan yang di-pilih oleh ra'ayat dengan anggapan mereka itu semua orang cherdek. Ini boleh jadi di-buat

oleh manusia dalam hutan, oleh orang yang tidak tahu apa arti hidup, tidak tahu apa ilmu hisab, tidak tahu makmal sains, tetapi kita ada Kementerian Pelajaran, ada Kementerian Sains, kita pula hendak mengadakan judi, sunggoh² saya kagom, dan saya merasa malu mendengar ucapan Yang Berhormat di-belakang saya bahawa kita pagi² berdo'a, dan saya beri tahu pada Yang Berhormat Tuan Speaker, bahawa kalau sunggoh Rang Undang² ini di-halalkan, maka saya di-masa besok² dan di-masa hadapan insha' allah, saya berdo'a sa-mata² hormat pada do'a sahaja. Saya tahu do'a ini bukan berdo'a, tetapi bacha do'a sahaja. Oleh kerana do'a itu telah di-tulis dan di-bacha, satu istiadat bukan sunggoh² merupakan ibadat, dia telah merupakan satu sistem bagaimana sa-orang Polis berjalan dengan peratoran-nya, berjalan dengan hentak kaki-nya. Bagitu-lah keadaan saya besok², saya kata terang bahawa saya chuma bacha do'a, tetapi saya bukan berdo'a.

Keempat, saya ingat, tetapi saya ini orang baharu, satu masa dahulu Dewan ini telah meluluskan satu Undang², ia-itu lebeh kurang bagini lah, ia-itu minum arak telah di-haramkan dalam Jamuan² Negara bagitu-lah lebeh kurang-nya. Saya soal, kalau sunggoh-lah hal ini benar, ia-itu arak itu di-haramkan menjadi satu minuman negara, soal-nya kerana apa di-haramkan. Sudah tentu jawab-nya kerana hormat kepada ugama. Jadi kalau arak kita haramkan tidak dengan sebab lain dari sebab hormatkan ugama, maka kerana apa kita tidak boleh haramkan judi, kerana kita hormatkan ugama sedangkan dalam Islam taraf arak dan taraf judi satu; sa-sunggoh-nya arak dan judi kedua² sa-tanding dan sa-tempat. Jadi kalau di-sana kita tahu hormat, di-sini kita tidak hormatkan, apa arti? Ada-kah dunia ini kita yang membuat, tidak. Dunia ini bukan kita punya, orang lain punya yang di-sebut Tuhan. Baik dalam Kristian pun tahu, baik dalam Islam pun tahu, dalam Buddha pun tahu. Jadi semua dalam dunia ini bukan manusia punya, kepunyaan Tuhan. Kalau kita hormatkan arak,

kita haramkan arak kerana hormatkan Tuhan, kerana apa kita tidak sanggup haramkan judi. Di-sana kita hormat di-sini kita ta'hormat, laksana budak maseh berhingus. Ini satu perkara yang mendukachitakan.

Tadi ada sa-orang Ahli Yang Berhormat kita sebutkan kerana apa untuk hendak membolehkan wang ini, kita tidak menjadikan hak negara pengangkutan dan sa-bagai-nya. Boleh jadi, pehak yang berkenaan tidak mahu menjadikan hak negara akan pengangkutan dan sa-bagai-nya kerana takut negara Eropah menganggap kita ini kominis. Jadi barangkali mereka itu takut, tetapi kalau kita sanggup takut ka-negara Eropah mengechap kita kominis, kenapa kita tak sanggup takut kepada Tuhan. Takut² Tuhan marah pada kita, kerana kita menghalalkan barang yang di-haram. Perkara ini perkara yang terang² tidak boleh—perkara yang membawa kepada keributan. Boleh jadi pehak² yang berkenaan menganggap bahawa kalau-lah judi ini kita hargakan dengan harga sa-ringgit mithal-nya boleh jadi mereka itu anggap yang ra'ayat chuma rugi sa-ringgi sahaja, tetapi pehak yang berkenaan tahu-kah saya sa-bagai sa-orang kampong, datang daripada kampong dan desa, saya tahu banyak daripada penarek² teksi roda tiga ini yang kebolehan-nya sangat² tersekat dua ringgit, tiga ringgit sa-hari, banyak mereka itu membuat tempat simpan duit, membuat tempat simpanan wang sampai 30 ringgit, 40 ringgit, 50 ringgit, sampai tiga empat bulan dapat 50 ringgit, semua sa-kali mereka tikam loteri dan sa-bagai-nya. Ini sungguh berarti Kerajaan pun bekerjasama menghabiskan peloh ra'ayat, menghabiskan tenaga ra'ayat kepada barang yang sia-sia. Mereka itu

Tuan Speaker: Masa sudah sampai pukul satu.

Tuan Nik Abdul Aziz bin Nik Mat: Terima kaseh.

Tuan Speaker: Persidangan di-tempohkan sa-hingga pukul empat petang hari ini.

Persidangan di-tangguhkan pada pukul 1.00 tengah hari.

Persidangan di-sambong sa-mula pada pukul 4.00 petang.

(Tuan Yang di-Pertua *mempengerusikan meshuarat*)

PERSIDANGAN MAJLIS MESHUARAT DI-LANJUTKAN DAN PENANGGOHAN PADA SATU MASA YANG TIDAK DI-TETAPKAN—(USUL)

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya mohon menhadangkan :

Ia-itu sungguh pun telah ada sharat² yang di-tetapkan dalam Peratoran Meshuarat 12, Majlis ini tidak akan di-tangguhkan hingga semua sa-kali urusan Kerajaan yang ada didalam Atoran Urusan Meshuarat hari ini telah selesai di-binchangkan dan apabila tamat meshuarat, majlis ini akan di-tangguhkan hingga satu masa yang tidak di-tetapkan.

Tan Sri Haji Sardon: Tuan Yang di-Pertua, saya menyokong.

Usul di-kemukakan, dan di-persetujuan.

Di-putuskan;

Ia-itu sungguh pun telah ada sharat² yang di-tetapkan dalam Peratoran Meshuarat 12, Majlis ini tidak akan di-tangguhkan hingga semua sa-kali urusan Kerajaan yang ada didalam Atoran Urusan Meshuarat hari ini telah selesai di-binchangkan dan apabila tamat Meshuarat Majlis ini di-tangguhkan hingga satu masa yang tidak di-tetapkan.

RANG UNDANG² PERTAROHAN POOL

Bachan Kali Yang Kedua dan Ketiga

Perbahathan di-sambong sa-mula.

Tuan Nik Abdul Aziz bin Nik Mat: Tuan Speaker yang di-hormat saya ingin menyambong perchakapan saya tadi. Sa-belum daripada saya menyambong, saya ulas lagi, ia-itu judi tidak sa-laras dengan dasar pembangunan kita khas-nya pembangunan pelajaran, kerana pelajaran membawa manusia kahadapan, dengan Ilmu Hisab-nya, dan dengan Makmal Sains-nya manakala judi akan membekukan otak manusia, membuat manusia hidup dalam teka dan angan, khayal dan agak.

Yang kedua, judi tidak sa-laras dengan penat lelah yang di-buat oleh Jabatan Majlis² Ugama Islam seluruh-nya, baik dari segi majlis Ugama, baik

di-masjid, baik di-radio, di-talivishen, dan sa-bagai-nya.

Yang ketiga, judi tidak sarupa dengan dasar pengharaman arak yang telah kita buat dalam Majlis² Negara. Sekarang saya sambong perkara yang keempat ia-itu judi ada-lah satu usaha menambah lagi bilangan orang yang gila dan menambah lagi pembunuhan. Bila kita melawat² ka-hospital² gila Tanjong Rambutan dan sa-bagai-nya, kita boleh buat satu banchi chara statistics di-sana banyak terdapat orang² gila kerana kalah judi, dan begitu juga kita akan jumpa kes² jenayah dalam fail Polis dan sa-bagai-nya, kita banyak akan jumpa orang² yang kena bunoh, orang yang kena rompak, kena samun, kerana sebab judi. Dan baharu² ini Dewan telah mengetahui agak-nya, bahawa di-sana ada sa-orang China Seremban, di-bunoh di-Singapura, kerana dia menang judi. Itu dari segi pemikiran.

Sa-takat ini saya bawa keburokan judi dari segi pemikiran. Pemikiran yang telah kita tahu bagaimana nilainya dan bagaimana penghargaan-nya. Sekarang saya bawa Dewan mendengar keburokan judi dari segi ugama. Ugama yang kita susah payah resmikan dan susah payah kita menghabiskan masa kita, tenaga kita, untuk kita meresmikan dia. Islam mengechap judi sa-bagai Rijs (atau di-sebut najis). Biarlah saya gunakan kalimah yang dapat kita ketahui semua, ia-itu kalimah "maksiat".

Tuan Speaker, kita banyak membuat seruan kepada ra'ayat Malaysia bahawa kamu semua di-minta hidup dan ta'at kepada Malaysia ini dengan tidak berbelah bagi. Kita sebut kepada bangsa Melayu dan kita sebut kepada orang China, dan kita sebut kepada orang India supaya mereka itu hidup ta'at pada Malaysia, dengan tidak berbelah bagi, kerana kita anggap berbelah bagi itu merupakan satu penderhakaan, oleh kerana penderhakaan itu sa-perkara kotor, maka dengan sebab itu kita selalu memberi ingat kepada penduduk Malaysia supaya mereka itu sunggoh² hidup dengan tidak berbelah bagi. Sedangkan Kera-

jaan, baik Kerajaan Malaysia baik Kerajaan mana sekali pun chuma tukang memungut wang, mereka memungut wang daripada ra'ayat, Kerajaan kita pun tukang memungut wang daripada ra'ayat dan mengerahkan wang itu untuk jalan² raya dan sa-bagai-nya.

Kerajaan Amerika juga tukang memungut wang ra'ayat. Jadi kalau Kerajaan di-dunia ini, yang telah mengambil wang daripada ra'ayat pun telah meminta daripada ra'ayat tundok kepada mereka inikan pula Tuhan. Tuhan bukan mengambil benda daripada kita, dia memberi kepada kita 100 peratus maka lebeh mustahak kita hidup dibawah Undang²-nya dengan tidak berbelah bagi. Lebeh mustahak kita beri kera'ian kita kepada Tuhan kita dengan tidak berbelah bagi kerana dia memberi kepada kita 100 peratus dan dia tidak mengambil langsung apa perkara daripada kita. Kalau Kerajaan yang mengambil 100 peratus daripada kita, pun telah di-minta ta'at kepada-nya dengan tidak berbelah bagi maka lebeh² lagi Tuhan yang tahu memberi tidak tahu mengambil lebeh perlu kita mesti tundok dan ta'at kepada-nya. Walau bagaimana pun maka judi yang tetap ma'siat dan merupakan penderhakaan maka perlulah kita jauhkan diri kita sa-bagaimana yang kita minta daripada ra'ayat kita supaya hidup tidak berbelah bagi kepada kita.

Tuan, sa-bagaimana saya sebutkan tadi dasar kita mengadakan judi ada-lah kita hendak wang, satu. Yang kedua, boleh jadi kerana kita terturut² dengan Kerajaan Barat oleh kerana di-Barat mengadakan judi, maka kita pun mengekor² dia membuat judi. Saya menyoal sampai ka-mana kita akan turut Kerajaan Barat; Kerajaan Barat mengadakan judi kita mengadakan judi. Kerajaan Barat hari ini mengadakan satu Undang² menghalalkan homosexual, atau pun yang di-sebutkan liwat dan sa-bagai-nya, ada-kah kita juga mahu mengekor-nya menjadi pak turut dengan tidak ada sekatan, dengan tidak ada batasan. Boleh jadi di-satu masa lepas daripada judi ini ada lagi benda lain sa-kurang² benda kotor yang saya sebutkan tadi, ia-itu

masaalah homosexual, ini sunggoh² boleh jadi.

Akhir-nya, saya tidak payah panjangan perchakapan saya untuk memburokkan perkara yang telah burok ini, chuma saya beri ingat boleh jadi pehak Kerajaan, atau pehak penyokong mahu lagi bawa nama² Khalifah di-hadapan saya—di-hadapan Dewan ini sa-bagai mana yang telah di-bawa nama Khalifah Almuktasim dua tiga hari lepas untuk menghalalkan perkataan mereka itu dalam perkara membena gereja dan tok-pekong, saya harap kalau hendak sebut Khalifah sebut-lah Khalifah yang awal—jenarasi yang pertama. Kita ada Khalifah empat, kita ada Nabi—kita ada Khalifah Abu Bakar, Omar, Osman, Ali. Jangan pula chari yang Khalifah 1,000 tahun datang-nya sa-lepas daripada Nabi Muhammad, kalau kita hendak bawa dalil bawa dalil orang yang pertama—peringkat yang pertama kerana jenarasi yang paling baik sa-kali ia-lah jenarasi saya kata Nabi Muhammad Almuktasim bila timbul-nya beratut tahun, kemudian bagaimana kita hendak buat dalil dengan-nya! satu. Yang kedua pula mengenai kitab, bukan sa-barang kitab, kalau di-hadapan kita sudah ada kitab-nya ada Kor'an-nya, ada Hadis-nya, kenapa kita bawa kitab yang tidak ada harga-nya begini. Kalau sunggoh awak hendak memperhargakan kitab sebutkan nama kitab, Kor'an-kah, Hadis-kah, jangan di-bawa kitab² orang yang tidak ada dalam senarai hujah. Ini perkara yang perlu di-ingat dan perlu di-ketahui oleh pehak penyokong khas-nya. Akhir-nya saya minta pehak menyokong khas-nya pehak Kerajaan, saya minta berfikir lagi saya tidak minta mereka itu malu, kerana malu ia-lah di-peringkat yang kedua, peringkat yang pertama ia-lah berfikir dahulu lepas itu kalau hendak malu, malu-lah. Sekian-lah, terima kaseh.

Tuan Lim Kean Siew: Mr Speaker, Sir, after listening to the Members of the Opposition, even those Members on the other side who have not quite made up their minds and will have made up their minds, we must come to the conclusion that this Bill is nothing more than an ill-conceived, badly planned,

and clumsily executed excursion into the realm of gambling.

The speakers on this side of the House have not touched upon the provisions of the Bill itself. They have dealt so far mostly with the moral and religious grounds of the Bill. I will try to deal with the other aspects which have so far not been dealt with.

We have heard of the moral and religious implications of this Bill. We have also been informed that those people who may not be religious are morally against the Bill. But there is one thing else with regard to this aspect of the Bill that we have got to consider, and that is the psychological aspect of the encouragement of pool gambling in this country. Today, we see children (boys and girls) running around the streets selling lottery tickets. We have now in this country a growing mental attitude which is bad for our country and which is this: there are more and more people now who have developed the attitude that they should try to get something for nothing. This ten-percenter attitude, attitude of people who want to go into business, who want to go into professions and who want to go into activities which will earn them that 10%—the ten-percenter man.

Now, we are going to have Pools. So, we get more and more people running around with tickets in their hands marking out prospective winners in football games in the hope of getting something for very little, and the time will soon come when school children might be having football pool tickets under their exercise books marking out those tickets in the hope of getting something for very little. Are we going to become the second Macau of the East? Our children go to school and they are told that no one can succeed without working hard. They are told, "You should not gamble". They are told, "You should be honest". As soon as they come out of school, they see signs, which no doubt will be put up, encouraging them to gamble. Therefore, psychologically, we must accept that any encouragement of gambling,

especially on a national-wide scale, is bad.

Now, let us come to the next point which is this: will our national interests be served if this Bill is passed? Today, Malaya is what is commonly referred to as a developing nation. Everything we spend, all our efforts should be directed towards one end, and that is to increase productivity, to get the best out of every investment we put. This Bill, what constructive purpose has it got? Does it encourage football in this country? No! It teaches people to look into television sets for football games in England. It encourages sales of television sets, perhaps. Then, it encourages people to bet. It is neither a good supply for labour, for employment, nor it is a good utilisation of our capital. Perhaps, the only excuse that the Government has got in this Bill is to say that it may be financially benefiting to this country, because we must admit that it is not a health exercise. So, the Government will say that it is of financial benefit to this country and on this, I would like to say, here and now, that it is not.

Mr Speaker, Sir, what did the Mover of this motion have to say when he was presenting this Bill this morning? He said this: that for every dollar that is put on a ticket, the Government stands to gain or earn 25 cents—in other words, one quarter of it—and that the agency fees, which will be paid to this Board and which shall help to swell its funds, will be 16 cents. Therefore, the Government and this country will earn something like 41 cents and 59 cents will be exported out of this country.

The Honourable Mover of this motion stated further that today, according to figures obtainable, about \$2 million are being exported every year out of the country. He said that the Government will then save something of this. But how much does the Government hope to save if, in fact, a sum of \$2 million is being exported out of this country? If the Government will hope to make \$500,000—and in order that the Government may make more than \$500,000 the Government

must increase, or help to increase, the number of people betting in this pool process, or indulging in this game. This would mean to say that if the Government hopes to get \$1 million per year, it will hope that \$4 million would have been spent in the country on the Pools. If that is so, then about \$2 million would be exported out of this country. So, is this kind of logic—that if we can tax 25 cents, we could have made 25 cents profit and, therefore, we must encourage gambling—worth it? I say, “No”. Mr Speaker, Sir, first of all, if you are going to increase the bets on the Pools, you are going to decrease the number of people buying Social and Welfare Lottery tickets, because that much money only is floating around. Secondly, if you hope to make money on the duty, you have got to encourage gambling, which means more money will be exported overseas, money which we want, money which we have been going around the world trying to collect by means of 7½% loans. This money which we have been trying so hard to get into this country will be exported. Therefore, from the national point of view, what have we organised by this Pool system? We have only organised one thing: we have organised a better export drive for our Malayan dollar. We are allowing a foreign organisation to form a monopoly in this country—Vernons and Littlewoods, I believe, who are the biggest pool operators in England to come into this country with a licence legitimately to collect money to export it back to England.

Mr Speaker, Sir, the Government can, of course, also say that under Clause 19 of the Bill, “the Board may from time to time distribute any moneys forming part of the funds of the Board and not required by it in the exercise of its functions for all or any of the following purposes—(a) the promotion of sport generally in the Federation including the provision of playing fields; and (b) such social and welfare purposes as may be prescribed.” Now, I have already said that for one dollar, 25 cents go to Government and 59 cents are exported, leaving 16 cents for commission fees. From which source will we get the

funds of the Board? Obviously from the 16 cents, because Government is taking 25 cents and 59 cents will be exported. So, the funds of the Board will have to come from the 16 cents which, as the Honourable Mover of this motion has informed this House, shall be agency commission or agency fees. These fees, if we are to understand it, are fees to be paid to the Board, so that the Board can pay to their agents—we also know from previous speakers that agencies have been or are in the process of being established. These agents throughout the country, acting for this big monopoly will be getting agency fees; but the Government has not told us, and I wish the Honourable Mover will tell this House categorically, how much of these sixteen cents is going to sub-agents and sub-sub-agents and how much will be going to the Board itself. It may be that only ten cents out of the sixteen cents may go to the agencies or the sub-agencies, in which event the sub-agencies will have to sell more pool tickets, in order to get enough money, or may be out of the sixteen cents, fourteen cents will go to the sub-agencies, leaving only two cents for the Board. Now, how much funds will the Board hope to collect in one year or in two years?

Mr Speaker, Sir, we do not yet know definitely how much the Government expects to earn from this and whether there has been any proper examination into this project. We do not know how much betting is going to increase in this country. Therefore, we do not know how much funds the Government hopes the Board to earn and how much of the funds will be used.

Finally, we have been told that \$2 million have been exported out of this country for the purposes of the Pool, but we have not been told how much of this \$2 million are in fact moneys expended by servicemen and their wives serving in this country. We do not know, out of this \$2 million, how much in fact can be attributable to the Malayan people living in Malaya, indulging in this pool. May be this \$2 million a year exported may be almost totally coming from servicemen

serving in Malaysia; and if you consider it this way it is not much. Let us say that five-thousand servicemen plus five thousand wives indulge \$200 a year. This would account for \$2 million a year. If they indulge \$200 a year per person, they are only spending 66 cents a day, which is not much.

Mr Speaker, Sir, the Government also has not fixed the agency fees and has not set out a proper scheme by which agents may be appointed. We are told that agents will be nominated by the Board. That, Sir, is a very dangerous thing, because it will allow, as my Honourable colleague, the Member for Batu has said, for favouritism and encouragement of paternalism, giving jobs to those people who have served a useful political function and who have to be rewarded some time. It may also be an encouragement to inefficiency, because these people are not chosen by a proper system of tender or system of results.

