



PERBAHATHAN PARLIMEN

DEWAN RA'AYAT YANG KEDUA

PENGGAL KELIMA

PENYATA RASMI

KANDONGAN-NYA

**JAWAPAN² MULUT BAGI PERTANYAAN² [Ruang-
an 6057]**

RANG UNDANG²:

Rang Undang² Kastam (Pindaan), 1969 [Ruangan 6075]
The Income Tax (Amendment) Bill, 1969 [Ruangan 6084]
**The Investment Incentives (Amendment) Bill, 1969 [Ruang-
an 6087]**
The Stamp (Amendment) Bill, 1969 [Ruangan 6090]
The Accountants (Amendment) Bill [Ruangan 6091]
**The Supplementary Income Tax (Amendment) Bill, 1969
[Ruangan 6094]**
**The Central Bank of Malaysia (Amendment) Bill, 1969
[Ruangan 6105]**
**The Sabah Ports Authority (Consequential Provisions)
(Amendment) Bill [Ruangan 6108]**
The Hire Purchase (Amendment) Bill [Ruangan 6111]
The Copyright Bill, 1969 [Ruangan 6113]
The Companies (Amendment) Bill, 1969 [Ruangan 6131]
The Employees' Social Security Bill, 1969 [Ruangan 6141]

**ATORAN URUSAN MESHUARAT (USUL) [Ruangan
6107]**

**WAKTU MESHUARAT DAN URUSAN YANG DI-
BEBASKAN DARIPADA PERATORAN MESHUA-
RAT (USUL) [Ruangan 6156]**

MALAYSIA

DEWAN RA'AYAT YANG KEDUA

PENGGAL YANG KELIMA

Penyata Rasmi

Hari Selasa, 11hb Februari, 1969

Persidangan bermula pada pukul 10 pagi

YANG HADHIR:

- Yang Berhormat Tuan 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).**
- „ **Menteri Kewangan, Y.A.B. TUN TAN SIEW SIN, S.S.M., J.P. (Melaka Tengah).**
- „ **Menteri Kerja Raya, Pos dan Talikom, Y.A.B. TUN V. T. SAMBANTHAN, S.S.M., P.M.N. (Sungai Siput).**
- „ **Menteri Pengangkutan, Yang Berbahagia TAN SRI HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).**
- „ **Menteri Pelajaran, TUAN MOHAMED KHIR JOHARI (Kedah Tengah).**
- „ **Menteri Ke'adilan, TUAN BAHAMAN BIN SAMSUDIN, (Kuala Pilah).**
- „ **Menteri Perdagangan dan Perusahaan, Yang Berbahagia TAN SRI DR LIM SWEE AUN, P.M.N., J.P. (Larut Selatan).**
- „ **Menteri Buroh, TUAN V. MANICKAVASAGAM, J.M.N., P.J.K. (Kelang).**
- „ **Menteri Pertanian dan Sharikat Kerjasama, TUAN HAJI MOHAMED GHAZALI BIN HAJI JAWI (Ulu Perak).**
- „ **Menteri Hal Ehwal Tanah dan Galian, DATO' HAJI ABDUL-RAHMAN BIN YA'KUB, P.D.K. (Sarawak).**
- „ **Menteri Kebajikan 'Am, DR NG KAM POH, J.P. (Telok Anson).**
- „ **Menteri Hal Ehwal Sabah, DATO' GANIE GILONG, P.D.K., J.P. (Sabah).**
- „ **Menteri Muda Kebudayaan, Belia dan Sokan, ENSKU MUHSEIN BIN ABDUL KADIR, D.P.M.T., J.M.N., P.J.K. (Trengganu Tengah).**
- „ **Menteri Muda Pelajaran, TUAN LEE SIOK YEW, A.M.N., P.J.K. (Sepang).**
- „ **Menteri Muda Hal Ehwal Dalam Negeri, TUAN HAMZAH BIN DATO' ABU SAMAH, S.M.K. (Raub).**
- „ **Menteri Muda Perdagangan dan Perusahaan, TUAN ABDUL TAIB BIN MAHMUD (Sarawak).**