Mr Speaker, Sir, for these reasons, I would like to move that this Bill be read a second time six months hence, except for the fact that we do not have enough Opposition Members in this House to make such a move effective. I will, therefore, end by asking Members on the other side to consider whether or not they should at least move that this Bill be read a second time six months hence, in order that proper figures may be given to us and in order that proper calculations be made before we finally vote on this Bill, and when they do that I ask them to remember Clause 20 of the Bill. Clause 20 allows any person above the age of eighteen years to buy a coupon or a ticket. We have been told so many times in this House that boys in the University, people who are young, should not involve themselves in politics, because they are too young, and they cannot decide for themselves properly. If they are too young to indulge in politics, are they not too young to indulge in the Pools? Thank you.

Tuan T. Mahima Singh (Port Dickson): Mr Speaker, Sir, it is very surprising that the Opposition has found reasons to condemn this Bill. In

supporting this Bill, I would say that what the Government intends to do is only to legalise what is now going on illegally. It only hopes to prevent money going out without any control over the money. This Bill does not encourage people to gamble who do not wish to gamble, but those who wish to gamble have to be brought under control. We have seen attempts in other countries where they have tried to stop liquor, and we all know that liquor if taken in excess is bad. But what happened? It only produced black marketing, corruption and smuggling, with the result that the object of preventing liquor was not achieved. In this case, too, if we could prevent gambling it would be a very good thing, but knowing that we are not able to prevent gambling, we intend to legalise it. We have liquor shops all over the town, but nobody forces a teetotaler to drink liquor. We have things being sold in the town that are not welcomed to one group of people. Pork is sold in the town, beef is sold in the town, but people who wish to avoid them are at liberty to do so, and by passing this Bill, no new gambling would be encouraged, only gambling that is now going on will be brought under control. For these reasons, Sir, I support the Bill.

Tuan Ahmad bin Arshad (Muar Utara): Tuan Yang di-Pertua, saya bangun turut sama berbahath atas usul yang ada di-hadapan kita ini. Saya berchakap ini bukan tujuan saya hendak membahathkan ma'ana judi sebab judi di-sisi Islam sudah terang haram.

Saya menyokong Rang Undang² ini, saya memandang pada segi masharakat yang mana manusia kita di-Malaysia ini telah berleluas dengan judi bola ini, sama ada mereka membeli kopon² daripada luar negeri termasuk-lah juga mereka mengadakan pertarongan perjudian waktu perlawanan bola yang ada dalam negeri ini khas-nya sa-kira-nya permainan itu atau perlawanan yang di-datangkan oleh pasukan daripada luar negeri. Atas kejadian ini, Tuan Yang di-Pertua, kita kena memikirkan keadaan manusia yang sudah bagini, maka

munchul-lah Undang² ini. Tujuan Undang² ini supaya dapat mengawal manusia yang dalam negeri ini dapat mengawal harta kita yang pergi keluar negeri sa-banyak \$2 juta ini dan dapat menjamin bahawa pertarongan judi itu benar² dapat di-punya'i oleh mereka yang bertarong dan dapat pula hasil kapada Kerajaan.

Sebab saya memberikan sokongan kapada Rang Undang² ini, Tuan Yang di-Pertua, pertama satu sa-kali dengan di-laksanakan Rang Undang² ini akan mendatangkan sumber hasil negeri yang kita sekarang sangat menghen-daki wang.

Yang kedua, daripada wang itu kita boleh membuat pembangunan negara yang sangat di-hajati oleh ra'ayat dalam negeri ini terutama sa-kali negeri kita yang muda termasuk-lah wang kutipan ini akan di-terima oleh negeri yang di-perintah oleh PAS dan tambahan pula Rang Undang² ini chuma di-jalankan di-dalam masa dua tahun. Sa-kira-nya ada mudzarat-nya mungkin Kerajaan akan menarek balek atau pun sa-balek-nya.

Dalam negeri kita ini, Tuan Yang di-Pertua, bagaimana kita sedia ma'alum, beberapa macham judi yang di-luluskan oleh Kerajaan saperti Lembaga Loteri Kebajikan Masharakat, lumba kuda, loteri bola yang baharu hendak di-luluskan ini. Kita jangan memikirkan bahawa ada gulongan² yang mengadakan judi yang berupa menipu ra'ayat, yang menge-lirukan duit ra'ayat, yang di-minati bukan sahaja orang dewasa, di-minati kapada orang perempuan dan kanak². Satu daripada judi-nya, Tuan Yang di-Pertua, judi 36. Hal ini, Tuan Yang di-Pertua, kumpulan yang membuat judi ini hari², bukan minggu². Ini saya harap kapada Menteri Keselamatan Dalam Negeri supaya dapat menengok, menangkap dan memberkas kumpulan ini supaya judi² yang di-luluskan oleh Kerajaan dapat berjalan dengan baik dan penipuan kapada ra'ayat dan didekan judi kapada anak² ini tidak akan berpanjangan.

Akhir-nya, Tuan Yang di-Pertua, saya gemar menarek perhatian Kementerian yang berkenaan sa-kira-nya Lembaga ini dapat di-teruskan, saya

harap supaya kemasokan kopon loteri bola dari luar negeri, daripada England ini di-berhentikan terus.

Yang kedua, berikan kota (quota) yang tertentu, peruntukan daripada wang Lembaga ini kepada Kementerian Kebudayaan, Belia dan Sukan dan juga kepada Kementerian Pelajaran dalam bahagian sokan anak² kita. Ini memberi faedah yang berkesan yang sesuai dengan keadaan permainan judi melalui bola ini.

Satu perkara, Tuan Yang di-Pertua, saya nampak pagi tadi Parti Buroh, Parti D.A.P., Parti P.P.P. daripada Ipoh, macham Ulama'. Islam dia berchakap dengan menyebut² nama Tuhan, mengangkat² Peratoran Mes-huarat Dewan Ra'ayat kita ini. Ini saya nampak, Tuan Yang di-Pertua, ia-lah sa-bagai hendak mengabui mata ra'ayat orang² Melayu. Hujjah² yang di-kemukakan itu ada-lah pura². Saya memberi analisa, kesimpulan bahawa hujjah² itu tidak dapat di-terima oleh orang Melayu pada masa sekarang, sebab orang Melayu pada masa sekarang sudah 10 tahun merdeka dia boleh berfikir ada-kah tidak kebajikan-nya bagi pembangunan negara dengan di-laksanakan usul ini.

Yang akhir-nya, kepada wakil² daripada PAS yang baharu sa-bentar berchakap tadi dan juga yang dahulu daripada ini, saya menchabar ahli² PAS yang dia chakap tadi juga chuma dia mencheritakan judi. Judi orang Islam memang tahu haram dan banyak ugama tidak sukakan judi, tetapi saya chabar Parti PAS, dia kata judi ini bertentangan dengan ugama rasmi negeri sa-bagai ugama Islam. Ra'ayat negeri Kelantan telah memberikan mandat kepada wakil² PAS supaya membentok Kerajaan Parti Islam Sa-Tanah Melayu.

Ada tidak judi dalam Negeri Kelantan? Ada tidak pelachoran dalam Negeri Kelantan? Ada tidak pajak judi dalam Negeri Kelantan? Kenapa ra'ayat telah berikan kuasa supaya menjalankan dasar Islam sa-bagai ugama rasmi Negeri Kelantan itu tidak dapat di-jalankan oleh Parti PAS?

Lagi satu, saya hendak tanya kenapa dalam dia bersungutkan tadi Kerajaan

Perikatan membantu berhala di-negeri Kelantan Kerajaan-nya, Kerajaan yang berdasarkan ugama Islam, kenapa Kerajaan Negeri Kelantan tidak robohkan berhala² tok kong di-sana. Jadi, Dato' Yang di-Pertua, Parti PAS ini saya harap walau pun parti berdasarkan Islam, saya minta wakil² itu berfikir panjang memahami dengan lanjut keadaan negara kita yang kesempitan wang untuk pembangunan negara untuk memberi faedah kepada ra'ayat di-mana sumber wang yang kita dapat untuk sementara ini, dengan sebab itu Rang Undang² ini di-kemukakan di-Dewan ini yang bukan sahaja memberi faedah kepada Ahli² Perikatan, akan memberi faedah bersama kepada Kerajaan Kelantan dan daripada hasil ini akan menjadi perbendaharaan wang negara, dapat pula elaun yang di-terima oleh Ahli Yang Berhormat daripada PAS. Saya fikir di-aku.

Jadi, Dato' Yang di-Pertua, itu-lah sahaja saya harap kalau hal yang sa-umpama ini PAS kena berfikir panjang²-lah untuk menentang satu² perkara yang di-bawa oleh Kerajaan. Itu sahaja, Dato' Yang di-Pertua, Terima kaseh.

Tuan Haji Hussain bin Haji Saman (Kota Bharu Hulu): Tuan Yang di-Pertua, saya pada mula-nya tidak-lah ingin berchakap dalam Dewan ini tetapi di-sebabkan pehak Parti Perikatan begitu sa-kali hebat walau bagaimana pun terpaksa saya berchakap.

Sa-belum daripada saya berchakap saya baca satu ayat Qur'an. Saya minta izin, Tuan Yang di-Pertua, saya akan terjemahkan satu² sa-belum saya terjemahkan saya ingin baca ayat itu—(dalam bahasa Arab) ma'ana-nya ada-lah kamu sakalian satu gulungan, kamu satu gulungan yang baik, yang bagus tetapi bila masa yang kamu boleh jadi bagus, boleh jadi baik. Kamu menyeru dengan membuat kebajikan di-situ baharu boleh jadi baik. Kamu umat Nabi Muhammad ada-lah satu umat yang baik, tetapi kalau tidak kamu menyuruh dengan muka yang baik macham ada

satu potongan kayu yang kayu itu kayu keras, kayu chengal, tetapi dudok-lah terguling di-dalam parit, tetapi tidak tahu kayu itu baik. Dimana kita hendak tahu kayu itu bagus dan elok, kayu itu kena kita potong dan kita belah, kena kita bernis dan kena buat saiz, maka itu-lah nama-nya :

“Suroh buat baik, sa-umpama hendak buat judi pada hari ini”, wajib di-atas orang yang mengetahui, kena-lah bagi tahu kepada orang yang tidak tahu mengatakan tidak boleh perkara yang sa-umpama ini. Kalau tidak, akan tanggung dan akan pikul ka-hadapan esok.

Saya menyeru kepada pehak² UMNO terutama kepada alim ulama' yang ada di-dalam UMNO yang bijak pandai yang ada di-dalam UMNO yang dapat degree, yang pas universiti tolong tunjukkan di-mana-kah ayat² Qur'an yang membolehkan judi itu di-galakkan. Kita boleh terima dengan dua belah tangan sa-kira-nya ada, sebab mereka ada-lah satu golongan daripada umat Islam bersama² Penghulu Muhammad, Allah—Tuhan kita, bagaimana ini berdegil, tetapi tunjukkan benda yang tidak benar sa-hingga sa-kali menunjukkan degil-nya, tidak tunjukkan kenyataan yang benar kepada kita. Ini ada-lah akan membawa durjana daripada Tuhan kita, daripada Tuhan kita datang dan kepada Tuhan tempat pergi-nya. Sa-kali pun kita jadi pangkat besar, sa-kali pun kita hari ini dudok di-hadapan kita bertimbun² harta yang banyak, tetapi akan kita jumpa dan akan di-soal satu², akan kita jumpa esok.

Sa-lain daripada itu, Tuan Yang di-Pertua, sa-kurang²-nya pada hari ini saya hendak minta kepada Dewan ini terutama-nya kepada pehak Kerajaan, usul ini kalau-lah hendak di-jalankan, hendak di-luluskan juga, tetapi pehak kami Parti Islam sa-Tanah Melayu membantah sa-keras²-nya. Kalau-lah mereka hendak jalan juga sa-kurang²-nya hendak-lah di-tanggohkan, jangan di-putuskan lagi sa-hingga sampai kepada satu meshuarat yang lain supaya pehak² Kerajaan dapat merojok dan

dapat jumpa dengan alim ulama' mereka bagaimana-kah chara-nya yang boleh. Ini di-dalam segi hukum. Dalam segi masyarakat, Tuan Yang di-Pertua, ada-lah satu perkara yang membawa kepada keburokan, Tuan Yang di-Pertua,—banyak! Kalau-lah judi ini di-sebar di-dalam negeri kita, maka ada-lah di-antara orang² yang ada di-dalam negeri ini hendak mendapat menang judi-nya itu, maka menyembah-lah dia, pergi-lah dia buat wasillah kepada tok kong itu dan tok kong ini—kapada pohon kayu itu dan kayu ini, kapada orang keramat itu dan orang keramat ini. Bagaimana-kah chara-nya? Dan banyak perkara² yang lain lagi yang menyebabkan kepada kerosakan kedudokan kita.

Saya suka menchabar kepada pehak² yang ada pengetahuan ugama di-dalam parti UMNO, ugama mana yang membolehkan judi? Chuba tolong beri tahu, di-dalam ugama Islam sudah tentu. Ahli Muar Utara tadi itu sudah berchakap dia kata tetap haram, dia mahu, jadi kalau mahu, sudah benar tidak boleh, mahu juga, Tuan Yang di-Pertua, senang sahaja-lah, patut juga kalau boleh, tetapi tidak saya mengeshor ini, jangan pula kata saya ini mengeshor, kalau rasa orang mahu menchuri ramai²—pergi-lah, kalau mahu pula orang ramai² kemahuan yang macham mana yang dia mahu kapada orang ramai, kita benar jugalah. Bagini-kah chara keadaan kita pada hari ini?

Saya suka bagi tahu kepada wakil Muar Utara yang dia chabar pehak Parti Islam Sa-Tanah Melayu yang ra'ayat negeri Kelantan bagi tugas kapada Parti Islam sa-Tanah Melayu dalam negeri Kelantan, tetapi kenapa, kenapa, yang saya sebut kenapa² itu banyak-lah kenapa² yang telah disebutkan tidak-lah saya hendak sebut satu persatu, kerana saya hendak jaga masa. Tetapi, Yang Berhormat tentu sendiri tahu negeri Kelantan ada-lah satu negeri yang satu unit daripada Malaysia. Tok Penghulu kampung sahaja. Tuan Yang di-Pertua, bila Tok Penghulu kampung hendak jalankan satu² Undang², maka ia di-tahan oleh

penggawa, begitu juga sa-balek-nya, jika penggawa hendak membuat satu² perkara, maka ia di-tahan oleh D.O. Ini-lah chara kedudukan hari ini, jangan-lah pula dia bangga sa-umpama ini, Tuan Yang di-Pertua, pendek-nya Ahli dari Muar Utara pun memang tahu perkara yang sa-umpama ini tetapi suka dia mengabu mata ra'ayat itu sahaja.

Sa-lain daripada itu, Tuan Yang di-Pertua, saya rasa dalam masaalah ini saya minta pada pehak Kerajaan, jangan beri jadi penambah—menambah bilangan apa? Bilangan jahat di-dalam negeri ini. Satu loteri, dua ekor kuda; sa-kira-nya di-tambah satu lagi jadi tiga. Yang ada dia jangan beri jadi tiga, yang tiga jangan beri jadi empat. Begitu juga bagaimana yang telah saya sebut minta di-tempohkan pada masa yang lain mudahan² dengan tempohan itu tidak di-jalan perkara ini, maka jadi kebajikan kapada ra'ayat bersama dalam negeri ini. Hati manusia satu masa ka-suatu masa yang lain mena-kala berfikir tentu-lah boleh memikirkan dengan chara bagini, dengan chara betul—(bahasa Arab) “hati itu sa-perti burung chiak”, sa-kali terbang ka-sana dan sa-kali ka-sini. Satu kali memikirkan macham ini satu kali pula memikirkan macham itu. Juga kalau-lah di-tempohkan satu masa yang lain arti-nya melambatkan kita hendak buat jahat di-dalam negeri ini pun ada-lah satu perkara yang baik, menahankan benda yang hendak di-lakukan dalam perkara ini yang benda itu benda yang tidak baik. Ini-lah yang dapat saya kemukakan pada hari ini kapada pehak Kerajaan. Sa-lain daripada itu saya ucapkan terima kaseh, sekian.

Wan Abdul Kadir bin Ismail (Kuala Trengganu Utara): Tuan Yang di-Pertua, saya ingin mengambil bahagian sedikit dalam perbincangan Rang Undang² ini. Mendengar perbincangan yang telah berlaku dan ucapan² daripada ahli² dari puak Pembangkang dari pagi tadi, saya merasa Dewan ini berada-lah suatu suasana yang baik. Saya sa-olah² mendengar sa-orang Catholic daripada Batu beruchap (*Ketawa*).

Dr Tan Chee Khoon (Batu): Untuk penjelasan, Tuan Yang di-Pertua, saya bukan Catholic.

Wan Abdul Kadir bin Ismail: Sa-olah², sa-olah² padri dari Bungsar ini juga mempunyai assignment lagi sa-kali, dan sa-olah² muballigh politik yang memakai bulu muballigh ugama dari Kelantan Hilir ada beruchap.

Tuan Yang di-Pertua, suatu perkara yang terang, Rang Undang² yang ada di-hadapan kita ini bukan-lah hendak menghalalkan, dari segi ugama, judi haram di-dalam ugama kita, sa-bagaimana juga pehak PAS tidak boleh mengkafirkan orang Melayu yang sama² Islam saperti orang² di-dalam PAS (*Ketawa*). Apa yang menarek perhatian saya, Tuan Yang di-Pertua, penentangan terutama daripada pehak PAS kapada Rang Undang² ini berdasarkan kapada ugama Islam, berdasar kapada ajaran Islam dan ini-lah yang menarek hati saya untuk meng-ambil bahagian di-dalam perbincangan ini.

Wakil Tanah Merah, wakil Kelantan Hilir, wakil Kota Bharu Hulu, mengatakan berkali² bahawa ini berten-tangan sama sa-kali dengan ajaran Islam, dengan ajaran Allah. Ukoran PAS di-dalam menentang Rang Undang² ini ia-lah ajaran Islam dan ajaran Allah yang maha suchi. Pada sa-belah pagi tadi sampai tengah hari saya mendengar suatu kuliah atau suatu sharahan politik yang berbelang dengan ugama daripada Ahli Kelantan Hilir dan saya boleh, Tuan Yang di-Pertua, memberi atau membuat kempen politik yang bersalut ugama di-dalam Dewan ini, tetapi saya tidak ingin berbuat demikian sa-bagaimana yang di-lakukan oleh Ahli Kelantan Hilir dan kemudian daripada itu Ahli daripada Kota Bharu Hulu. Chuma saya mahu bertanya, apa-kah konsep yang besar daripada perlaksanaan Islam itu di-atas masharakat? Konsep yang besar dalam Islam dalam perlaksanaan Islam itu di-atas masharakat bergantung kapada chontoh: (bahasa Arab) “Bahawa Rasulullah itu menjadi chontoh dan ikutan kapada kamu”. Sa-suatu yang hendak di-buat dan hendak

di-katakan mesti-lah ada chontoh yang baik, sebab itu Imam Ghazali mengatakan "Tibdad binafsi—mulakan dengan diri kamu dahulu baru kamu salahkan orang lain" Imam Ghazali yang menjadi sa-orang Imam yang terbesar di-dalam ugama Islam. Sebab itu-lah, Tuan Yang di-Pertua.

Tuan Haji Hussain Rahimi bin Haji Saman: (Bangun).

Mr Speaker: Dia tidak bagi jalan.

Wan Abdul Kadir bin Ismail: Saya baru hendak sharahkan konsep Islam kepada ulama², ketua ulama⁴, supaya kita lebih faham, kalau salah saya katakan saya salah kemudian daripada itu.

Tuan Yang di-Pertua, Qur'an yang menjadi asas kepada Islam yang menjadi bantuan kepada kita semua, yang menjadi modal politik kepada PAS telah membawa kesah dan peristiwa di-dalam perkara ini dan peristiwa yang besar sa-kali di-bawa ia-lah cherita kaum Yahudi dan kebinasaan kaum Yahudi. Apa-kah dia sebab dan puncha kebinasaan kaum Yahudi? Puncha-nya berasal daripada ayat yang di-nyatakan oleh Tuhan, (bahasa Arab)—"ada-kah engkau lupakan diri engkau, engkau suroh orang lain berbuat baik, engkau lupakan diri engkau sendiri, pada hal kamu tahu membachha kitab, tak ada akal-kah kamu".

Ini-lah dia puncha kehanchoran kaum Yahudi ini. Jikalau PAS menentang Undang² ini daripada segi Islam sudah-kah PAS melihat kepada dirinya sendiri, berchermin kepada dirinya sendiri, melihat muka-nya sendiri terlebih dahulu jikalau rumah kita daripada kacha jangan chuba melontar rumah orang lain.

Tuan Yang di-Pertua, apa dia chontoh yang di-buat oleh PAS dan oleh Kerajaan PAS Kelantan dalam perkara Islam kerana Islam konsep-nya konsep chontoh, tunjukkan chontoh kepada orang sa-hingga di-ikuti orang lain. Apa-kah chontoh yang di-tunjukkan oleh PAS, gambaran yang di-jalankan oleh PAS tentang Islam di-Kelantan? Saya boleh buka, Tuan Yang di-Pertua, belanjawan Kerajaan

PAS Tahun 1967 di-dalam estimate Kerajaan PAS 1967 ada di-ambil sa-banyak \$17 ribu hasil kedai chukai arak, haram atau halal? Ada di-ambil \$19,000 hasil lesen anjing, haram atau halal? Ada di-ambil \$17,000 hasil Pajak Gadai, haram atau halal? Ada di-ambil sa-banyak \$200,000 chukai hiburan segala hiburan di-Kelantan sa-lama tahun ini dan saya kira termasuk lesen tarian bogel yang di-tunjukkan di-Pangpong Rex Kota Bharu, sendiri, haram atau halal?

Ini-lah chontoh ada berlaku di-Kelantan. Di-Kelantan konon-nya ada menjalankan Undang² Khalwat, Tuan Yang di-Pertua. Saya ingin bertanya, ada-kah Undang² Khalwat ini sesuai dengan dasar Islam, dan dengan konsep Islam dan dengan shara' Islam kerana di-dalam Islam dan kuasa ugama, kuasa Kerajaan Negeri, siapa sahaja yang melakukan perzinahan haram, maka hukuman-nya di-rejam sampai mati. Ada-kah denda \$20 atau \$300 sesuai dengan hukum Islam? Ada-kah Kerajaan PAS Kelantan sudah meminda undang² Khalwat sa-hingga sesuai dengan Qur'an dan Hadith dalam perkara khalwat? Ini gambaran yang kita tengok, Tuan Yang di-Pertua, sebab itu jangan chakap Islam sa-barang Islam, jangan memperdagangkan ugama menjadikan dalam panduan politik boleh, memperdagangkan ugama dalam politik ini di-jalankan oleh PAS, Ketua² PAS dan Ulama⁴ PAS yang ada dalam Dewan Ulama⁴ PAS ini.

Tuan Yang di-Pertua, saya tertarek hati dengan Ahli Kota Bharu Ulu yang membawa sa-potong ayat yang berbunyi: "Kamu-lah sa-baik² umat yang di-jadikan untuk manusia kerana kamu menyuroh berbuat baik dan melarang berbuat jahat" dengan sharahan dan huraian yang panjang. Saya rasa sharahan ini sa-belum Ahli Kota Bharu Ulu datang menchurahkan ka-dalam Dewan ini lebih baik bagi beliau, lebih berkewajipan bagi beliau menchurahkan-nya di-Kota Bharu kepada Ahli² Ex-co Kerajaan PAS, kepada Ketua² Kerajaan PAS di-Kota Bharu. Saya chabar Ahli Yang Berhormat Kota Bharu Ulu dan Ahli

Kelantan Hilir kalau berani bawa usul dalam Dewan ini supaya Kerajaan PAS di-Kelantan betul² menjalankan hukum Islam di-Kelantan, jikalau mereka tidak ada suara dalam Dewan Undangan Negeri, kerana mereka di-pilih dalam Parlimen ini bawaan usul di-sini supaya usul itu di-sampaikan oleh Dewan Parlimen ini kepada Dewan Undangan Negeri Kelantan, saya chabar kalau mereka itu berani. Kalau sa-benar-nya di-Kelantan sudah menjalankan sa-penoh-nya apa yang sa-benar-nya mereka hendak jalankan.

Tuan Yang di-Pertua, ada suatu dasar, ada suatu petua, yang saya dapat petek daripada ucapan Ahli daripada Tanah Merah, sa-belah pagi tadi. Kata Ahli dari Tanah Merah, dia ini boleh refer dalam Hansard, melakukan dosa sa-chara diam² itu tidak mengapa. Barangkali oleh kerana dasar PAS, ketua² PAS melakukan dosa sa-chara diam² itu tidak mengapa, hatta judi pun di-galakkan oleh Ketua² PAS dalam pilihan raya Pasir Mas Ulu baharu² ini, baharu kira² dua bulan. Ada sa-orang orang yang bukan Melayu yang di-suroh oleh Ketua² PAS supaya mengadakan pertarohan bahawa PAS mesti menang dengan pertarohan hampir \$50,000 supaya orang meng-ajar duit \$50,000 ini hatta orang Perikatan—UMNO pergi pangkah Bulan Bintang untuk mendapat hadiah \$50,000. Ini terang² berlaku di-bawah mata dan hidong sakalian ra'ayat di-Pasir Mas. Perjudian yang di-lakukan oleh Parti Politik PAS dalam pilihan raya, ada yang kechil² lagi. Ada lagi orang yang lebeh kechil memberi pertarohan yang lebeh kechil. Ini halal, ini boleh, supaya PAS menang, supaya PAS berkuasa di-Kelantan, supaya PAS dapat memperkudakan segala kepentingan di-Kelantan untuk faedah gulongan² yang memegang tampok dalam PAS sendiri.

Tuan Yang di-Pertua, berpegang kapada panduan Imam Ghazali tadi yang mengatakan: "Betulkan diri kamu sendiri dahulu, mulakan diri kamu sendiri terlebih dahulu", hatta Ahli daripada Kelantan Hilir yang berchakap tadi dengan chara sa-bagai

memberi bimbingan kapada orang yang jahil, bahawa beliau sa-olah²-nya merupakan dalam ucapan-nya sa-bagai sa-orang penyelamat, sa-bagai sa-orang maseh yang baharu yang datang untok menyelamatkan manusia yang tidak mengerti, dalam ucapan-nya itu, hatta Ahli daripada Kelantan Hilir itu sendiri, walau pun ia baharu saya kata dia kena pakai akan panduan Imam Ghazali tadi. Dia kena betulkan diri dia sendiri dahulu, kerana ada laporan sa-sudah Ahli Kelantan Hilir itu menang pilihan raya pada 21hb Oktober tahun ini—pada 27 haribulan hari Jumaat pergi-lah Ahli dari Kelantan Hilir ini bersembahyang Jumaat di-sabuah masjid di-dalam kawasan-nya bernama Masjid Kedai Lalat dan sa-lepas sembahyang Juma'at bangun-lah wakil yang baharu di-pilih ini berchakap mengatakan pilihan raya telah selesai, tetapi dosa belum selesai. Beliau mengatakan mana² orang yang mengat-akan hudoh kapada-nya, saya quote tiap² perchakapan-nya: "Mana² orang yang berkata hudoh kapada saya dalam masa kempen baharu² ini hendak-lah mereka itu semua bawa orang² yang berkempen jumpa saya dan meminta ma'af sa-belum saya mati dan jika tidak mereka semua neraka-lah tempat-nya." Ada-kah ini Islam yang keluar daripada sa-orang yang mengaku alim ulama' yang berseh yang datang menyelamatkan manusia di-dunia ini?

Saya merasa pengaduan ini telah di-sampaikan kapada Majlis Ugama Islam Kelantan. Ini-lah saya kata, jikalau hendak berchakap dari segi Islam, dari segi ugama dan dasar ugama, kita kena berpandu kapada konsep ugama Islam ini yang menyuroh kita membetulkan diri kita dahulu. Ahli dari Kelantan Hilir mengatakan beliau sanggup berjudi, jikalau ada ilmu judi yang boleh menjadikan judi itu menang, katakan loteri, dia sedia hendak berjudi loteri jikalau terjamin dia boleh menang loteri. Saya beri chabaran kapada Ahli Kelantan Hilir, ada ilmu sekarang sudah di-reka oleh manusia yang dapat tahu akan berapa-kah angka yang hendak menang dalam loteri pada 20 haribulan depan, sudah di-chuba

pada 4 bulan yang lepas sa-orang telah menchuba, beliau meminta melihat nombor loteri yang menang pada 3 minggu ka-hadapan dan tiket itu ada nombor itu di-katup di-dalam satu envelop, di-seal dan di-simpan dan pada masa loteri itu di-buka dua minggu kemudian-nya, betul nombor itu nombor satu. Kalau dia membangkang hal judi ini atas dasar kerana tidak ada ilmu hal judi, maka ada ilmu hal judi, ada-kah Ahli Kelantan Hilir hendak menerima dan berjudi kerana ilmu untuk mengetahui chara menang judi sudah ada sekarang di-reka oleh manusia?

Tuan Yang di-Pertua, saya hendak berchakap panjang—ramai lagi yang hendak berchakap. Saya hendak berchakap panjang lagi banyak lagi perkara yang akan saya kupas dan yang akan saya telanjangi, biar-lah sa-takat ini saya berchakap. Chuma saya mengatakan Ahli daripada Kota Bharu Hilir mengatakan Rang Undang² ini sa-olah² Kerajaan mengatakan benda itu haram, tetapi kalau kata macham mahu menchuri ramai²—lah pergi menchuri. Perkataan ini bukan di-sini patut di-churahkan oleh Ahli daripada Kota Bharu Hilir itu, perkataan itu di-churahkan di-dalam Dewan Negeri Kelantan, di-dalam sidang Dewan Ulama' PAS Kelantan supaya segala penchurian dan pembohongan kepada Allah dan kepada Rasulullah tidak terus berlangsung di-Kelantan sa-bagai mana yang berlaku sudah hampir sembilan tahun. Mudah²an Tuhan bukaan pintu hati rahmat kepada kita sakalian dan dapat pertunjak yang baik dan dapat kita menchapai perpaduan dan keselamatan anak chuchu kita di-kemudian hari kelak. Terima kaseh.

Tuan Haji Othman bin Abdullah (Hilir Perak): Tuan Yang di-Pertua, pada mula-nya saya tidak-lah juga hendak serta di-dalam perbahathan ini, oleh kerana perkara yang kita bahathkan ini jelas dan terang, bukan gelap, tetapi sa-telah di-gelapkan oleh beberapa orang Ahli Pembangkang, terutama sekali daripada sahabat² saya daripada PAS, yang telah menggelapkan Rang Undang² ini daripada haki-kat-nya yang asal kepada masaalah² ugama; maka jadi-lah dia berlaku

saperti sekarang sa-hingga di-tudoh bahawa kita hendak menghalalkan apa yang di-haramkan oleh Allah subhanahu wataala.

Yang halal ini terang dan yang haram itu pun terang. Tidak ada sa-suatu kuasa manusia yang boleh menghalalkan benda yang di-haramkan oleh Allah dan tidak ada sa-suatu kuasa yang boleh mengharamkan apa yang di-halalkan oleh Allah. Kita ini orang Islam dan kita sa-pakat semuanya berkata demikian. Apa yang halal itu halal dan apa yang haram itu haram. Judi haram dan kita tidak menyebut walau sa-patah pun di-dalam Rang Undang² ini, kita quote, kita ambil daripada ayat Qur'an, kemudian kita katakan di-halalkan-lah ayat Qur'an itu dengan Rang Undang² ini, kita tidak buat demikian sebab kita tidak menghalalkan apa yang di-haramkan oleh Allah subhanahu wataala.

Sa-belum kita pergi membahath lebeh jauh dan terutama sa-kali saya agak, saya minta Ahli² Yang Berhormat dari PAS, chuba dia buka mata sadikit dan tengok kekudokan tanah ayer kita ini pada hakikat. Tanah ayer kita Malaysia ini bukanlah negeri Mekah. Malaysia bukanlah suatu negeri di-mana penduduk-nya seluroh-nya orang Islam, sa-kali pun ugama Islam menjadi ugama rasmi di-dalam negeri ini, tetapi seluroh ra'ayat-nya bukan-lah semua-nya berugama Islam. Negeri kita bukan macham Mekah, kalau di-Mekah seluroh-nya Islam kalau kita dudok di-keliling Mekah sekarang ini atau negeri kita ini sa-rupa saperti Mekah di-mana tidak ada sa-orang pun orang yang bukan Islam, kita buat Rang Undang² rasa-nya tidak mustahak Rang Undang² ini, tetapi kita membuat Rang Undang² ini memandangkan kepada kedudokan tanah ayer kita ini yang terdiri daripada orang² yang Islam, orang² yang bukan Islam, orang yang mempunyai berbagai² faham ugama dan ada juga terdiri daripada orang yang tidak langsung memegang satu² ugama. Oleh kerana kita memandangkan negara kita ini terdiri daripada berbagai² fahaman ugama, terdiri daripada orang² yang patoh kepada Islam dan

tidak, maka kita mengadakan Rang Undang² ini sa-mata² kerana kita hendak mengawal sa-suatu perbuatan yang mungkin merugikan negara ini pada keselurohan-nya. Kita tidak menghalalkan apa yang di-haramkan, tetapi kita mengawal sa-suatu perbuatan yang boleh merugikan negara ini dan boleh merugikan ra'ayat di-dalam negeri ini sendiri.

Tuan Yang di-Pertua, di-sedari atau tidak di-sedari, pertarohan bola ini memang sudah ada di-dalam negeri kita dan berjalan dan sa-belum daripada ini, sa-belum Rang Undang² Loteri mithal-nya atau tikam ekor kita luluskan di-dalam Dewan yang mulia ini, perbuatan itu sudah berlaku sa-belum Rang Undang² itu kita bawa ka-dalam Majlis yang mulia ini—sudah berlaku, tetapi perlakuan-nya itu merupakan yang pertama sa-kali melibatkan ra'ayat sa-chara langsung dengan ada penipuan daripada shariat² atau kumpulan² yang tidak bertanggung-jawab mengadakan perjudian², atau pun pertarohan² yang tidak di-kawal oleh Undang², sa-chara gelap mereka itu mengadakan-nya dan ini bukan sahaja merugikan negara, tetapi merugikan ra'ayat sa-chara langsung. Dengan ada-nya sa-suatu Undang² untuk mengawal berlaku-nya sa-suatu pertarohan sa-chara gelap itu, maka ini erti-nya Rang Undang² itu memberi perlindungan kepada ra'ayat dan memberi lindongan kepada orang yang mungkin akan di-tipu atau di-pesona dengan kumpulan² yang menjalankan-nya sa-chara gelap itu.

Sekarang ini, Tuan Yang di-Pertua, kita pun bukan sahaja judi ini pertarohan bola ini di-katakan haram, kita yakin ini benda haram dan kami daripada orang UMNO ini tahu mana yang haram dan tahu mana yang halal. Tidak usah-lah orang PAS hendak chabar kita, kita pun mengaji juga. Tetapi, Tuan Yang di-Pertua, bukanlah ini sahaja yang haram banyak lagi perkara haram, bernafas satu keluar nafas haram, masuk lagi haram, apa mithal-nya.

Ahli Yang Berhormat daripada Kelantan Hilir, Ahli Yang Berhormat daripada Kota Bharu mithal-nya, di-

dalam hukum Islam tengok perempuan tidak boleh. Pada satu masa, Tuan Yang di-Pertua, Saidina Omar berjalan dengan Rasulullah, berselisih dengan sa-orang perempuan dan ter-nampak Saidina Omar kapada perempuan itu dia berjalan, tetapi sa-sudah beberapa langkah berselisih Saidina Omar memaling ka-belakang melihat perempuan itu balek dari belakang perempuan itu. Rasulullah menepok belakang Saidina Omar mengatakan “engkau tengok yang tadi tidak apa ya Omar, tengok yang kedua ini haram”, jadi bagaimana, Ahli Yang Berhormat itu dudok dengan bertentangan dengan beberapa wanita di-dalam Dewan ini, haram tidak haram? Kalau hendak di-kira haram, bukan sa-kali, bukan dua kali, dia tengok, di-jeling pun ada saya tengok, bukan sahaja di-dalam Dewan ini, di-luar Dewan pun ada, di-dalam Dewan dalam rumah kita yang besar ini banyak wanita² ada, dia jeling juga, Tuan Yang di-Pertua, haram atau tidak; ini perkara haram kalau kita bahathkan.

Ahli Yang Berhormat itu dudok di-hotel dan hotel itu mashaallah—haram atau tidak haram, kalau hendak di-bahathkan, haram, ini perkara-nya, sa-bagaimana saudara sahaja saya tadi daripada Kuala Trengganu Utara mengatakan, kalau hendak kita haram, pilihan raya ini pun haram, menipu apa tidak haram, chakap bohong tidak haram, jual ayat Kuran tidak haram, Allah ada mengatakan: “Jangan engkau menjual Ayat Aku dengan harga murah?” Sekarang orang PAS jual dengan harga \$750 haram atau tidak? Dia gunakan ayat Qur'an, waktu saya dalam PAS pun itu-lah kerja saya, Tuan Yang di-Pertua. Saya berani mengaku, Tuan Yang di-Pertua, apa salah-nya benda yang benar, kalau depan kita bohong, depan Allah tidak akan kita hendak boleh bohong.

Tetapi orang PAS pada hari ini kepala-nya maseh keras, lidah-nya maseh tegang, akan tiba sa'at-nya lidah-nya akan kendor, bila sampai 6 kaki kabawah, dia akan tahu, tetapi sa-belum-nya masuk 6 kaki, saya sedar siang².

Tuan Yang di-Pertua, kalau hendak cherita haram, pilihan raya ini pun haram—pilihan raya ini pun haram—itu haram. Bukan itu sahaja, orang yang wara', orang yang hendak menjadi ahli sufi—hendak dudok dalam gua batu pakai baju puteh, ahli sufi dia tidak mahu makan benda yang subahat, yang menjadi barang yang di-ragukan-nya dia tidak mahu. Hasil negara kita sekarang bukan sahaja daripada chukai, daripada chukai orang Islam, chukai tanah orang Islam, zakat orang Islam—bukan itu, tetapi hasil negara kita terdiri daripada chukai babi; babi ini haram atau tidak, Tuan Yang di-Pertua? Babi ini pun haram, tetapi ada orang pusing, daging-nya yang haram, duit-nya tidak (*Ketawa*). Ada orang pusing begitu, kalau pusing begitu nanti Allah Ta'ala pusing kepada dia. Negara kita ini dapat hasil chukai babi, di-Kelantan pun ada chukai babi, bukan tidak ada, ada chukai babi tadi berapa ribu-kah di-sebut. Arak haram, di-Kelantan pun makan arak juga, ambil juga chukai arak—haram. Duit ini masuk ka-dalam Khazanah Kerajaan, di-dalam hukum ugama ini di-namakan duit subahat.

Orang yang sufi macham tuan guru kita yang baharu berchakap dua² tadi dia tidak mahu terima itu. Saya hendak tanya, Tuan Yang di-Pertua, ada-kah dia terima elaun-nya \$750 atau tidak? Dia terima, kalau lambat² dia tuntutan kepada Tuan Yang di-Pertua, “mengapa saya punya elaun tidak dapat.” (*Ketawa*). Saya tengok ada yang membuat dia punya milage terlebih dahulu sa-belum dia pulang (*Ketawa*). Macham itu, Tuan Yang di-Pertua, kalau sudah masuk ka-dalam saku, halal belaka. Ini hukum ugama, Tuan Yang di-Pertua, bukan hendak hidup hukum dengan kita punya tekak. Kita mesti hukum kepada asas Islam itu sendiri, kepada hakikat Islam sakali lagi kami katakan, kami daripada orang UMNO ini, Tuan Yang di-Pertua, mengharamkan apa yang di-haramkan oleh Allah. Allah Ta'ala kata dalam Qur'an pun ada, kamu tidak usah sembah shaitan, tidak usah ikut shaitan, tetapi fasal apa Allah

Ta'ala jadikan shaitan? Kalau dah dia suroh jangan ikut, jangan engkau ikut shaitan, lebeh baik Allah Ta'ala bunoh sahaja shaitan supaya orang jangan ikut, tetapi kenapa Allah Ta'ala hidupkan shaitan? Allah Ta'ala kata, babi, anjing itu haram, jangan kamu makan. Kerana apa Allah Ta'ala hidupkan anjing dan hidupkan babi sa-kali beranak sampai 20? Lembu sa-ekor sahaja sa-kali beranak, anjing dengan babi 20 sa-kali beranak, siapa menghidupkan itu? Allah Ta'ala, bukan orang PAS, bukan orang UMNO, Allah Ta'ala, kenapa Allah Ta'ala hidupkan? Ini ada hikmat—mesti ada rahsia, bukan tidak ada rahsia. Kalau Tuhan kata, “oh, aku tunjukkan engkau jalan dua, satu jalan kiri, satu jalan kanan, satu jalan shukor, satu jalan kufur”. Kami berikan engkau akal, engkau hendak ikut yang mana suka hati. Jadi, Tuan Yang di-Pertua, kalau demikian Tuhan membuat, melarang sa-suatu yang haram, tetapi mengadakan sa-suatu yang haram; ada haram—babi haram, anjing haram, segala macham haram tetapi Allah Ta'ala mengadakan juga supaya apa, supaya dia hendak menguji sa-jauh mana kita punya iman di-dalam menyakinkan haram yang di-haramkan oleh Allah dan halal yang di-halalkan oleh Allah.