- Yang Berhormat Setia-usaha Parlimen kepada Menteri Kesihatan,
 TUAN IBRAHIM BIN ABDUL RAHMAN, J.M.N. (Seberang Tengah).
- „ Setia-usaha Parlimen kepada Menteri Buroh,
 TUAN LEE SAN CHOON, K.M.N. (Segamat Selatan).
- „ Setia-usaha Parlimen kepada Menteri Kewangan,
 TUAN ALI BIN HAJI AHMAD (Pontian Selatan).
- „ NIK ABDUL AZIZ BIN NIK MAT (Kelantan Hilir).
- „ TUAN HAJI ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- „ TUAN ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).
- „ WAN ABDUL KADIR BIN ISMAIL, P.P.T. (Kuala Trengganu Utara).
- „ TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).
- „ TUAN HAJI ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- „ DATO' ABDULLAH BIN ABDULRAHMAN, S.M.T., Dato' Bijaya
 di-Raja (Kuala Trengganu Selatan).
- „ Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM TUANKU ABDUL
 RAHMAN, P.P.T. (Rawang).
- „ TUAN HAJI ABU BAKAR BIN HAMZAH, J.P. (Bachok).
- „ TUAN AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ TUAN HAJI AHMAD BIN SA'AID, J.P. (Seberang Utara).
- „ PUAN AJIBAH BINTI ABOL (Sarawak).
- „ WAN ALWI BIN TUANKU IBRAHIM (Sarawak).
- „ TUAN RAFAEL ANCHETA, A.M.N. (Sabah).
- „ DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- „ TUAN HAJI AZIZ BIN ISHAK (Muar Dalam).
- „ TUAN JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).
- „ PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).
- „ TUAN CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- „ TUAN CHAN SIANG SUN, A.M.N., P.J.K. (Bentong).
- „ TUAN CHEW BIOW CHUON, J.P. (Bruas).
- „ TUAN FRANCIS CHIA NYUK TONG (Sabah).
- „ TUAN CHIN FOON (Ulu Kinta).
- „ TUAN D. A. DAGO ANAK RANDAN *alias* DAGOK ANAK RANDEN,
 A.M.N. (Sarawak).
- „ TUAN EDWIN ANAK TANGKUN (Sarawak).
- „ DATO' SYED ESA BIN ALWEE, D.P.M.J., J.M.N., S.M.J., P.I.S.
 (Batu Pahat Dalam).
- „ DATIN HAJJAH FATIMAH BINTI HAJI ABDUL MAJID
 (Johor Bahru Timor).

Yang Berbahagia TAN SRI HAJJAH FATIMAH BINTI HAJI HASHIM, P.M.N.
 (Jitra-Padang Terap).

- Yang Berhormat TUAN S. FAZUL RAHMAN, A.D.K. (Sabah).
- „ TUAN GANING BIN JANGKAT, A.M.N. (Sabah).
- „ TUAN GEH CHONG KEAT, K.M.N. (Pulau Pinang Utara).
- „ TUAN HAJI HAMZAH BIN ALANG, A.M.N., P.J.K. (Kapar).
- „ TUAN HANAFI BIN MOHD. YUNUS, A.M.N., P.J.K. (Kulim Utara).
- „ TUAN HANAFIAH BIN HUSSAIN, A.M.N. (Jerai).

Yang Berhormat TUAN HARUN BIN ABDULLAH, A.M.N., J.P. (Baling).

„ WAN HASSAN BIN WAN DAUD, J.P. (Tumpat).

„ DATO' HAJI HUSSEIN BIN MOHD. NOORDIN, D.P.M.P., A.M.N., P.J.K. (Parit).

„ TUAN HUSSEIN BIN SULAIMAN, J.P. (Ulu Kelantan).

„ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN, S.M.K. (Kota Bharu Hulu).

Yang Amat Berbahagia TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, S.S.M., P.M.N., S.P.M.J. (Johor Timor).

Yang Berhormat TUAN ISMAIL BIN IDRIS, J.P. (Pulau Pinang Selatan).

Yang Berbahagia TAN SRI SYED JA'AFAR BIN HASAN ALBAR, P.M.N. (Johor Tenggara).

Yang Berhormat PENGHULU JINGGUT ANAK ATTAN, K.M.N., Q.M.C., A.B.S. (Sarawak).

„ TUAN KAM WOON WAH, J.P. (Sitiawan).

„ TUAN THOMAS KANA, K.M.N. (Sarawak).

„ TUAN EDMUND LANGGU ANAK SAGA (Sarawak).

„ TUAN LEE SECK FUN, K.M.N. (Tanjong Malim).

„ TUAN AMADEUS MATHEW LEONG, A.D.K., J.P. (Sabah).

„ DR LIM CHONG EU (Tanjong).

„ TUAN LIM PEE HUNG, P.J.K. (Alor Star).

„ DATO' LING BENG SIEW, P.N.B.S. (Sarawak).

„ DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).

„ TUAN T. MAHIMA SINGH, J.M.N., J.P. (Port Dickson).