Jadi sekarang ini kita mengadakan Rang Undang² ini bukan kita panggil, hai orang PAS mari-lah, beli-lah tiket ini, tidak siapa suroh, tidak siapa, Tuan Yang di-Pertua, suroh. Dan selama yang kita buat tanya-lah Yang Berhormat Menteri Kebajikan Masyarakat, dia tidak pernah suroh orang PAS beli tiket loteri, tetapi ada orang PAS beli tiket loteri sembunyi² bukan dia suroh, itu engkau punya fasal-lah. Kita tidak suroh tetapi kalau dia hendak buat jua

Dr Tan Chee Khoon (Batu): Tuan Yang di-Pertua, ada-kah anggota² UMNO beli tiket

Mr Speaker: Kalau dua² orang sa-kali berdiri macham mana, kalau minta penjelasan, dia beri jalan dahulu.

Tuan Haji Othman bin Abdullah: Biasa-nya bagitu-lah, Tuan Yang di-Pertua, adat macham itu, kalau Yang Berhormat dari Batu hendak minta jalan, chakap-lah dengan hormat sadi- kit, saya beri-lah. Hendak minta jalan saya beri-lah.

Dr Tan Chee Khoon: Beliau ber- kata anggota² PAS beli tiket Loteri Kebajikan Masharakat dengan sem- bunyi², saya hendak bertanya kepada beliau, ada-kah anggota² UMNO yang buat demikian juga?

Tuan Haji Othman bin Abdullah: Tuan Yang di-Pertua, yang saya katakan tadi, walau pun tiket Loteri Kebajikan Masharakat itu ada, kita buat itu bukan untuk orang Islam, kita buat untuk orang yang tahu ma'ana- nya yang kata-nya ini tidak elok, ah tinggalkan. Ada orang PAS kata saya beli sembunyi², saya sendiri nampak. Letak bawah tikar, bila buka loteri tengok surat khabar, dia tutup pintu tengok loteri itu kena tidak kena (*Ketawa*). Saya sendiri tahu, Tuan Yang di-Pertua, tetapi chakap dalam Dewan ini haram, dia buat halal itu- lah keluar fatua tadi, kalau sembunyi² tidak apa kata dia, yang haram-nya kalau terang². Apa hukum Allah ta'ala yang terang², sembunyi², gelap² sa-rupa sahaja, haram itu, tidak ada yang halal-nya, kalau yang haram.

Jadi sekarang ini kita jelaskan, kita membuat Rang Undang² ini bukan kita hendak panggil orang beli-lah ini, tidak. Tetapi kita hendak mengawal jangan ada satu kumpulan yang haram yang melakukan ini nanti-nya dan menchari keuntongan bagi diri-nya sendiri, bukan sahaja dia dapat untong, tetapi nanti orang lain kena aniaya dan negara akan rugi. Tadi kita katakan, kita telah rugi dua million ringgit selalu kita terbangkan keluar. Ini sama ada Rang Undang² ini kita luluskan atau tidak benda ini berlaku, mana lebeh baik kita kawal atau kita biarkan dia berjalan, bukan kita baharu hendak buat pertorohan bola ini—teka bola bukan baharu hendak buat, bukan kita hendak buat, benda ini sudah berjalan, chuma dia itu tidak legal—tidak ada kelulusan Undang²,

kita hendak legalisekan sekarang. Kita hendak buat kawalan Undang², benda itu berjalan terus. Ini yang tidak arti oleh kawan²-nya. Yang di-katakan ini haram, ini haram. Kita kata, kita yakin; saya katakan tadi haram judi itu terang dalam Qur'an, dalam Hadis terang, joget pun haram, minum pun haram—itu-lah kata saya tadi masok pilehan raya ini pun banyak haram, tetapi orang PAS buat. Bila masok dalam perut dia—halal, bila orang UMNO sahaja buat haram, pakat dengan orang yang bukan Islam kepada kita haram, pada dia halal. Ini tidak boleh-lah Undang² Islam kita bawa mengikut hawa nafsu kita dan chara yang saperti ini-lah Islam ini rosak. Hakikat Islam itu, rahsia Islam, telah di-rosakkan oleh orang² PAS dan sayang-nya Ahli Yang Berhormat daripada Batu (*Ketawa*) tadi ada ber- chakap macham sa-orang yang 'alim di-dalam Islam mengatakan: "Ini benda haram, tidak patut buat. Islam pun kata bagitu". Ini haram, bukan ini sahaja, tengok orang punya kemaluan, tengok orang punya urat pun haram (*Ketawa*). Doktor buka orang punya pusat—haram (*Ketawa*). Bukan itu sahaja haram (*Ketawa*). Jadi jangan-lah hendak ambil Islam itu daripada ini sahaja. Saya harap Ahli Yang Berhormat dari Batu saya pelawa masok Islam dan saya bersedia untuk mengajar Ahli Yang Berhormat tentang Islam.

Tuan Yang di-Pertua, jadi ini-lah benda yang di-kelirukan di-dalam Dewan ini oleh Ahli² daripada PAS utama-nya dan dia kata kalau awak tidak malu buat-lah apa yang awak suka. Kita bukan hendak buat benda yang haram—kita tidak buat benda yang haram. Kita hendak mengawal sa-suatu itu jangan berlaku dan jangan dia menganiaya orang lain. Ini kalau di-dalam kaedah ugama di-namakan "ahakful dharurat dararai". Kalau dua benda ini berlaku sama² haram yang mana kita hendak lakukan, kita ambil yang ringan. Mengawal ini lebeh ringan daripada kita membiarkan. Kita biarkan bukan sahaja orang nanti teraniaya, tipu, wang negara nanti rugi, tetapi juga nanti kumpulan² ini akan

menchari kesempatan untuk diri-nya sendiri, tetapi dengan ada-nya pengawalan ini, maka kita akan dapat mengawal sa-suatu boleh merosakkan negara kita

Dr Tan Chee Khoon: Tuan Yang di-Pertua, untuk penjelasan. Tadi wakil Perak Hilir

Tuan Haji Othman bin Abdullah: Hilir Perak.

Dr Tan Chee Khoon: Kerajaan mengawal perjudian ini, tetapi perjudian itu memang haram, tetapi oleh sebab Kerajaan Pusat hendak mengawal itu sa-siapa beli tidak haram. Saya hendak bertanya kepada wakil itu tadi saya sudah sebutkan pekerjaan saperti di-katakan "world oldest profession". Itu kalau mengikut fikiran beliau boleh-kah Kerajaan saperti perjudian ini mengawal pekerjaan itu. Itu-lah saya hendak bertanya kepada beliau.

Mr Speaker: Barangkali dia kurang faham "world oldest profession" itu tadi. Terangkan sedikit (*Ketawa*).

Dr Tan Chee Khoon: Tidak payah, Tuan Yang di-Pertua, kalau beliau ada senang sedikit saya boleh bawa pergi ka-Kampong Semarang, ka-Batu Lane, beliau tentu-lah faham (*Ketawa*).

Tuan Haji Othman bin Abdullah: Tuan Yang di-Pertua, kalau soal itu hendak di-bahaskan, saya lebih suka soal² pelachoran itu di-adakan undang². Saya lebih suka, bukan undang² menghalalkan pelachoran, tetapi undang² mengawal pelachoran, begitu juga soal ini, bukan undang² menghalalkan judi, tetapi undang² mengawal kuasa²-nya, perbuatan² yang bukan legal, yang bukan ada undang². Sama ada undang² pelachoran itu kita buat di-sini atau tidak, pelachoran berjalan terus di-belakang rumah Ahli Yang Berhormat itu (*Ketawa*) menurut keterangan dia sa-bentar tadi berlaku, tetapi mana lebih baik kita buat undang² atau kita biar macham itu? Kalau di-buat undang² lebih dapat kenali—Ahli ini dia-nya orang pelachor, pakai locheng mithal-nya, pakai lesen

mithal-nya, pakai chap tentang dahi dia mithal-nya, lebih kita kenal, orang ini orang pelachor daripada kita biar-kan sahaja sama ada pelachor itu terhormat atau tidak. Saya lebih suka supaya di-adakan undang² dan Kerajaan Perikatan ini saya harap supaya membuat satu Rang Undang² untuk mengawal pelachoran supaya pelachor² ini dapat mereka itu pergi jumpa sa-kurang²-nya ka-Klinik Tan untuk memeriksa (*Ketawa*) sama ada dia itu mempunyai penyakit yang menolar atau tidak—sa-kurang²-nya.

Mr Speaker: Saya suka hendak tanya macham mana perkara pool ini boleh tertarek kepada perkara itu? (*Ketawa*).

Tuan Haji Othman bin Abdullah: Tuan Yang di-Pertua, saya tidak ada ingat benda itu tadi, tetapi manakala Ahli Yang Berhormat dari Batu tadi dia chuit perkara itu, saya teruskan sahaja (*Ketawa*) sa-hingga Tuan Yang di-Pertua tegor saya.

Jadi itu-lah sebab-nya, kalau kita hendak mithalkan kepada undang² dia kata sama ada saya bersetuju atau tidak—saya bersetuju supaya undang² pelachoran itu di-buat—undang² mengawal pelachoran. Demikian juga sa-barang undang² yang boleh merosakkan negara kita—kita sa-kali lagi saya katakan—dan saya orang² Islam di-dalam Perikatan ini menyakinkan Rang Undang² ini sama sa-kali mempunyai tujuan menghalalkan apa yang di-haramkan oleh Allah, tetapi tujuannya ia-lah mengawal berlaku-nya sa-suatu yang di-haramkan oleh undang² dan oleh Tuhan mengikut undang² supaya tidak merugikan negara dan tidak merugikan ra'ayat dan orang ramai seluruh-nya. Terima kasih.

Mr Speaker: Persidangan di-tempohkan sa-lama 10 minit. Apabila meshuarat di-sambong sa-mula pehak Kementerian akan menggolong perbahathan.

Persidangan di-tangguhkan pada pukul 5.35 petang.

Persidangan di-sambong sa-mula pada pukul 5.55 petang.

(Tuan Speaker mempengerusikan meshuarat)

Perbahathan di-sambong sa-mula.

Tuan Hamzah bin Dato' Abu Samah:

Tuan Yang di-Pertua, sa-belum mengulung perbahathan di-atas Rang Undang² ini, saya sangat menguchapkan terima kaseh kepada Ahli² Yang Berhormat yang telah membuat tegoran² dan chadangan² berkenaan dengan Rang Undang² ini.

Pokok buah tegoran dan chadangan yang telah di-kemukakan pada Dewan ini nampak-nya semua berdasarkan kepada dua perkara. Pertama-nya berdasar kepada ugama, kedua-nya di-pandang Rang Undang² ini dari segi baik atau tidak baik-nya di-kalangan orang ramai memandang kepada perkara sosial dan pergaulan.

Tentang masalaah ugama yang di-bangkitkan oleh Ahli² Yang Berhormat daripada Kelantan, di-sini nampak-nya jawapan² yang memuaskan telah di-buat oleh sahabat² saya wakil daripada Trengganu dan wakil daripada Perak, tetapi di-sini memada-lah saya berkata dalam pada saya mengaku saya tidak begitu dalam di-dalam filosofi dalam perkara ugama, bahawa pendirian saya ada-lah sa-mata² bagini: ia-itu walau di-akui perbuatan Kum-pulan Bola ini judi, ini ada-lah perkara terpulang sa-mata² kepada sa-saorang itu. Undang² di-buat bukan mengajak, bukan memaksa sa-saorang berjudi. Undang² ini, sa-bagaimana kata sahabat saya tadi, ada-lah undang² chuma mengawal, chuma mengesahkan satu perbuatan yang terma'alum telah berjalan sa-lama ini. Tinggal lagi jikalau sa-kira-nya orang² sa-bagai Ahli² daripada Kelantan berfikir mengambil bahagian di-dalam pertarohan, atau Pool Bola itu ada-lah perkara judi, maka terpulang-lah kepada mereka itu menjauhkan diri daripada perbuatan yang di-fikirkan haram ini.

Saya, Tuan Yang di-Pertua, juga berpendapat bahawa tidak tepat, tidak menasabah juga bagi tuduhan yang di-buat bahawa tidak ada Undang² ini Kerajaan menggalakkan dengan sa-

chara besaran² perbuatan yang salah itu di-katakan perbuatan perjudian.

Sa-bagaimana Ahli² Yang Berhormat di-Dewan ini ma'alum, Kerajaan memang melarang perbuatan judi yang berpuak², yang sah, yang tidak di-kawali, dengan mengadakan berbagai² undang² yang menetapkan bermacam² perkara judi itu ada-lah salah di-sisi Undang². Perkara Pertarohan Bola ini bukan sa-bagaimana yang di-katakan oleh wakil Batu, itu ada-lah satu perkara yang telah di-ranchangkan dengan tergopoh², sa-takat yang saya tahu Yang Amat Berhormat Perdana Menteri telah berura², telah menimbangkan perkara ini sejak, kalau tak salah saya, sa-tahun lama-nya. Beliau sendiri telah giat, telah bersusah payah dengan sendiri-nya berutus ka-negeri² sa-lain daripada United Kingdom di-mana permainan ini di-jalankan dengan besaran². Di-tanya kepada negeri² umpama-nya negeri Brazil dan negeri Ghana chara² bagaimana permainan itu di-jalankan dan daripada jawapan² yang di-terima oleh Yang Amat Berhormat Tunku Perdana Menteri itu beliau dan Ahli² Jawatan-kuasa yang di-tubuhkan, saya katakan tadi tahun 1966 telah di-dapati bahawa permainan Pool Bola ini kalau di-uruskan dengan sempurna-nya, dengan kemas-nya, ada-lah menjadi satu perkara yang baik yang memberi faedah kepada negeri ini. Dengan ini sa-lepas di-adakan beberapa meshuarat oleh jawatan-kuasa ini, Rang Undang² ini mula di-gubalkan dengan nasihat² yang telah di-dapati daripada pakar² (expert) yang tahu benar² atas perjalanan, pelaksanaan permainan ini. Jadi dengan nasihat pakar² ini, Rang Undang² ini sampai penyudah telah di-gubal oleh Pejabat Peguam Negara.

Jadi kebimbangan bagi pehak wakil daripada Dato Keramat mengatakan harus barangkali timbul mala petaka, perkara yang tidak baik atau pun malpractice berkenaan dengan hal ini, saya rasa tidak-lah patut di-bimbangkan oleh kerana perjalanan, pelaksanaan permainan ini ada-lah telah di-ranchangkan dengan sa-kemas²-nya dan mengikut sekshen² yang terkan-dong di-dalam Rang Undang² ini persiapan telah terator di-dalam mana

perjalanan ejen² board yang menguruskan perkara ini akan menjalankan, melaksanakan tanggungan-nya, tugas-nya dengan sa-benar² baik. Dan memandang kepada penting-nya perkara ini dalam pandangan Yang Teramat Mulia Tunku Perdana Menteri beliau telah sa-bagaimana ma'alum, melantek sa-orang yang sangat² jujur, yang sangat² boleh di-perchayai di-dalam tugas memimpin board atau pun pertubohan yang akan menguruskan permainan ini.

Saya kurang ma'alum sama ada sahabat saya Yang Berhormat wakil daripada Batu ada biasa bermain pool ini, tetapi sa-takat yang saya tahu permainan pool ini, kalau di-bandingkan dengan permainan yang lain², bukanlah pada pendapat saya satu permainan yang 100% judi. Permainan ini sa-bagai mana pehak² yang telah biasa bermain-nya ada-lah berkehendakkan kecekapan, kepandaian dan kalau boleh pengetahuan serba sedikit di-dalam permainan bola dan pasokan² yang bertanding di-United Kingdom. Jadi kalau sa-kira-nya sahabat saya wakil daripada Batu suka dan ada kelapangan, saya shorkan-lah, kalau boleh saya pun tolong teman sa-bagai beliau chuba melupakan buat sementara perkara politik, perkara mogok, perkara kelinik, dan bersama² kita menchuba bermain permainan ini, saya boleh jamin Yang Berhormat akan menyukai permainan ini

Dr Tan Chee Khoo: Tuan Yang di-Pertua, saya minta penjelasan. Tadi Yang Berhormat Menteri Muda Hal Ehwal Dalam Negeri hendak mengajar saya tentang pasokan² permainan bola di-United Kingdom, saya telah bagi tahu saya memang mengetahui pasokan² saperti Arsenal, Manchester United, Liverpool, Coventry, Glasgow Rangers semua itu, tetapi ra'ayat di-seluruh Malaysia tidak tahu pasokan² tersebut. Kalau ra'ayat di-seluruh Malaysia tidak faham ada beberapa pasokan, mana pasokan yang pandai bermain bola sepak bagaimana beliau boleh berchampur ini Football Pool, itu-lah yang saya hendak bertanya.

Tuan Hamzah bin Dato' Abu Samah:

Tuan Yang di-Pertua, saya fikir kita mulakan, jalankan dahulu permainan

ini sa-jurus berjalan barangkali dalam 5 bulan, 6 bulan, saya jamin tiap² orang di-sini tentu akan faham permainan ini, tentu akan tahu bukan sahaja team² pasokan yang mengambil bahagian di-dalam permainan bola di-sini boleh jadi juga barangkali mereka itu pun tahu nama² pemain, siapa jaga goal, siapa centre forward, siapa full-back.

Yang Berhormat wakil daripada Dato Keramat ada mengatakan keraguan-nya berkenaan permainan ini dengan Kerajaan mengambil sa-bahagian di-dalam menguruskan-nya akan harus memberi kerugian kepada Kerajaan. Sa-balek-nya pula, Tuan Yang di-Pertua, sa-bagaimana saya telah katakan di-dalam perchakapan saya pagi tadi, perkara permainan ini telah di-selideki dengan halus-nya oleh pakar² iktisad, orang yang bertanggung-jawab dalam perkara kewangan di-dalam negeri ini dan mereka berpendapat bahawa boleh jadi kalau ramai bilangan orang² yang mengambil bahagian permainan ini tidak akan mendatangkan kerugian kepada Kerajaan. Dalam pada itu sa-bagaimana Undang² ini menyebut Kerajaan akan memberi tempoh perhubungan sa-lama dua tahun. Di-dalam tempoh dua tahun itu akan di-selideki, akan di-semak, sama ada permainan ini elok di-jalankan sa-mata² dengan kerjasama satu sharikat atau pun di-uruskan oleh satu perbadanan ia-itu Statutory Board dan pakar² ini telah juga menyelideki dengan halus dan telah membuat ketetapan jika sa-kira-nya di-dalam tempoh dua tahun ini, ia-itu dua tahun perhubungan di-laksanakan, di-jalankan permainan ini, kalau sa-kira-nya tidak dapat keuntungan sa-bagaimana yang di-harapkan itu, boleh jadi Kerajaan akan menimbangkan sama ada patut di-teruskan, di-jalankan permainan ini, tetapi perkara yang patut Dewan ini mengambil ingatan ia-lah permainan ini tujuan utama di-lancharkan permainan ini ia-lah dengan tujuan supaya kita boleh mendapat hasil yang boleh membantu, menolong Kerajaan di-dalam ranchangan² yang maseh di-jalankan di-dalam perkara sukan dan lain²-nya.

Tentang tegoran Yang Berhormat wakil daripada Batu atas berjalan kuat

kuasa Undang² ini di-kebelakangkan kepada bulan November saya, Tuan Yang di-Pertua, suka menyatakan di-sini sa-bagaimana saya ma'alumkan tadi perkara Football Pool ini telah di-ranchangkan semenjak tahun dahulu mengambil masa sa-lama sa-tahun, tetapi oleh kerana perkara ini terpaksa di-selideki dengan halus-nya, dengan chermat-nya, maka telah sampai masanya di-buat undang² dan memandangkan kepada berjalan-nya musim bola di-United Kingdom pada masa ini dan harus habis dalam masa empat bulan lagi, terpaksa-lah Kerajaan mengadakan undang² ini dengan sa-berapa segera, kalau tidak terpaksa-lah ia-nya di-gubal di-buat pada tahun yang akan datang.

Tuan Yang di-Pertua: Masa kita ini berjalan; kalau ada apa² lagi silalah.

Tuan Hamzah bin Dato' Abu Samah: Sa-takat itu sahaja-lah ucapan saya, Tuan Yang di-Pertua, untuk menggolong perbahathan berkenaan dengan Rang Undang² ini. Terima kaseh.

Usul di-kemukakan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangkan dalam Jawatan-kuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat dalam Jawatan-kuasa*)

Fasal 1 hingga 10—

Dr Tan Chee Khoon: Mr Chairman, Sir, may I seek clarification since the Honourable Assistant Minister of Home Affairs did not, I think, in his reply touch on one point that I have raised? In Clause 7, it says: "The Board shall consist of not more than ten members whom the Minister may appoint by name or office". In Clause 9 (2), it reads: "All questions at the meeting of the Board shall be determined by a majority of the members personally present and voting; and each

present shall be entitled to cast one vote, and in event of an equality of voters the member presiding shall have a second or casting vote." I maintain that in the first place, the composition of the members of the board is less fluid in that it shall consist of not more than ten members. In the other, the definition of a "quorum" is not clearly stated there—it merely states "determined by a majority". Now supposing that the Minister shall decide that, let us say, ten members shall comprise the Board; then when a meeting is called, seven members are not free; then you have only three members present and by a majority opinion, that is two, whatever decision is made is carried out. I submit that this is a very unsatisfactory state of affairs and that the quorum should be clearly stated: either you say that it is five, or you should say that at least half of the members of the Board shall form a quorum. Under this set up, it is very vague, and I submit that it may well lead to mal-practices despite the trust that Members of this House have in the Chairman-designate.

Tuan Hamzah bin Dato' Abu Samah: Tuan Pengerusi, untuk penjelasan saya bersetuju di-Undang² di-mana satu Lembaga di-tubuhkan biasa-nya di-tetapkan bilangan quorum, tetapi tidak di-dalam Undang² itu, tetapi Undang² ini jelas-nya yang menetapkan bilangan ahli 10 orang dan majority di-dalam Lembaga ini ia-lah 5 orang atau 6 orang.

Dr Tan Chee Khoon: Tuan Pengerusi, tadi Menteri Muda Hal Ehwal Dalam Negeri telah bersetuju, tetapi beliau malang-nya tidak berkata sekarang beliau hendak membawa pindaan atau tidak untuk melaksanakan persetujuan beliau.

Tuan Hamzah bin Dato' Abu Samah: Tuan Pengerusi, perkara ini saya berpendapat ada-lah jelas, sunggoh pun bilangan quorum satu Lembaga itu tidak di-sebut dengan ada-nya fasal perkara dalam 9 di-mana mengatakan majority quorum di-dalam Board itu ada-lah suara yang terbesar

Tuan Pengerusi: Fasal nombor berapa?

Tuan Hamzah bin Dato' Abu Samah:

Fasal yang ke-9 di-mana ada tersebut sa-bilangan quorum Lembaga ini adalah sa-bilangan besar daripada ahli² yang telah di-lantek oleh Lembaga. Saya berpendapat bahawa bilangan yang di-katakan majority itu ada-lah tidak kurang daripada 5 atau 6 orang ahlinya.

Tuan Pengerusi: Di-dalam Fasal 9 itu pechahan nombor berapa?

Tuan Hamzah bin Dato' Abu Samah:

Fasal 9, cheraian (1).

Tuan Pengerusi: Fasal 9 cheraian (1)—itu-lah yang di-soal oleh Ahli daripada Batu ini.

Dr Tan Chee Khoon: Ia, Tuan Pengerusi. If I may elaborate a little. It looks that Clause 9 (1) is in conflict

Tuan Pengerusi: Saya berpegang kapada bahasa kebangsaan, salinan ada 2—satu bahasa kebangsaan, satu bahasa Inggeris. Bahasa kebangsaan yang hendak kita luluskan ini.

Dr Tan Chee Khoon: Boleh juga, Tuan Pengerusi. Fasal 9 (1) melanggar fasal 9 (2)

Tuan Pengerusi: Saya baharu dapat keterangan bahasa Inggeris boleh di-luluskan. Jadi kita balek kapada bahasa Inggeris. Clause 9 (1) berbunyi: "The quorum of the Board shall be a majority of Members appointed to the Board but subject thereto the Board may act notwithstanding my vacancy in its number."

Dr Tan Chee Khoon: If I may clarify, Mr Chairman, Sir. Clause 9 (1) is very clear: It says "the majority of members" which means it must be at least five, if not six. That is very clear. What is not clear is Clause 9 (2)—"All questions at the meeting of the Board shall be determined by a majority of the members personally present . . ." which means that the members present personally may well be three, may well be four.

The Minister of Lands and Mines (Dato' Haji Abdul-Rahman bin Ya'kub): Kalau boleh chakap dalam Inggeris?

Mr Chairman: Boleh.

Dato' Haji Abdul-Rahman bin Ya'kub: If there are 10 members, as in accordance with Clause 7, then, in order for the Board to have a quorum, you must have at least five. If only four members turn up, there is no quorum, then no meeting can be held. So, the question does not arise at all. On the other hand, if the Minister only appointed five persons, then three will form a quorum, but if two turn up then no meeting can be held because there will be no quorum. I think we have got a simple majority and those who are present, the majority, will decide the question.

Fasal 1 hingga 10 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 11 hingga 32 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan, di-bachakan kali yang ketiga dan di-luluskan.

USUL

ORDINANCE PERATORAN KEWANGAN, TAHUN 1967

Menanam wang sa-bagai modal dalam Sports Pool (M) Sendirian Berhad oleh Kerajaan

Setia-usaha Parlimen kapada Menteri Kewangan (Tuan Ali bin Haji Ahmad): Tuan Yang di-Pertua, saya mohon menchadangkan:

Bahawa mengikut sekshen 8 (3) (d) Undang² Peratoran Kewangan, 1957, Dewan ini mengambil ketetapan ia-itu wang yang tersimpan di-dalam Kumpulan Wang Yang di-Satukan boleh-lah di-tanam sa-bagai sa-bahagian modal Sports Pool (M) Sendirian Berhad dengan sharat penanaman modal tersebut tidak melebihi 40 peratus daripada jumlah modal yang di-benarkan bagi sharikat tersebut.

Tuan Yang di-Pertua, saperti mana Ahli² Yang Berhormat sedia ma'alum, Dewan ini telah pun meluluskan Rang Undang² yang membolehkan Pertarohan

Kumpul (Pool Betting) di-jalankan di-negeri ini.

Di-samping memberi kuasa kepada Menteri yang bertanggung-jawab untuk mengeluarkan lesen kepada mana² pertubuhan atau orang untuk memaju dan menjalankan Pertarohan Kumpul, terdapat juga perbekalan dalam Rang Undang² itu yang membolehkan Kerajaan menubuhkan sa-buah Lembaga untuk memaju dan menjalankan Pertarohan Kumpul ini.

Sa-bagai permulaan, Kerajaan ber-chadang melesen Sports Pools (Malaysia) Sendirian Berhad untuk memaju dan menjalankan Pertarohan Kumpul sa-bagai perhubungan sa-lama dua tahun. Sharikat ini ada-lah pemilek-hak tunggal (concessionaire) bagi dua sharikat pertarohan kumpul British, ia-itu Vernons Pools Ltd, dan Littlewoods Pools Ltd. Kerajaan akan mengulang kaji dan menimbangkan sama ada akan terus membenarkan sharikat tersebut meneruskan pertarohan kumpul ini atau pun Kerajaan sendiri akan menubuhkan sa-buah Lembaga Berkanun mengikut Act tersebut.

Untuk menentukan bahawa permainan ini di-jalankan dengan betul dan adil, untuk menentukan pengelolaan yang sempurna pekerjaan ini dan untuk membuka jalan bagi Lembaga Berkanun Kerajaan mengambil alih perniagaan ini apabila masa atau keadaan membolehkan-nya maka Kerajaan ber-chadang hendak menyertai dengan giat akan perniagaan Sports Pools (Malaysia) Sendirian Berhad dengan menanam modal sa-jumlah wang tidak lebih daripada 40% daripada jumlah modal saham sharikat tersebut.

Penyataan demikian memberi Kerajaan hak untuk melantek dua orang wakil ka-dalam Lembaga Pengarah sharikat tersebut.

Tuan Yang di-Pertua, saya memohon chadangan ini di-luluskan.

Tuan Hamzah bin Dato' Haji Abu Samah: Tuan Yang di Pertua, saya menyokong.

Dr Tan Chee Khoon (Batu) (dengan izin): Mr Speaker, Sir, just now we

have heard how the Pool Betting Bill was introduced by the Assistant Minister of Home Affairs, who is also the President of the M.C.A. Now, Mr Speaker, Sir, lest I be misunderstood, "M.C.A." in this instance does not stand for "money counting agency", or "money collecting agency." It stands for "Malayan Cricket Association"—a very laudable Association as opposed to many of its other interpretations that one can put on M.C.A. Now, he is, of course, besides cricket, also associated with football. I shudder to think if, in a year or two, he says that we should have a pool for cricket, and then the President of the Badminton Association says, "Let us have a pool for badminton matches." Then, there is basketball. In this instance, we are asked to contribute 40% to these pools amounting to, we are told, about \$100,000. I think that having got this Bill through, the Government really should be very, very careful in not trying to introduce many more pools of this nature, so as not to inflict the taxpayers with other sums of money.

Tuan Hamzah bin Dato' Abu Samah: Mr Speaker, Sir, the Honourable Member will realise that cricket is not like soccer. Cricket always, as he knows, ends up in draws and, if you have pools in cricket, you will never get winners because you can always forecast at least 12 draws in 12 games.

Dr Tan Chee Khoon: If I may explain, Mr Speaker, Sir, I do know that cricket usually ends in draw, but where the Central Government is concerned, "Where there is a will, there is a way." (Laughter).

Usul di-mukakan dan di-setujukan.

Di-putuskan,

Bahawa menurut sekshen 8 (3) (d) Ordinance Peratoran Kewangan tahun 1967, Majlis ini mengambil ketetapan ia-itu wang² yang tersimpan dalam Kumpulan Wang Yang di-Satukan hendak-lah di-tanam sa-bagai modal saham dalam the Sports Pool (M) Sendirian Berhad dengan syarat penanaman modal seperti itu tidak lebih daripada 40 peratus daripada modal yang di-benarkan dalam sharikat tersebut.

RANG UNDANG²

THE INCOME TAX (AMENDMENT) BILL

Bachan Kali Yang Kedua dan Ketiga

Menteri Muda Kewangan (Dr Ng Kam Poh): Mr Speaker, Sir, with your permission to speak in English, I beg to move that a Bill intituled "An Act to amend the Income Tax Act, 1967", be read a second time.

Last August when the Minister of Finance introduced the Income Tax Act for Malaysia to replace the existing three separate Income Tax Inland Revenue Ordinances of West Malaysia, Sabah and Sarawak, he gave an assurance that if it was found necessary, he would be prepared to bring to this House an amending Bill to effect changes considered desirable as a result of further representations received. The Bill now before the House is partly to give effect to that assurance and partly to afford the House an opportunity to debate the transitional provisions. These provisions are necessarily complex and lengthy because of the displacement of three separate Tax Ordinances by a single Act. They are spelt out in the proposed new Schedule 9. The opportunity has also been taken to alter the Language of certain provisions to express intention more clearly as well as to make drafting amendments where such are considered desirable.

The Bill makes it clear that the Act, except where Schedule 9 otherwise provides, has application only for the year of assessment 1968 and subsequent years of assessment. However, some of the provisions of the Act may be applied in certain circumstances for the purpose of the repealed Ordinances. This is to avoid having to take action separately under the Act and the repealed laws.

The Bill enables the Minister of Finance to make an Order under section 6 of the Act to vary not only the rates of tax but also the rate of abatement from tax for an individual resident in East Malaysia in respect of chargeable income not exceeding

\$50,000 per annum. It is incongruous that whilst the Minister of Finance has power to vary the rates of tax, he should not be able to vary the rate of abatement.

The Bill seeks to reduce the period of aggregate residence of an individual in Malaysia from 91 days to 30 days over a number of years for the purpose of determining whether or not he should be treated as being ordinarily resident in Malaysia for a particular year for the purpose of the application of the world income scope of charge for that year. Without this amendment it would be possible for a taxpayer to escape this scope of charge by moving his residence outside Malaysia and yet continue to make regular visits to Malaysia in each year for periods aggregating 90 days for the purpose of his business, or for other purposes in Malaysia.

In the case of an individual ordinarily resident in Malaysia for any year who leaves Malaysia in that year and who is not likely again to become resident in Malaysia for the five years following the year of departure, it is considered reasonable that he should be treated as resident but not ordinarily resident for the year of departure. Without such a provision the taxpayer would continue to be ordinarily resident in Malaysia for the year of his departure and so be liable to tax on the world income scope of charge.

Appeals against assessments made are to be heard by three Special Commissioners instead of by two as provided for in the Act, so that a decision of the Special Commissioners will be based on a majority vote. Provision is also made for the appointment of a Chairman and of at least one Special Commissioner having judicial or other legal experience.

The maximum fine for making an incorrect return or for giving incorrect information is increased from \$1,000 to \$5,000, and for obstructing an Inland Revenue officer in the performance of his duties from \$1,000 to \$2,000, or to a term of imprisonment not exceeding one year, or to both.

The Act presently provides that exemption from tax will be granted in respect of sums received by way of gratuity on retirement from an employment, if the retirement takes place—

- (a) on account of ill health; or
- (b) in the case of a male employee on or after 55 years of age, or in the case of a female employee, on or after 50 years of age.

The Bill seeks to remove any possibility of tax avoidance by providing that exemption will only be granted in respect of a gratuity payable in respect of an employment which has lasted at least 10 years with the same employer or with companies in the same group. Any gratuity not so exempted will be spread over the period of the employment, subject to a maximum of five years.

Consequential on the repeal of the three existing Ordinances which provide for different bases of assessment and also different scopes of charge to tax, special transitional provisions are necessary to safeguard both the interests of the Revenue and of the taxpayer. The most important of these provisions are those dealing with relief to be given to those whose income for a period has been taxed for more than one year of assessment under the commencing provisions of the West Malaysian Ordinance, or those the whole or part of whose income having already been taxed under either the Sarawak or Sabah Ordinance, will again be subject to tax under the new Act, e.g. in the case of Sarawak where employment income is taxed on a current year basis and since the new Act taxes income on a preceding year basis, an employee's remuneration for 1967 will be subject to tax for the year of assessment 1967 under the Sarawak Inland Revenue Ordinance and again for the year of Assessment 1968 under the new Act. It is not possible to exempt from tax the 1967 remuneration for the year of assessment 1968 under the new Act since it would mean a tax holiday for that year for the salary earner in Sarawak. Similarly, since Sabah's year of assess-

ment ends on 30th June in the case of a person other than a company, to grant exemption from tax for the year of assessment 1968 under the new Act of income which is taxed for the Sabah year of assessment to 30th June, 1968, would mean a comparable tax holiday. As for the West Malaysian taxpayer, some measure of relief is considered justifiable having regard to the fact that he will no longer get the benefit of the cessation provisions although he has been subject to the commencement provisions of the West Malaysian Income Tax Ordinance.

The Bill provides for the relief to be given by way of a tax credit. In general, the tax paid for the year of assessment 1967 under the repealed law will represent the amount of the credit which will become payable in any one of the following circumstances:

- (a) in the case of an individual,
 - (i) if he has attained the age of 60 years prior to 1st January, 1968; or
 - (ii) on his attaining the age of 60 years on or after 1st January, 1968; or
 - (iii) on his death at any time after 31st December, 1967; or
 - (iv) on his permanent departure from Malaysia if he is not a citizen and if in the year of his departure he ceases to have income from Malaysia; or
 - (v) in the year 1988;
- (b) In the case of a company,
 - (i) on a genuine liquidation; or
 - (ii) in the year 1988.

The Bill also has the usual tax avoidance clause, so that the cessation provisions of the West Malaysian Ordinance will not be applied where there is an artificial cessation of a business on or after 15th June, 1967 (the date of publication of the Proposed Income Tax Bill) and to ensure that the credit will not be payable if the

liquidation of a company after 31st December, 1967, is artificial.

The above proposals are designed to stagger the payment of the credit over a period of 20 years, so that the revenue in any one year will not be seriously affected.

At the last session of this House, when the Minister of Finance announced a fresh amnesty for tax evaders he expressed the hope that the tax delinquent would avail himself of this last opportunity to put his tax affairs in order by 31st March, 1968, without the fear of prosecution or the need to make any financial restitution for the tax evaded. The response, I regret to say, has been most disappointing. I am sure that this is not because there are very few persons who have evaded tax. I am, however, more disposed to attribute the poor response either to the dilatory attitude of the tax evader to come forward or to his understandable desire to take the best counsel available before making a voluntary and full disclosure of his past misdemeanours. Or perhaps there has not been sufficient publicity of the amnesty. I would, therefore, request the Press to co-operate by giving the widest possible publicity to this matter. In any event, time is running out for the tax evader. In view of the enhanced penal provisions in the principal Act, and this Bill as well, and the very generous terms of the amnesty, I hope that many more people who have not been contributing their fair share to the national Exchequer will accept the amnesty. Let it not be said later, when the Inland Revenue Department has caught up with the tax evader, that he has not received fair and adequate warning of what is in store for him if he chooses to ignore the amnesty offer.

During the debate on the Income Tax Bill in August last, the Minister of Finance stated that notes to explain the Bill would be published for the benefit and the information of the tax paying public. The notes have been prepared and are now ready to be printed. The Minister of Finance would have authorised the publication but

for the amending Bill now before the House. Rather than that the explanatory notes should be published now and thereafter a revised edition incorporating the amendments under debate is issued, it is proposed to publish an up-to-date set of the explanatory notes soon after this Bill has been passed by Parliament.

Sir, I beg to move.

Menteri Buroh (Tuan V. Manickavasagam): Sir, I beg to second the motion.

Tuan Ong Kee Hui (Sarawak) (dengan izin): Mr Speaker, Sir, at the last meeting of this House, the Government rushed through the Income Tax Act, 1967, giving little, if any, time at all for us to give very serious detailed consideration to the Bill. Such an important and very complicated piece of legislation, Sir, merits very careful scrutiny and expert advice. That our criticism of the unholy haste with which this piece of legislation was rushed through the House is valid is now borne out by the fact that it has been found necessary to introduce this Amendment Bill now, barely three months after the Act was passed by the House.

Again, with this Amendment Bill, Sir, inadequate notice was given to us, particularly those who come from Eastern Malaysia. We only saw the Bill when we arrived here. Why was it not possible to let us have the Bill earlier, so that at least we can make a closer study of the implication of these amendments to the Act? It is true, Sir, that many of the amendments seem to be innocuous enough and, according to the explanation given by the Honourable Assistant Minister of Finance, necessary in the light of experience and in order to clarify certain points.

The Amendment Bill, however, contains repeal of Schedule 9 of the Act and its replacement by an entirely new Schedule, which runs into 118 Clauses. Part III of the Schedule, Clauses 82 to 99, are special provisions for Sarawak. I must confess, Sir, that I am at a loss

as to how exactly these Clauses are going to affect the people of the State. The only thing that struck me, Sir, is that under Clause 3 of the Amendment Bill, the Minister of Finance will have the power to prescribe and vary the rates, he has not got the power to vary the abatement. But it should be remembered that it is precisely against the acquisition of that power that provision is made in the London Agreement, that the people of the two States of Sabah and Sarawak should be protected in this respect. It seems to me that in giving this power now to the Minister, we are, in fact, eroding away the special position of the people of Sarawak in regard to taxation.