„ TUAN C. JOHN ONDU MAJAKIL (Sabah).

„ TUAN JOSEPH DAVID MANJAJI (Sabah).

„ DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K. (Kuala Kangsar).

„ DR MOHAMED BIN TAIB (Kuantan).

„ 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. (Jejebu-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, P.J.K. (Kemaman).

„ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).

„ TUAN MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH (Pasar Mas Hilir).

„ TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S. (Sarawak).

„ TUAN MUSA BIN HITAM (Segamat Utara).

„ TUAN MUSTAPHA BIN AHMAD (Tanah Merah).

Yang Berbahagia TAN SRI HAJI 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).

Yang Berhormat **TUAN NG FAH YAM, J.P. (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, K.M.N. (Krian Darat).**
- „ **TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P. (Rembau-Tampin).**
- „ **TUAN SEAH TENG NGIAB, S.M.J., P.I.S. (Muar Pantai).**
- „ **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 SOH AH TECK (Batu Pahat).**
- „ **TUAN SULAIMAN BIN ALI (Dungun).**
- „ **TUAN SULAIMAN BIN HAJI TAIB (Krian Laut).**
- „ **PENGIRAN TAHIR PETRA (Sabah).**
- „ **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 CHENG BEE, A.M.N., J.P. (Bagan).**
- „ **TUAN TAN KEE GAK (Bandar Melaka).**
- „ **TUAN TAN TOH HONG (Bukit Bintang).**
- „ **TUAN TAN TSAK YU, P.B.S. (Sarawak).**
- „ **TUAN TIAH ENG BEE (Kluang Utara).**
- „ **TUAN TOH THEAM HOCK (Kampar).**
- „ **TUAN STEPHEN YONG KUET TZE (Sarawak).**
- „ **TENGGU ZAID BIN TENGGU AHMAD (Pasir Mas Hulu).**
- „ **TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).**

YANG TIADA HADHIR:

Yang Berhormat **Timbalan Perdana Menteri, Menteri Pertahanan, Menteri Hal Ehwal Dalam Negeri dan Menteri Pembangunan Negara dan Luar Bandar, Y.A.B. TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).**

- „ **Menteri Kesihatan, Yang Berbahagia TAN SRI HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, P.M.N., J.P. (Batang Padang).**
- „ **Menteri Kerajaan Tempatan dan Perumahan, TUAN KHAW KAI-BOH, P.J.K. (Ulu Selangor).**
- „ **Menteri Hal Ehwal Sarawak, Yang Berbahagia TAN SRI TEMENGGONG JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).**
- „ **Menteri Penerangan dan Penyiaran dan Menteri Kebudayaan, Belia dan Sukan, TUAN SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).**

Yang Berhormat Menteri Muda Ta' Berjabatan, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).

„ Setia-usaha Parlimen kepada Timbalan Perdana Menteri, TUAN CHEN WING SUM (Damansara).

„ WAN ABDUL RAHMAN BIN DATU TUANKU BUJANG, A.B.S. (Sarawak).

„ TUAN CHAN SEONG YOON (Setapak).

„ TUAN CHIA CHIN SHIN, A.B.S. (Sarawak).

„ TUAN C. V. DEVAN NAIR (Bungsar).

„ TUAN STANLEY HO NYUN KHIU, A.D.K. (Sabah).

„ TUAN KHOO PENG LOONG, O.B.E. (Sarawak).

„ TUAN PETER LO SU YIN (Sabah).

„ DATO' HAJI MOHAMED ASRI BIN HAJI MUDA, S.P.M.K. (Pasir Puteh).

„ ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).

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

Yang Amat Berbahagia TUN DATU MUSTAPHA BIN DATU HARUN, S.M.N., P.D.K. (Sabah).

Yang Berhormat RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).

„ TUAN D. R. SEENIVASAGAM (Ipoh).

„ DATO' S. P. SEENIVASAGAM, D.P.M.P., P.M.P., J.P. (Menglembu).

„ TUAN SNG CHIN JOO (Sarawak).

TUAN SULAIMAN BIN BULON, P.J.K. (Bagan Datoh).

„ TUAN YEH PAO TZE, A.M.N. (Sabah).

YANG HADHIR BERSAMA:

Yang Berhormat Menteri Ta' Berjabatan, TUAN ABDUL GHAFAR BIN BABA.

DO'A

(Tuan Yang di-Pertua *mempengerusikan Meshuarat*)

JAWAPAN² MULUT BAGI PERTANYAAN²

PERSIDANGAN NEGARA² ISLAM

1. Tuan Ahmad bin Arshad (Muar Utara) bertanya kepada Perdana Menteri (a) ada-kah negara² yang tidak di-wakili di-Persidangan Negara² Islam baharu² ini telah turut membiayai perbelanjaan mengadakan Persidangan itu, (b) ada-kah keputusan² yang diambil akan di-laksanakan oleh negara² yang berkenaan.