On the Amendment Bill itself, Sir, I will not venture to make comments, as it is an impossible task in the time available to us, for any Honourable Member, unless he is a tax expert, to make any constructive and intelligent comments. I will, therefore, confine my comment to one Clause, because this strikes me particularly, and that is Clause 4 of the Bill, which seeks to amend section 7 of the Act. Now Section 7 (1) (c) of the Act provides that a person, whether he is a Malaysian or not, should not be considered as a resident of Malaysia, if he has not been resident in Malaysia for at least a total of 91 days during the basis year for a particular year of assessment to qualify him as a resident in Malaysia. I beg to point out, Sir, that the provision in this section throws undue hardship to Malaysian students who are unable to study by an endowment specially set aside for them, the income of which enables them to study abroad, because particularly those students who are studying overseas, say, in United Kingdom, Canada or the United States of America, as they are required to pay, if they are not resident for 92 days in the year of assessment, 40 per cent tax on their incomes as non-residents. It is not possible, Sir, for a student to get 92 days' hoilday in a year and, in particular, I beg to point out that students studying medicine, particularly, overseas are expected to work during the critical year at the hospital during vacation and, therefore, it is

impossible for them to return to Malaysia even for a month, which is the amendment proposed in the Bill. Furthermore, Sir, the passage alone from a place, say, in the United Kingdom, the United States of America or Canada, is so heavy and prohibitive that it is very difficult for the student to return—perhaps the cost of the passage would be more than the tax that he will have to pay. They are particularly penalised, therefore, by this section. It is true they can claim non-residential relief provided under Clause 131 (a) of the Act, but in order to do that they will have to pay the tax first, and one knows that once you pay into the Treasury, it is very difficult for anyone to get it out again, and therefore the students would be deprived of the use of the funds which he has already paid by way of tax. I would, therefore, Sir, urge the Government to give this matter very careful consideration and, if it is at all possible, to amend Clause 7 in a suitable manner in order to exempt Malaysian students studying abroad from this residential requirement, so that they could be treated as residents for tax purposes.

Dr Tan Chee Khoon (*dengan izin*): Mr Speaker, Sir, the Member from Sarawak has protested against the way in which the then Income Tax Bill was brought before this House and how it was steamrolled through this House.

With your permission, Mr Speaker, Sir, I wish to register and I hope the Press will print what I register, a different type of protest. We know that at 4 o'clock the Government stood up and moved a Motion, "That this House shall adjourn *sine die* as soon as all Government business is finished". Now, I submit, Mr Speaker, Sir, that this is a gross, blatant and flagrant violation of the promise solemnly given to us by the Prime Minister in this House, that in a six-day session one day would be set aside for Opposition business. After all, we have a stake in the proceedings of this House. We do not come here just to participate in Government business alone. The Member for Tanjong has two motions on the Order Paper and it is but right that we

in this House should be given the chance to debate these two motions. We do know that one of the motions is highly critical and, perhaps, very embarrassing to the Government, and therefore in order not to get it debated it has sought this device, because of the tyranny of its huge majority that it has in this House, to stand up and propose, "That this House shall stand adjourned *sine die* at the conclusion of all Government business". Of course, we are realistic enough that the Government can have its way, but I say that this is a violation of parliamentary democracy. If parliamentary democracy in this country is to mean anything, then the Opposition must feel that they have a stake in the working, in the mechanics, of parliamentary democracy in this country.

Now, Mr Speaker, Sir, to come back to what the Member has pointed out, we know that on August 24th at 6.30 p.m., when the Minister of Finance moved the then Income Tax Bill, the way it was bulldozed through this House was, to say the least, a piece of political chicanery. We know that when the Bill was passed in this House there were only two people present—my comrade, or friend, the Member from Sarawak, Enche' Stephen Yong and I. I say that it is a travesty of justice that an important Bill of this nature should be passed when only two Opposition Members were present, not that the Opposition Members were not capable of debating that Bill, that we were not interested, but we were told earlier on in the day when the Government moved a motion, "that this House shall not rise until 7 p.m." But then at 6.30 p.m. the Government moved all sorts of motions and then at 8 p.m. moved, "that this House shall not rise until the Bill is disposed of". I say this is a flagrant violation of every concept of justice that one can find anywhere in the world. As a result of this, Mr Speaker, Sir, you can see how disillusioned we on this side of the House are—one, two, three, four—only four of us are interested in this business or in passing this Bill before this House today. The Member from Sarawak has pointed out how he, coming from East

Malaysia, was shocked to find this Amendment to Income Tax Bill before this House, and his experience was no different from mine—when I came to this House on Monday, I was shocked to see this thick amending Bill and I was seeing it for the first time. Like the Member from Sarawak, I submit that the Income Tax Bill is a highly technical one, that even the experts will take perhaps one or two years to read through and understand this Income Tax Bill. Then you plunge an Amending Bill before this House, and what are we to do? Of course, the Government, with its huge majority again can bulldoze this through. But, again, I say that if the Press publicise what the Member from Sarawak and I have pointed out, then the Government must hang its head in shame.

Now, Mr Speaker, Sir, this Income Tax Act is a consolidating Bill. It is a Bill that is supposed to consolidate all the previous Bills in existence then. Now, as such, a consolidating Bill should have no flaws in it, and we do know what happened—what the Income Tax Bill was debated on the 24th of August, 1967, the Government itself brought a whole heap of amendments before this House, and I myself brought, I think, about 32 amendments before this House, and the Government accepted, I think, a few of my amendments as being meritorious of consideration and acceptable by the Government. I just wish to say this, Mr Speaker, Sir: on an important Bill like this, the Government must give us time to study it; the Member from Sarawak is a businessman, and he, perhaps, has a little knowledge of Income Tax practices and the like; I am a private practitioner, pure and simple; I am not income tax expert. So, how are we, as I pointed out at that time, to digest 204 pages of highly technical stuff and this time 64 Clauses running into 64 pages. How are we to digest such an indigestible stuff during such a short period of time? At that time, on August 24th, I said that where income tax is concerned particularly, the Government, should say what it means and mean what it says. And I

quoted quite extensively from Halsbury's Laws of England to find out how the Government in its haste to bring forth and pass that Bill was guilty of faulty drafting. And true enough, Mr Speaker, Sir, today we have before us a Bill consisting of 64 amendments running into 64 pages to amend the Income Tax Act. Then, we have a corrigenda running into two pages to correct the Amendment Bill. Then, we have an amendment to the amendment, Mr Speaker, Sir. Now, this is a fantastic state of affairs. If the legal draftsmen are not up to it, then properly speaking the Government should consider these things, very carefully and not be so slipshod and in such an indecent, unseemly haste to pass these amendments now before this House. In a little while later, I shall point out how even these amendments to the Act, this corrigenda and these amendments to the amendments are not perfect in themselves.

Mr Speaker: What corrigenda are you referring to?

Dr Tan Chee Khoon: Here you are, Mr Speaker, Sir, Income Tax Bill, No. 78 of 67, Income Tax Amendment Bill corrigenda.

Mr Speaker: Well, I have not got that.

Dr Tan Chee Khoon: Well, somebody is at fault if this is not handed over to you.

Mr Speaker: No, we are all provided with the same things.

Dr Tan Chee Khoon: Now, this was handed out earlier, Mr Speaker, Sir. Then, they obviously had second thoughts and brought forth a bigger set of amendments. Mr Speaker, Sir, I just want to point out to the Honourable Assistant Minister of Finance just one small discrepancy that is obvious in the Bill before us—Clause 63—and I do hope that he will now of his own quickly get in touch with the Legal Draftsman and provide a quick solution, otherwise he will be a laughing stock of the lawyers in this country, and I am no lawyer. Now Mr Speaker, Sir, as we can see on page 28, Clause

63 has 4 sub-clauses—(a), (b), (c), (d)—and it ends at (d). I hope the Assistant Minister of Finance has it—it ends at (d). Now, if you look at the explanatory notes on Clause 63, you will see that it says as follows:

"Clause 63—

Amendments (a) to (d) are drafting amendments.

Amendment (e) restricts the exemption on retiring gratuities except in case of illhealth to cases where the employee has served at least 10 years with the same company or group."

As you can see, Clause 63 on pages 28 and 29 does not go beyond (d), and yet in the explanatory note, we are told that there is a clause (e). Now, I hope there is a quick re-thinking of this Bill to see whether you can reconcile what is being written in the amendment and what is being written in the explanatory notes.

Now, Mr Speaker, Sir, the introduction to the explanatory notes is a very disarming and charming way of soothing fears, and I shall read:

"This Bill seeks to amend the Income Tax Act, 1967 ('The Principal Act'), in order to include more detailed transitional provisions and to effect amendments which appear desirable as a result of representations which have been made since the principal Act was passed. The opportunity is taken to include other amendments of lesser importance."

Now, Mr Speaker, Sir, there are three parts here: (1) this amending Bill seeks to include more detailed transitional amendments; (2) then it seeks to effect amendments which appear desirable as a result of representations; and (3) it seeks to include other amendments of lesser importance.

Now, I say that this is a false representation of what is contained in this amending Bill, because we all know that this Amendment Bill, as I shall discuss in a little while later in more detail, contains many Clauses which increase the penalties. Now, that being so, can it come under detailed transitional provisions? Obviously, not. Can it come under representations which has been made? If it is so, then I would like to know from the Assistant Minister of Finance, who has made representations to see that the penalties as contained in Clauses 46

and 47 of this Amendment Bill should be increased. Or does he want to tell us that these amendments wherein penalties are stiffened, are to include other amendments of less importance? Now I submit that these Clauses 46 and 47 are not less importance to the taxpayer.

Now, Mr Speaker, Sir, when we were debating the Income Tax Bill on August 24th 1967, I was accused by the Honourable the Minister of Finance as being the devil's advocate. Since then, the Press has published my speech. I have sent my speech to a number of people, and they told me in no uncertain terms that I was perfectly correct in looking after the interests of the taxpayers—and according to the written answer to a question that I have asked, they numbered 140,000 in this country.

Now, it is obvious that if the Government chooses to heap more and more penalties on the humble, poor, innocent and maybe docile taxpayers, then someone should sit up and take notice, and form an association for the protection of taxpayers in this country, so as to see that the tyranny and repressive measures of the Executive are contained.

Now, Mr Speaker, Sir, what I have said is not without foundation. I shall now proceed to read a letter from a person—well, he has signed himself and I do not see why I should not read his name; he has written to the Deputy Prime Minister, he has given his name as Hwang Siew Hock; he has given his address as 168 Petaling Street, Kuala Lumpur, and the date is 13th November, 1967. He has sent this letter to the Honourable Deputy Prime Minister and he has sent it to me, as well as two other Opposition Members of Parliament; and I read:

"Tun Abdul Razak,
Deputy Prime Minister,
c/o Parliament House,
Kuala Lumpur.

Dear Sir,

Re: Red Tape and inefficiency

Please spare a few of your precious minutes as I recount to you the red-tape and inefficiency in the Income Tax Department, the

evils or ills of which you have so admirably fought against, hence my letter to you. I called at the Office of the Income Tax Department on the 9th October, 1967, and was queried on the tax on my 1966 assessment. There was an error made on my assessment which was later acknowledged in the letter dated 30th October, 1967, which stated that the credit due to me would be refunded and I would hear from the Senior Assistant Comptroller, Collections Branch shortly—"the operative word here is shortly." I do not know the meaning of the word 'shortly' as used by the Department. All I know is that 13 days have passed and no news is forthcoming yet. On 6th October, 1967, however, knowing full well this evil of red tape, I called at the Collections Branch of the Department and asked when I would hear news again from them. I was told by a lady in charge of it, that voucher and application form with others would be forwarded one shot on Friday, 10th November, 1967, to the Accountant-General's Office. To check and verify that this has been done, I called at the office this morning. I saw Mr Leong, who is in charge of the checking section of the Accountant-General's Office, and he kindly searched through the files and found no forms, no vouchers were forwarded to him on Friday, 10th November. Seeing no trace of this, I immediately went up to the Collections Branch of the Income Tax Department. There I queried on this matter and was told that it had to go through a labyrinth of Departments and it takes time? How long? Within three weeks, if all goes well. The receipts issued by the Department are not acceptable enough as proof of payment by me, hence the refund cannot be made, so they say. This is highly ridiculous, this is tantamount to rejecting your own signature. I must emphasize here that it is not the amount of money that matters, but the sluggish way people, public servants, whose service should be to the public, go about doing things that get the public edgy and on their nerves. I have heard you say many a time to Government servants to cut down red tape and inefficiency so as to speed up work. This is good. Let them put it into practice. Thank you very much for your time.

Yours faithfully,

(Sd.) HWANG SIEW HOCK."

Now, if the Honourable the Assistant Minister of Finance wishes to have a look at this letter so as to check on its authenticity, I will be very glad to pass it on to him, so that I hope he will get some measure of efficiency from the Income Tax Department. And, incidentally, Mr Speaker, Sir, I am the last of the Mohicans on this side of the benches. People are so disillusioned that they are all gone

home (*Laughter*). Mr Speaker, Sir, if what I have read out is any criterion of the efficiency and of the kindness of the Income Tax Department, then what one should do is to try and cut down on their power, and not try and "makin lama makin bertambah lagi kekuasaan Pejabat Chukai Pendapatan".

Mr Speaker, Sir, the Member for Sarawak has already touched on Clause 4 which seeks to amend Section 7 (1) (c) of the Income Tax Act, and he has pointed out to the Assistant Minister for Finance how students studying abroad can be affected by this Bill. Now, I wish to present a different angle of the hardship that can occur as a result of this amendment. The Bill says very clearly that it should be 91 days before one is considered as a resident. Now, the Government in its wisdom seeks to reduce it to 30 days, so as to define a person as a resident. Now, we do know that artists, whether it be from Japan, or Taiwan, or Hongkong, or those who are currently performing at the Mandarin Hotel—a pair from Spain dancing the "Flemingo", come here and they obviously flit from Kuala Lumpur to Ipoh, Ipoh to Penang and sometimes they do stay longer than 30 days. Under this amendment, they will be taxed as a resident when in effect they are not residents of this country. I submit that if we are to encourage tourism in this country, and you can only encourage tourism in this country if you can have high-class artistes in your high-class hotels, then you are discouraging high-class artistes from coming to this country because the pay packet that they get from the hotel, from the Federal Hotel, for example in this instance, very soon most of it goes into the coffers of the Income Tax Department.

Sir, I now come to Clause 31, which seeks to amend section 80 of the Income Tax Act. Here under Section 80 of the Income Tax Act, the Comptroller-General of Income Tax is limited to only removing books. Now, he can not only remove books

but he can also remove documents, whatever that may mean, which means he can remove the whole office of its materials or from the house. I do not see the necessity for it, but perhaps the Government may well accuse me, "Here is a devil's advocate for the tax evaders; why should he grumble if he has a good conscience; he should not worry about that because we need the documents". If this was necessary, why was it not thought of then? It means that the original Income Tax Bill, as I maintained then, was a hastily cooked up one borrowing from Australia, from India, from the United Kingdom, patched up together and rushed to this House without much thought.

Clause 68, as far as I am concerned, is the only redeeming feature in this Bill, because here the Minister of Finance has taken heed of what I said during the debate on August 24th regarding Special Commissioners. Members of this House will recollect that on that occasion the original Bill said that there should be two Special Commissioners and they sit on your case. If one of them says, "You are guilty", the other says, "You are not guilty", you had it. The laws says you are guilty—"heads" the Income Tax Department wins, and "tails" the taxpayer loses. In any case, the Income Tax Department wins. Here, under this amendment, we are told that the Special Commissioners have been increased from two to three and, fortunately, *insha Allah*, now we have a majority opinion instead of out of the two and one of them says, "You are guilty", and the other says, "You are not guilty", you are guilty. Now, taken in conjunction with Clause 62-1 (3), I submit that the increase of Special Commissioners to three is nullified by Schedule 5. Remembering that there are only three Commissioners, Mr Speaker, Sir, I would like to read Clause 62-1 (3):

"If, when an appeal is heard, no Chairman of the Special Commissioners has been appointed or the Chairman is absent, the Special Commissioners present shall choose one of their number (who shall be a person with experience of the kind mentioned in sub-paragraph (1)) to preside at the hearing".

In simple words, it means this: you have a set up of three Special Commissioners and if one of them, let us say, the Chairman, or any one of them is absent, two chaps sit in hearing of an appeal case. If that is so, where is this question of majority opinion, because if two chaps sit, one says, "Let this chap go", the other says, "No, he should pay as requested by the Comptroller-General", what then will happen? This is a conundrum that I think the drafters of this amendment have not thought of. They have thought of the illness of one of the Commissioners and say that if one of them is ill, the proceedings cannot be nullified. They have not thought of, that of out of the three, one falls ill, or is unable to be present, and two sit in judgment and they do not agree among themselves, what is going to happen. This is a thing that is very important to the taxpayers, because I think if there are three and by a majority vote the people decide against their case, there he will accept the decision; but if he knows that there are two people sitting on his case and one of them says that he should be let off and the other says that he should not be let off, and if it means that he loses his case, then we are back where we were before. Consequently, I suggest to the Honourable Assistant Minister of Finance that he should re-think on this provision of Special Commissioners. A fairer number would be either four or five, because then you will obviate the necessity that there is less chance of only two people sitting in judgement; and out of two people, as I pointed out before, one says, "Yes" and one says, "No", how are you going to arrive at a decision? I do hope in this case under the set up of three Special Commissioners, the taxpayer will be back where he was before, but if there are four or five Special Commissioners, then he has a chance of a fairer hearing from the Special Commissioners.

Sir, Clause 46 amends Section 103 of the Income Tax Act. As I pointed out to this House before, the introduction says, "Well, you know, there is nothing to worry, these are all tidying

up of legal matters, you have nothing to worry about". But Clause 46 is a very serious thing. It increases five-fold the punishment provided for under Section 113 of the Income Tax Act. I do not see why, even before the Act is put into practice, those responsible now should seek a five-fold increase in penalty on the taxpayer. Has it been found that the taxpayer been so recalcitrant that he should now be inflicted with a five-fold increase? The Act is not in operation yet, and yet the Government seeks to have this five-fold increase.

The other thing, of course, is Clause 47, which amends section 116 (e) of the Income Tax Act. When we debated the Income Tax Bill on August 24, 1967, I pointed out that under the Bill the poor citizens of this country have no redress, unlike the Americans, who are perhaps more freedom-loving than we are—they have no "fifth amendment." We all know that in America you can claim the fifth amendment and refuse to talk; and we all know that in America that under a decision of Supreme Court, if the Police, or any Government official extracts, not necessarily a confession, but evidence from you, in the absence of his lawyer, that is not admissible evidence in Court. But, here, the Tax Collector knocks at the door at 1.00 a.m., you have got to open the door—despite the assurance that the Minister of Finance has given us, you have got to open the door; he says, "I want to talk to you"; you know, you got up from a dream all of your own, and he says, "I want to talk to you; what have you done here; what have you done there?" You are befuddled, you do not know how to talk, you will not talk, and that is an offence. Under the Income Tax Act, the penalty there is \$1,000. Now, the Government, in its wisdom, seeks to increase it two-fold; it says, "It is not \$1,000, it is \$2,000 now." Not satisfied with its pound of flesh, the Government introduces yet another penalty—it says, "It is \$2,000 now, it is also one year's imprisonment, or both." This is like Shylock demanding his pound of flesh. You say to a person who may not even

understand what the Income Tax gatherers talk to him about—one is English-speaking or Malay, let us say, and the other is Hakka and he does not know a word of Malay, does not know a word of English, and they communicate with each other by hand signs—"You are, under the law, committing an offence which, if proved in a Court of law, says it is \$2,000 or one year imprisonment or both—\$2,000 plus one year imprisonment." Now, Mr Speaker, Sir, in view of the letter that I have given to the Assistant Minister of Finance, I should say that one should decrease rather than increase the powers of the tax gatherers of this country, and I shudder to think of the tax collectors knocking at the door of all law-abiding citizens and saying, "How about telling us or else. . . ; you know, it is very clear in the Income Tax Act, section such and such, you are liable to \$1,000 or \$2,000 fine or one year imprisonment or both. You go to prison for one year, you also pay \$2,000." Under the circumstances, the law-abiding citizen just coughs out what is wanted by the tax gatherer. I gather that in the United Kingdom there was a recent case of *Harze versus the Inland Revenue*, there such a contingency did arise, where the tax gatherer went to the house, he knocked at the door and Harze said, "I do not want to talk to you",—the Englishman's house is his castle—"I am lord of my manor; I refuse to talk to you despite what is in the law." The case was brought to Court. The judge, in his wisdom, threw the case out. Now, I do hope that if this were tested in a Court of law, despite what is specifically written, the judge, who tries such a case, would take into consideration so many factors and that privacy is a thing that we all cherish and no one want to be bulldozed or frightened into saying things that one does not want to say.

Now, Mr Speaker, Sir, Clause 56 seeks to amend section 148. Clause 56 here says that section 148 is amended by adding the following sub-paragraph:

"(iii) power to give any such approval or direction subject to such conditions as the Minister or the Comptroller-

General, as the case may be, may think fit to impose,".

I do hope that the Assistant Minister of Finance will try and elucidate this for me, because I do not see the necessity for this amendment.

Finally, Mr Speaker, Sir, I wish to state that in one instance, at least, the Ministry of Finance has broken faith with me. Mr Speaker, Sir, you will remember that when we debated the Bill, the Minister of Finance stood up and said, "Well, I have seen these amendments by the Member for Batu. I see merit in some of them. But, you know, if he will allow me, I will consider them,"—and he left it at that—"but if he wants to move these amendments then I have no opinion but to reject all of them." (And you will remember, Mr Speaker, Sir, I stood up and said, "It is his pleasure and will to reject my amendments. It is my right to move all the amendments in this House." And in the course of the debate, you will remember, Mr Speaker, Sir, he did accept a number of my amendments. The spirit of the Lord, shall we say, entered into the Minister of Finance, and he compromised on many amendments that I moved forth. Now, among the amendments that I moved forth was this rebate in tax for mature students. Now, the Minister of Finance at that time stated that he saw merit in my case. He did say, "Well, you know, this is unheard of, found nowhere in any type of legislation." And I did reply that, "if I were to conform to the normal form, if I were an orthodox person, then, perhaps, I should not be in this House." I have always been a rebel and most certainly no respecter of persons. He did say that he would consider it. Unfortunately, Mr Speaker, Sir, when I looked at this Bill on Monday, I looked up and down, inside out, for this amendment to incorporate what I said about mature students, but unfortunately it is not in. Now, I am told that it is a very difficult piece of legislation, it is not found anywhere, so you cannot copy from some other places, that it is so full of loopholes. I submit that, if the Minister had stated then that there was merit in my proposal then it is not beyond the capacity of the Legal

Draftsman to put it into legal form. I do not think it is beyond the capacity, and I submit that he should do it. If he cannot do it, then I will get some of my back-rooms boys to work on this and I shall, if the Assistant Minister of Finance still sees merit in my proposal, send forth a complete amendment on this matter. I submit that the people who are involved are not that many, provided we draft the legislation very carefully. You can limit it to practically not more than even a dozen of people who can benefit from such an amendment. And I submit to the Assistant Minister of Finance that he should be prepared to accept any amendment on this matter should I send it to him at a later stage for inclusion with, perhaps, some other amendments that he possibly will have to bring to this House in the Budget session of this House.

Tuan Geh Chong Keat (Penang Utara) (*dengan izin*): Mr Speaker, Sir, I would like to record an appreciation for the action that the Minister of Finance had taken by going out to meet the people, especially the businessmen in the various States, before he effected these amendments and the Explanatory Statement down here which states:

"to effect amendments which appear desirable as the result of representations which have been made since the principal Act was passed. The opportunity is taken to include other amendments of less importance."

Now, this explanation speaks for itself in that the Minister has deviated from the normal procedure taken by him in previous years. In previous years, when we talked of Income Tax, I can vividly remember it, the Minister of Finance had been accused of legislating laws from his ivory castle in Kuala Lumpur. But time has changed and the Minister of Finance too has changed, and I am very glad that he has changed for the better and he has learned to understand the lower income group—and he has actually reached the bottom rung of the businessmen and people of this country. Sir, however, I would like to recall the promise of the Minister of Finance in this House.

In this House, last August, I made a request to the Honourable Minister of

Finance to have the forms printed in various languages understood by the taxpayers. We were also informed that it would cost the Government somewhere around \$36 just to tax a person whether he is taxable or not, but that is the average sum. However, I feel that it would not cost the Government more by printing these forms in order to make these people understand. I would again appeal to the Minister, if he had any problem, to use in any legislation, or official documents, or communications, the language of any other community in the Federation for such purposes as may be deemed necessary in the public interest. This apparently, Mr Speaker, Sir, is very important because of the drop in the price of rubber, and as our national income has dropped, we want to see that the citizens and residents of Malaysia help to bear the financial problems of this country, where they are due and where they have reaped sufficient fruits from the soil to pay this tax.

In this respect, Sir, I would like to point out the problems facing the taxpayers today. The most important thing is, as I see it, the filling of forms. If they were assisted by having the forms in the various languages that could be understood by the taxpayers, the preliminary problems would be eased. Otherwise, it would cost them approximately \$30 to have one form filled and the Government could have very well earned this \$30. The ordinary small businessmen, especially the shopkeepers, stallholders, petty traders, sekolah taxis and the hawkers, other than paying the Government income tax, have to pay for registration and also licence fee which amounts to \$25, and for local authority stall licensing they have got to pay for the space they use and other miscellaneous payments. Sir, in this respect, most of them did their best to submit their return forms. They even try to get friends of theirs who could just fill in the forms without knowing the results of the consequences of giving the wrong returns, or just giving approximate returns. Since the Government has been insisting on as true as possible returns, it would be of great help to them to have these

forms with instructions in multi-languages to assist them. However, there is one point which I would like to appeal to the Minister of Finance, through the Assistant Minister, to consider. The point is that businessmen, especially the hawkers, have to apply for a licence to trade. Now, due to some misunderstanding, the law enforcement officers from the Ministry of Commerce and Industry go around the various market sites and places where you find these small traders and insist that they should take out business registration licences—even a *kachang puteh* man has to take out a business registration licence. Otherwise, the law would be set upon them, and I understand that even policemen have been going around market places checking on this matter of business registration. Now, once this business registration has been complied with, then the income tax boys will step in. Even the *kachang puteh* man and the fishmongers and the vegetable seller, earning an income not exceeding \$2 a day, will have to submit income tax return forms. Sir, most of these people have been assumed by these income tax boys or officers to have derived maximum income. But we must also bear in mind that they have incurred maximum expenditure, but apparently insufficient to maintain the minimum demand of even feeding a simple family. However, the problem starts to accumulate when the officers from the Income Tax Department starts to issue notices of assessment. They are not satisfied with the amount indicated in the return forms and they start to re-assess. Many embarrassing questions are asked. If a hawker shows an income of approximately \$100 a month, the officer would like to know how he managed to feed his seven or five children, and the maintenance of the five or seven children had been used as a basis of calculation to re-assess a hawker or a small countryside coffee shopkeeper or a small bicycle repairer. Sir, I would like to appeal to the Minister of Finance, through the Assistant Minister, as he had reached the people and he had heard and understood their representations, and he had expressed his sympathy with them, to

go further into it. I know and I am sure most of the hawkers and the small petty traders have indicated their implicit confidence in the Minister of Finance, since he had stated that he understood their plight and problems. Now, in this manner, I would like to appeal to the Minister of Finance to increase the ceiling of the minimum exemption from the development tax from \$500 to \$3,600 deductible from the amount of their return of these small shopkeepers, stallholders, petty traders, sekolah taxi operators and hawkers. Thank you, Sir.

Dr Ng Kam Poh: Mr Speaker, Sir, when I was listening to the Honourable Member for Batu, I thought that I had been listening to somebody preaching in a church and the like, or at a moral society, of gross violation of parliamentary democracy and the disillusionment of Honourable Members of the Opposition that they have all gone away. The real truth of the matter, Sir, is that very few people understand laws pertaining to income tax, given even two weeks, three weeks or four weeks for them to read them. I, myself, will have to have experts to explain to me. I will be honest with you. This is the real fact. But, then he says, "This is a gross violation of Parliamentary democracy; you have not been given enough time; the poor Honourable Member for Tanjong has returned; his two motions have not been debated". We spoke to him just now, and he says "All right if you want to have a debate the next time, fair enough." You know, he has got a better chance. This time we do not debate his motion, but he has asked oral questions and he got publicity. The next time, we debate his motion, he will have more publicity. What else does he want? Mr Speaker, Sir, I think the Press should take note of what I say against the Honourable Member for Batu as he has asked the Press to take note. I think it is not very fair of him, really. I mean, he castigated the Government in no uncertain terms, as if we are a pack of evil people around here.

Tuan C. V. Devan Nair (Bungsar): On a point of explanation, if I may.

I think it is rather unfair on the Member for Tanjong to make remarks about him when he is not here. Who knows for a fact that the Honourable Member for Tanjong did not say, "Well, have it your way"? If he wanted his way, Sir, he would have said, "I want the debate on my motions to take place."

Mr Speaker: May I be informed what is the subject about?

Tuan C. V. Devan Nair: Well, I think you ought to ask the Honourable Assistant Minister of Finance to enlighten you, Sir, because he referred to the Honourable Member for Tanjong, and so on.

Dr Ng Kam Poh: Sir, I cannot understand what he is talking about. I think he must have had late nights these few days. These debates these few days might have affected the Honourable Member for Bungsar's mentality. I did not even complain about the Honourable Member for Tanjong. I have just mentioned him in passing as the Honourable Member for Batu has done so. He has made out that the Minister of Finance is an orge, a horrible person, a very evil and wicked person, he has a heart of stone and all that sort of things. He is not such a bad person.

Dr Tan Chee Khoon: Opinions vary!

Dr Ng Kam Poh: Opinions vary, I agree with you. After all, the Labour Party people go out demonstrating in the streets, lying to the people. We do not do such irresponsible things. He knows that.

Mr Speaker, Sir, he says that we do these things in a hurry, since this should be a consolidating Bill. He pointed out an error in Clause 63. Sir, this is a printer's error. Actually subparagraphs (a) to (d) should read (a) to (c) and (e) should read (d). Sir, if you look at the Clause and look at the Explanatory Statement thereto, you can find the adjustment there. It is a printer's error and he should not make so much capital out of it. The Honourable Member for Batu is a fairly honest man, I think, and he should not make capital out of a printer's error.

Mr Speaker, Sir, I think the Honourable Member for Batu is not very fair tonight—honestly.

As for the increased penalty, he asks what category it comes under. Honestly, Mr Speaker, Sir, according to the Explanatory Statement the amendments come under three categories: one is from representation, the second is from transitional provisions and the third is for amendments of less importance. Mr Speaker, Sir, the penalty comes under the category of amendments of less importance because it actually is a minor amendment. He says that we have raised the penalty from \$1,000 to \$5,000. Mr Speaker, Sir, we are giving a tax amnesty for so many months. If nobody wants to come forth, we have to impose a heavier penalty. If you can be honest with me, if you can be honest with my tax officials, we can have a *tukar fikiran* as he usually says, and then we tax you honestly. But if you want to evade, then after this amnesty period, we will have to sit on you. I am very sorry but we will still have to sit on you, whether you like it or not.

As to the question of the Special Commissioners which was brought out by him and also by the Honourable Member from Sarawak, Tuan Ong Kee Hui, if they would only take care to look at section 62 (a) (1), they will see that no court of appeal can sit unless there are three Special Commissioners. Please have a look at it, and do not castigate the Government for something which is not intentional and say that the dice is loaded in our favour.

As for artistes and the like, Mr Speaker, Sir, public entertainers must have a history of residence in this country. One must be resident in this country for at least three to four years, in which case then he is a resident for more than thirty days before he can be treated as a resident of Malaysia for that basis year. If he has been resident for more than three years, this Clause does not apply. So, I do not see why he should be worried about these special entertainers. If he wants, perhaps, like Singapore, he might have an incentive Clause to

reduce the income tax. I cannot say so, but I say perhaps it might be, if there are certain amounts of representations made to the Minister of Finance to reduce the income tax from say 40% to 15% as has been the case in Singapore, or may be here to 10%, just to encourage tourists.

As for the section concerning the seizure of books and documents, he accused the Government of saying that we are going to take the whole office home. Mr Speaker, Sir, you know very well that the words "books" are defined in a court of law as books and documents. Being certain documents pertaining to evasion of tax, for example, these are the documents we cannot seize unless the word "documents" is added to. I am sure the Honourable Member for Batu knows quite well what is intended, but he wants to twist a little bit to get a little bit of publicity from the Press, so that his party will grow a bit stronger. But Mr Speaker, Sir, again, I say to the Honourable Member for Batu that today he has not been very, very fair. Normally he is quite fair, but not today—I do not know why. It may be so because, perhaps, I am here and the Minister of Finance is not here and so he tries to bully me. (*Laughter*).

On the question of income tax officers coming at night, Mr Speaker, Sir, why do we want to go around to the office at night when everything is closed and nobody lives in the office? It is ridiculous. Normally, we go in the day time, when the office is open, and the tax officers go to the office to tell them, "We have every right to go and seize your documents"—and that is it. Why do we want to go to a person's house at night unless we think that he might be indulging in some form of smuggling or other; where tax avoidance is concerned, I do not think that applies particularly.

As to the question of mature students, Mr Speaker, Sir, he himself has admitted that there are very very few; further he made an allegation on the question of whether we are capable—or it is beyond our capacity—

to draft legislation on this matter, and said that he is going to do it for us. Mr Speaker, Sir, I thank him very much, but I think we are quite capable of drafting legislation on our own. However, Sir, we are still considering the matter—the matter is still under consideration. After all, as you know, it is applicable to a handful. Do we need to amend something to serve just a handful? As I said, we have to consider the matter further—it is not that we do not want to consider it. We have agreed to consider it, but whether it will serve the purpose to put a section into this Bill itself to suit this handful is the question, Mr Speaker, Sir.

As for the Honourable Member from Sarawak Tuan Ong Kee Hui, most of the things he has spoken concerning the time and consideration given, and all that sort of thing—and he says, "There is one particular point I would like to raise on Clause 4, i.e., in regard to amendment of section 7, in which case the child educated outside Malaysia who has got properties in Malaysia and got earned income in Malaysia would not get the scaled rates and reliefs". Mr Speaker, Sir, I beg to differ, because if you have a look at Clause 130 (1) (a) this applies. In other words, the child who goes overseas and earns income here gets relief and scaled rates. We are not as heartless as the Honourable Member from Sarawak makes us out to be.

As to the question of varying the rate of abatement and varying the rate of taxation, any variations is always subject to confirmation of this House and power to vary is used after consultation with the State Government in accordance with the I.G.C. Report. We have not in any way gone out of the I.G.C. Report, and we will consult the State Government, and we will do the same thing every time we come to this House. In point of fact, I remember, before the principal Income Tax Act was introduced into this House—I used to read newspaper clippings from Sabah and Sarawak—the editorials of these newspapers had

almost gone berserk accusing us of not observing all sorts of things, implying that we are going to punish Sabah and Sarawak by increasing taxation. After they had read through the principal Income Tax Act, 1967, then all the editorials of the newspapers kept very quiet, as they realised that we had given them incentives, beyond which they never expected.

Mr Speaker, Sir, I do not think that I have anymore to say except, of course, on Clause 56 which the Honourable Member for Batu wants to know what it means. Clause 56, in this sense, means "subject to the approval by the Minister or the Comptroller-General as may be given, subject to such conditions as the Minister may think fit". In other words, it means this: conditions are necessary, subject to the approval of the Minister or the Comptroller-General. To give an example: when we approve institution of a public character, we need to impose conditions to ensure that the fund is properly managed, to safeguard revenue and the public as well. This is the meaning of the redrafted Clause. There is no evil intention whatsoever. This, Mr Speaker, Sir, I hope, will be an adequate reply to the Honourable Members of the Opposition, and I hope by and large they would not again accuse the Honourable Minister of Finance of rushing this Bill through or pushing it through with our vast majority, because I think it is a highly technical matter and it is difficult for people to understand.

The Honourable Member for Penang Utara did bring up some relevant points about the question of registration fees for hawkers and the like. Registration fee is a form of service which the Government gives to the public in general in the form of business registration, the reason being that should there be litigation in court, then one will have a copy of his business registration and he will know who is the sole proprietor or a partner thereof; therefore, this \$25 paid is not a taxation but a service fee.

With regard to the question of *kachang puteh* sellers being taxed and all that, I do not think that is true because business registration is only confined to business premises, street stalls, and motorised itinerary vehicles, but not itinerary hawkers who carry their goods along with *kandar* sticks and who go around hawking. I do not think they need business registration, Mr Speaker, Sir.

With regard to the question of the form being printed in four languages, I think that is also being considered, but I cannot give him the assurance that it might be so. We are considering the National Language Act and we are still considering the question now as to whether it is to the public interest to print the form in four languages.

Again, Mr Speaker, Sir, the Honourable Member for Penang Utara would like to present to this House that the Income Tax officials are actually very, very dishonourable people, who chase after hawkers and question them like the C.I.D. or

Tuan Geh Chong Keat: I did not say that they are dishonourable people. They are doing their work. Perhaps they are pushed by the Auditor-General.

Dr Ng Kam Poh: Mr Speaker, Sir, I can give this assurance to the Honourable Member for Penang Utara that if anyone, be he a hawker or a *kachang puteh* seller, be he a rich man or a poor man, and all that sort of thing, everyone of them, if he is an honest taxpayer he need not fear the officials from the Department of Inland Revenue. Thank you very much, Sir.

Usul di-kemukakan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangkan dalam Jawatan-kuasa.

(Tuan Speaker *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 hingga 4 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 5—

Dr Ng Kam Poh: Mr Chairman, Sir, I beg to move an amendment which reads as follows:

"Substitute 'five' for 'give' in paragraph (a)".

Pindaan di-kemukakan, dan di-setujukan.

Fasal 5, seperti yang telah di-pinda, di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 6 hingga 16 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 17—

Dr Ng Kam Poh: Mr Chairman, Sir, I beg to move that Clause 17 be amended as follows:

"Insert 'a' before 'step-child' where it occurs for the second time in paragraph (c)".

Pindaan di-kemukakan, dan di-setujukan.

Fasal 17, seperti yang telah di-pinda, di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 18 hingga 63 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 64—

Dr Ng Kam Poh: Mr Chairman, Sir, I beg to move that Clause 64 be amended as follows:

1. To paragraph 35 add the following sub-paragraph—

"(3) To such extent as may be necessary for the proper application of this Act in relation to the year of assessment 1968, sub-paragraph (1) shall have effect as if any references therein to 1st January, 1968, and 31st December, 1967, were references to

28th September, 1967, and 27th September, 1967, respectively."

2. Add to paragraph 68 the following sub-paragraph—

"(6) In the application of sub-paragraph (3) or (4) to the trustees of a trust or the executors of a deceased person, the references therein to old tax paid for any year of assessment as therein mentioned shall be taken to be references to so much of the old tax paid for that year as bears the same proportion to that old tax as the aggregate of the statutory income for that year of the trustees or executors (reduced by so much thereof as falls to be treated as the statutory income for that year of a beneficiary or beneficiaries of the trust or the estate, as the case may be) bears to the aggregate of the statutory income for that year of the trustees or executors",

and disregard so much of the previously circulated Corrigenda notice as purported to re-number an existing sub-paragraph (5) as sub-paragraph (6).

3. After "source" where it first occurs in the proviso to paragraph 70 of the proposed Schedule 9 insert "(being a source the income from which is wholly or partly derived from Malaysia)".
4. (1) In the proviso to paragraph 72 (1), 88 (1) and 109 (1) substitute "any of" for "all" before "the assets".

(2) In paragraph 72 (2), 88 (2) and 109 (2) delete "shares in the company at the date of its dissolution" and substitute "as beneficial owners the ordinary share capital of the company at the date of its dissolution ("ordinary share capital") here having the same meaning as in the definition of "director" in section 2 (1)".

(3) Add the following sub-paragraph to paragraphs 72, 88 and 109—"(3) In a case where there are two or more transfers to which the proviso to sub-paragraph (1) applies, sub-paragraph (2) shall be applied by making such an apportionment of the Sabah credit among the transferees, and such further or other apportionments among any subsequent transferees as the Comptroller-General considers to be reasonably necessary in order to give proper effect to sub-paragraph (2) in the circumstances."

5. To paragraphs 74, 90 and 111 add the following words "or on their satisfying the Comptroller-General that the trust has not been terminated (or, as the case may be, the residue ascertained) before 1st January, 1988".
6. To paragraphs 78, 94 and 116 add the following words "and the proviso to paragraph 70 shall apply in relation to that wife as well as in relation to himself".

7. (1) In paragraph 85 (2) substitute "salaries tax" for "old tax" wherever it occurs.

(2) In paragraph 85 (3) substitute "profits tax" for "old tax" wherever it occurs.

- (3) Insert the following in paragraph 85 as sub-paragraph (5)—

"(5) In the application of sub-paragraph (3) to the trustees of a trust, the reference therein to profits tax paid for the year of assessment 1967, shall be taken to be a reference to so much of that profits tax paid for that year as bears the same proportion to that profits tax as the assessable profits for that year of the trustees (reduced by so much thereof as falls to be treated as assessable profits for that year of a beneficiary or beneficiaries of the trust) bears to the aggregate of the assessable profits for that year of the trustees."

- (4) Re-number sub-paragraph (5) as sub-paragraph (6).

8. After "source" where it first occurs in the provisos to paragraphs 86 and 107 of the proposed Schedule 9 delete "of income" and insert "(being a source the income from which is wholly or partly derived from Malaysia)".

9. (1) Re-number sub-paragraph (2) of paragraph 103 as sub-paragraph (3).

(2) Insert the following in paragraph 103 as sub-paragraph (2)—

"(2) In the application of sub-paragraph (1) to the trustees of a trust, the reference therein to old tax paid for the year of assessment 1967, shall be taken to be a reference to so much of that old tax paid for that year as bears the same proportion to that old tax as the aggregate of the statutory income of the trustees from all sources for that year (reduced by so much thereof as falls to be treated as statutory income for that year of a beneficiary or beneficiaries of the trust) bears to the aggregate of the statutory income of the trustees for that year."

10. (1) Delete "by him" in paragraph 105 (1) (a).

(2) Substitute "having regard" for "have regard" in paragraph 105 (1) (b).

11. Add to paragraph 106 the following words—

"and, where an old source was acquired by more than one person or two or more old sources were acquired by different persons, that credit shall be apportioned between the acquirers in such proportion as the Comptroller-General having regard to the circumstances considers just and reasonable and shall be payable to each of them on the

relevant date in relation to each of them as if that apportioned amount was a West Malaysia credit ascertained as regards him."

Pindaan di-kemukakan, dan di-setujukan.

Fasal 64, seperti yang telah pinda di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan pindaan²: di-bachakan kali yang ketiga dan di-luluskan.

ADJOURNMENT

(Motion)

Dato' Haji Abdul-Rahman bin Ya'kub: Mr Speaker, Sir, I beg to move that the House do now adjourn.

Tuan Ibrahim bin Abdul Rahman: Sir, I beg to second the motion.

ADJOURNMENT SPEECHES

AGRICULTURE— DIVERSIFICATION OF CROPS

Dato' Ling Beng Siew (Sarawak): Mr Speaker, Sir, at the moment the price of rubber which is the main export from Malaya and Sarawak has fallen to its lowest for 18 years. It seems that its future prospect is not too optimistic though it is not hopeless. Under such circumstances it is thought that the Government's policy towards rubber planting and replanting schemes should be modified. As oil palm and padi have bright prospects in the future, it is therefore worthwhile for the Government to concentrate more on the cultivation of these two crops. I understand that in West Malaysia oil palm is planted extensively and this industry will be expanded year after year. In Sarawak, it has been proved that oil palm cultivation is successful. I suggest that in order to encourage the oil palm industry in Sarawak, the Government should formulate schemes similar to the Rubber Planting Scheme "A", in which the Government will subsidise the planters, and the Rubber Planting Scheme "B", in which the Government will undertake the initial planting and then allocate the plantation in small economic

plots to the poor genuine farmers at a later stage. I learn that the land along the Miri Bintu Road is suitable for oil palm cultivation. I would like to urge the Government to consider seriously to alienate land to both the small-holders and estates to go into oil palm industry as soon as possible. As the demand is greater than the supply, the price of rice has been increased all the time during the last few months. The future prospect of this produce is good. Our country is quite suitable for this crop. Unfortunately, it was neglected in the past. So, we have to import a huge quantity of this commodity every year. In West Malaysia, the Government is doing its utmost to attain self-sufficiency in rice by 1970. But, not enough is being contemplated in Sarawak during the current Five-Year Malaysia Plan. It is gratifying to note that during the Prime Minister's last visit to Sarawak recently, after what he has seen of parts of Sarawak from the air, he conceived the idea that Sarawak should be turned into the granary of Malaysia and towards attaining this objective, he said he would personally see that every possible step is taken as speedily as possible both by the Central and State Governments.

The majority of the working people in Sarawak are engaged in farming and most of these farmers are padi planters. Any plan to improve the method of padi cultivation and thereby increasing the farmers' income is to help the majority of the people in Sarawak to raise their standard of living. To speed up the Prime Minister's plan, it is urged that the Government should encourage estates to go into padi cultivation on a large scale with mechanisation, as estates always play an important role in the country's agricultural development. Due to the efforts of the Alliance Government, Malaysia has now become the top producer in rubber and tin in the world and will become the biggest producer in palm oil before long. Though we do not hope to be the biggest producers in rice, if the Government tries hard enough we do not see any reason why Malaysia will not one day be able to produce enough rice for its own con-

sumption, with a surplus for export. Who knows that the present low price of rubber is not a blessing in disguise?

Touching on agriculture in Sarawak and, in particular, the situation in the Third Division where several thousands of Dayaks are living in hunger, there have been very little news reaching the outside world because these people live in the interior. This worsening situation is because of continuous rain for days which has damaged the crops very badly. The Dayaks in the Third Division are today living on sago flour and the Dayaks cannot even get this commodity because they have no money to buy it. I sincerely appeal to the Central Government to set up a State and Central Government Joint Committee to launch an immediate relief campaign to provide food for the several thousands of these Dayaks.

Mr Speaker, Sir, I am told that the Honourable Minister of Agriculture has been to Formosa on many occasions to see padi cultivation which is very advanced there, and to see other things. What has he seen in Taiwan? I do not actually know, but he must remember some of the nice things. I, therefore, hope that the Central Government will get some experts from Taiwan for the planting of padi and other crops on a large scale. In the past, we used to depend a lot on Thailand for our rice and now on Communist China. It is not a good thing when you have to depend on others for your very existence. We must become self-sufficient and not depend on Thailand, Communist China, United States, or Russia for our food. God has blessed us with good soil, good people and good Government and therefore, there is no reason for us to fail in our mission.

Dato' Haji Abdul-Rahman bin Ya'kub: May I have your permission to reply in English? Mr Speaker, Sir, I do not know what other things in Taiwan are referred to by the Honourable Member, but I agree that the substantive Minister of Agriculture has visited Taiwan and he has already said in this House that the farmers there

are doing really very well. Generally, Mr Speaker, Sir, the Government is in agreement with the suggestion of the Honourable Member from Sarawak, Dato' Ling Beng Siew, that agricultural diversification not only in Sarawak, but also throughout Malaysia, should be given high priority in our economic development programme. As all of us are aware, the price of rubber recorded this year is the lowest since 1949. If we are to sustain the country's rate of economic progress, we must diversify our agriculture as quickly as possible to strengthen and broaden the pace of our economy.

The Alliance Government has accepted agricultural diversification as a major national economic policy. Under the First Malaysia Plan, a sum of \$131.4 million has been allocated to agriculture and rural development in Sarawak as compared with \$46.5 million during the 1961 to 1965 period. This represents an increase of almost 300 per cent. The overall development allocation for Sarawak for 1966 to 1970 is expected to be \$464 million compared with \$254 million during 1961 to 1965. These figures clearly show that the Alliance Central Government is placing great emphasis on the economic development of Sarawak with particular emphasis on agriculture. To bring about agricultural diversification is no simple task. It is necessary to find out what crops can be economically grown in the country, so as to provide higher standards of living and greater stability for the nation.

The State Alliance Government has placed great emphasis in research to identify what new crops of economic importance can be grown besides rubber, pepper, sago and copra. Research efforts are time-consuming, but it is now clear that oil palm cultivation is feasible and offers good prospects and that both estates and smallholders should be encouraged to cultivate these crops. World prices of palm oil are very favourable today and are likely to remain so for some time in the future. In the Fourth Division there is some un-alienated State land suitable for oil palm cultivation, and plans are already in hand for develop-

ment once the timber is extracted; and I think the Honourable Member has a timber area in the Fourth Division, and it is along the side of the Miri or rather the Bukanu and Miri Road that the scheme is going to be started.

For the information of the Honourable Member, the Commonwealth Development Corporation will establish a large estate for oil palm cultivation in the Fourth Division somewhere in the Lambir area. Approval has been given by the State Government to open a 600-acre smallholder oil palm pilot scheme in Danau in the Fifth Division. Preliminary planning has been undertaken, and the scheme is expected to commence in 1968.

Mr Speaker, Sir, other crops which offer excellent promise for expansion are cocoa and essential oils. Sufficient work has been done by the Department of Agriculture, Sarawak, on the feasibility of planting cocoa as an inter-crop with coconuts in coastal areas. The State Government proposes to distribute free cocoa seedlings to smallholders. A sum of \$50,000 has been earmarked for this project next year. Equipment has been purchased for the distillation of essential oils, and experimental areas have already been planted.

Sir, every effort is being made to improve the living standards of the rural population and increase the quantity of locally produced foodstuff. Under the group farming subsidy schemes in Sarawak, assistance is provided to farmers in two ways. The first is the granting of subsidies in cash and kind up to \$200, in order to encourage good farming practices and diversification of enterprises within the farm. By this method it is felt that farmers will be able to obtain maximum returns by crop cultivation and animal husbandry. This scheme came into operation about two years ago and was extended to cover off-season cropping in padi sawahs in 1966. The scheme will be particularly useful to augment the general living standards of new settlers on land development schemes. The second is the provision of assistance in the form of planting

materials and fertilisers up to a value of \$75 per acre. Mr Speaker, Sir, this aims at encouraging the planting of food and cash crops in wet padi areas during off-season periods.

The Alliance Government also agrees with the Honourable Member from Sarawak that the most efficacious and fastest way of raising rural productivity and income in Sarawak is the introduction of mechanisation in the agricultural sector. Estates are generally more efficient than smallholders by virtue of size and management, and are therefore in a better position to exploit resources and increase production. The Alliance Government, therefore, encourages the establishment of more estates, although we shall continue to give support to smallholders.

Rice is Malaysia's staple food and self-sufficiency is our target. Swamp areas in Sarawak could be opened up wherever possible to expand the area under rice. Increased yields will be brought about by better seeds, increased use of fertilisers, expanded irrigation facilities, control of pest and disease, mechanical cultivation practices, and expanded extension services. By turning unused land to cultivation, we hope to increase the well-being of the State and provide greater incomes to farmers.

As the Honourable Member from Sarawak might have heard a few days ago, in answer to a question by also an Honourable Member from Sarawak, the Government is carrying out four investigations into padi areas in Sarawak: one in the Fourth Division, one in the Fifth Division, and two other areas—I cannot remember in which Divisions. On his return to Kuala Lumpur from his recent Sarawak visit, the Honourable the Prime Minister instructed me, as Acting Minister of Agriculture, to speed up the sending of two Japanese experts to Sarawak in connection with this proposed padi scheme in the Second and Third Divisions. A few days ago, I discussed with His Excellency the Japanese Ambassador, and we have reached agreement that during the next week or so, these two Japanese experts, who are here

today, will be going to Sarawak to carry out feasibility survey. It is hoped that they will complete the survey very soon and that we shall be able to know the position by early next year. This goes to show the seriousness in which the matter was handled by the Honourable Prime Minister. In fact, on his arrival at the Military Airprt, he got in touch with the Japanese Ambassador by telephone immediately without wasting his time at all, because he knew that Sarawak farmers needed urgent and immediate help.

Here, I wish to point out that agricultural diversification is a very slow process and that there are serious constraints. There is, firstly, the acute shortage of trained personnel. Economic development in Sarawak will also require investments in communications, including major secondary and minor roads. Under the First Malaysia Plan, larger development expenditure allocations have been made to Sarawak for communications, utilities and transport. The Alliance Government will always endeavour to look after the economic welfare of the people of Sarawak, especially the farmers, so as to ensure that their standards of living will be kept abreast with the other States in West Malaysia.

The Honourable Member has also suggested that the Central Government should set up a committee, some sort of a relief committee, to help to alleviate the sufferings of the Dayaks in the Third Division, who are now having difficulties because of the rainy season in Sarawak. I feel that the matter will have to be considered. I cannot give an undertaking off-hand. I will have to discuss the matter with the officials concerned. Be that as it may, I feel that it is not necessary to start a relief committee. If the sufferings need urgent attention, both the State Departments of Agriculture and also Federal Ministries can tackle the job as quickly as possible. However, as I said just now, I will discuss this question tomorrow with the officials of the Ministry of Agriculture, and I will communicate the outcome of the discussion to the Honourable Member. Thank you.

ESTABLISHMENT OF INDUSTRIAL ARBITRATION COURTS

Tuan C. V. Devan Nair (Bungsar):
Mr Speaker, Sir, with your permission, I would like to speak in English.

One of the major reasons for setting up industrial arbitration courts in those countries, which have them like India, Australia and Singapore, was the recognition of the special nature of the processes for the settlement of industrial disputes and the need to lift industrial disputes out of the arena of common law courts. The procedure of industrial arbitration courts, wherever such courts have become successful social institutions, are therefore much more flexible than the procedures of the law courts. Another cogent reason for the setting up of industrial courts is to secure the expeditious settlement of the causes which lead to industrial unrest and instabilities. One of the purported intentions of our own Industrial Relations Act is to expedite settlement of industrial disputes and for the industrial courts to make its award without delay, and wherever practicable within thirty days from the date of reference to it of a trade dispute. This is a praiseworthy intention. Unfortunately, certain glaring loopholes in the Act make it impossible of fulfilment.

Sir, one of the ways in which employers, in particular, are able to obstruct or subvert the cause of industrial justice is to go over the head of the industrial court and to have recourse instead to common law courts by filing writs of *certiorari mandamus*, or injunctions. The moment industrial problems are transferred from the industrial court to the common law courts, the trade union side stands to lose heavily. This is in no way intended, of course, as a reflection on the common law courts, but the delay in such proceedings as well as the expenses incurred makes it practically certain that even an ultimate victory for the union in the common law courts can prove to be of no more than academic significance to the workers concerned.

Legislators in other countries, therefore, like India, Australia, and so on, have taken the necessary precaution and have provided built-in safeguards in their respective legislation to ensure that no decision of the industrial courts can be challenged in any court of law in any way by way of writs of injunction, *certiorari mandamus* and the like. More than this, their legislation also provides specifically that the jurisdiction of industrial courts in all matters which come within their competence cannot be challenged in any court of common law. It is precisely this builtin safeguard, which our own Industrial Relations Act has failed to provide, with the inevitable result that the efficacy of the court as a means for the dispensation of industrial justice in an expeditious manner is now in grave doubt in the minds of several trade unions. This can do no good for the creation of that climate of confidence in the processes of industrial justice, which is so vital if the industrial laws of this nation are to earn the confidence and the respect of our workers.

It is only some three months since our Industrial Relations Act came into force, but within these three months, the dispute between the National Mining Workers' Union of Malaya and the Dolomite Industrial Co., Ltd. had shown up this obvious lacuna in our Industrial Relations Act. In this case, the industrial court quite rightly ruled that it had jurisdiction to hear the case on union recognition and proceeded to do so, when the company challenged the court's jurisdiction and filed a writ in the High Court to this effect, thus restraining the industrial court from proceeding with the hearing. The dispute relating to the termination of employment between the same parties also suffered a similar fate, and the company again filed a writ seeking a stay of proceedings in the industrial court. In the circumstances, Sir, the President of the Industrial Court had no option but to adjourn hearings of the two disputes indefinitely. Both these writs seeking a stay of proceedings in the Industrial Court on the two disputes have already been heard in the

High Court, and the presiding Judge there has granted the application. Hearing by the High Court on the question of jurisdiction of the Industrial Court has been fixed for the 4th and 5th of December, 1967, but meanwhile the workers are on strike and have been on strike since June 13, and were illegally locked out from August 15, when the workers returned to work on the advice of the Commissioner for Industrial Relations. This long drawn out affair is having disastrous effects on the striking workers of the Union. The Union is spending on relief to the striking workers at the rate of \$1,300 per week. They have already spent nearly \$30,000. I must submit that this is an absolutely fantastic situation. All the good intentions behind the Industrial Relations Act have been subverted by an employer, and the lacuna in the Act has rendered the Industrial Court impotent in the situation. It must surely be obvious that, if every employer with resources decides to challenge the Minister of Labour and the Industrial Court and seeks a stay of proceedings in the High Court, the Industrial Relations Act, both in the spirit and in its intention, must necessarily be brought into contempt and ridicule in the minds of workers and thus gravely prejudice the requirements of industrial justice and stability in the country.

I must appeal, Sir, for immediate action by the Honourable Minister of Labour to introduce amending legislation in this House which will make his own powers to refer disputes to the Industrial Court and those of the Industrial Court itself unchallengeable in the courts of common law if the course of industrial justice in this country is not to be subverted. Much obliged.

Tuan V. Manickavasagam: Tuan Yang di-Pertua, saya memohon izin tuan untuk menjawab kapada ucapan Yang Berhormat Ahli daripada Bungsar tadi, dalam bahasa Inggeris.

Mr Speaker, Sir, the Honourable Member has spoken of the dispute in the Dolomite Industries regarding recognition and dismissal of workers.

The facts in connection with this dispute are briefly as follows. After a claim for recognition was served on the employer some time earlier, the Union called a strike involving about 90 workers on 13th June this year, that is some two months before the Industrial Relations Act came into force. Such a strike was permissible under the legislation existing then but would not be so or necessary had the Industrial Relations Act been in force at that time. I had indicated to the Union the nature of the provisions that were being incorporated in the Act and, in fact, advised them to await the provisions of the Act, but the Union elected, for reasons of its own, to resort to strike instead of heeding my advice then.

After the Act came into force on 8th August, 1967, I referred the dispute over Union recognition to the Industrial Court. The Company however, took the stand that the workers, having broken their contract of service with the Company as a result of the strike, were no longer its employees and, therefore, the question of Union recognition no longer existed. It consequently applied to the High Court for an Order prohibiting the Industrial Court from proceeding with the hearing of the dispute referred to it by me. Subsequently, the question of re-employment of the workers was also referred to the Industrial Court and the employers took a similar stand on the issue, too. The Company obtained an interim Order of stay of proceedings on both these issues, pending disposal of the application for prohibition.

From these facts, Sir, it will be evident that the Company did not make use of the provisions of the Act itself to stop the proceedings of the Industrial Court but instead invoked and relied upon the law of contract. Such a move by the Company would not have been possible had the Union heeded my earlier advice and refrained from taking strike action. The delays and difficulties have arisen because of the hasty and ill-advised action on the part of the Union rather than as a result of any defect in the law. I think it will be difficult and

far-fetched to expect me to provide for insurance against the haste and indiscretions of Union leaders who do not weigh the consequences of their actions. In this case, whether or not the Company is right in its construction of the circumstances is not for me to say as the matter is before the High Court. Any suggestion that there are loopholes in the law on this account can merely be a conjecture at this stage. By this, Sir, I do not mean that I support the Company's attitude or its stand. I think here we have an extremely difficult management, which refuses to recognise the changing times. It is unfortunate that we have to allow the letter of the law to take its course, but let me assure the House that I intend dealing with the Company when the legal tangles have been sorted out. The Company will have to realise that it cannot escape its obligations.

Sir, the Honourable Member has suggested that amendments should be inserted to the Act to prevent any party from going to the High Court for prohibitions against the Industrial Court. I have, in fact, replied to this in written replies to his questions in this session. We have here, Sir, to consider the Constitutional rights of the parties and the due process of law. While I would personally like to see the least amount of interference with the Industrial Court by non-industrial matters, my information is that such a preventive clause would be defective and invalid because of this. I am, however, Sir, seeking further legal opinion on this matter.

Usul di-kemukakan dan di-setujukan.

Dewan di-tanggohkan hingga satu hari yang belum di-tetapkan pada pukul 8.45 malam.