Menteri Hal Ehwal Tanah dan Galian (Dato' Haji Abdul-Rahman bin Ya'kub): Tuan Yang di-Pertua, sa-

benar-nya Persidangan Negara² Islam Antarabangsa ini belum-lah lagi di-jalankan. Malaysia telah berchadang supaya Persidangan ini di-adakan pada penghujung bulan April.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, dalam Persidangan Negara² Islam yang akan di-adakan pada bulan April kelak, dapat-kah Yang Berhormat Menteri ini memberi tahu Dewan ada-kah dengan Persidangan ini akan memenohi hasrat dan tujuan Yang Teramat Mulia Tunku hendak mewujudkan Commonwealth Islam.

Dato' Haji Abdul-Rahman bin Ya'kub: Persidangan ini berlainan concept-nya daripada Commonwealth Islam. Apa yang telah berlaku ia-lah kira² daripada 19hb Mach, 1961. Yang Teramat Mulia Tunku kita

telah membuat satu shor berhubung dengan Commonwealth Islam, tetapi kemudian-nya sambutan² kepada chadangan ini merupakan banyak perselisihan faham, dengan sebab itu chadangan Tunku telah tidak di-teruskan. Jadi Persidangan yang akan kita adakan ini ia-lah untuk mengkaji beberapa masaalah mengenai agama kita mithal-nya, mengenai zakat, menetapkan fardhu Ramadhan, mengenai wasiat ya'ani undang² kekeluargaan dan beberapa masaalah yang lain, supaya dengan chara demikian alim ulama dan pakar² kita dapat berunding di-Kuala Lumpur memecahkan soal ini, memberi pendapat mereka itu yang boleh di-gunakan dengan sa-berapa boleh-nya oleh umat² Islam sa-kalian sama ada daripada Persidangan ini kelak akan munchul Commonwealth Islam tidak dapat kita terangkan di-ketika ini.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, dapatkah Malaysia dan juga negara² Islam yang akan bersidang kelak membuat satu saranan bahawa negara² yang bukan Islam, tetapi ramai umat Islam-nya saperti India, maka kumpulan negara² yang bukan Islam ini ingin menyertai Persidangan itu sama ada sa-bagai pemerhati, atau pun menjadi wakil terus, ada-kah ini dapat peluang?

Dato Haji Abdul-Rahman bin Ya'kub: Masaalah ini, Tuan Yang di-Pertua, sedang di-kaji. Ada tiga peringkat yang mesti di-ingat ya'ani negara saperti Malaysia, sunggoh pun penduduk-nya Islam dia tidak boleh di-katakan begitu banyak saperti Indonesia, tetapi di-dalam Perlembagaan kita terchatet Islam itu ada-lah agama rasmi di-negeri ini. Negara² yang lain saperti di-Turkey mithal-nya di-mana penduduk² Islam itu ramai dari gulongan yang besar, tetapi tidak mempunyai agama rasmi. Kemudian kita pula mempunyai negara² saperti India atau pun Thailand dan lain². Jadi kita telah banyak menerima permohonan daripada pertubohan² di-dalam negeri² saperti India ini supaya mereka di-benar menghantarkan pemerhati² ka-Persidangan ini. Perkara ini sedang di-timbangkan oleh Kerajaan sekarang.

Memang-lah kita tidak dapat akan membenarkan semua pemerhati² itu datang ka-Persidangan ini kerana masaalah tempat tinggal, masaalah urusan² yang lain, transport dan lain² yang menyekat mereka itu daripada menghadziri semua-nya.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, sa-kira-nya satu perkembangan baharu timbul dalam Persidangan Negara² Islam, bagaimana yang di-sebutkan oleh Yang Berhormat Menteri tadi ada tiga chara, ia-itu negara² Islam ini memikirkan kepentingan lima juta umat Islam di-Philipina terus mendesak President Marcos supaya mengadakan perundingan kemunchak dengan Yang Teramat Mulia Tunku Perdana Menteri, ada-kah Kerajaan sedia menghantar Yang Teramat Mulia Tunku pergi ka-Persidangan itu demi menyelesaikan pertikaian ini dan demi kepentingan kehendak negara² Islam itu.

Dato' Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, masaalah² yang akan di-binchangkan dalam Persidangan ini ia-lah masaalah agama, masaalah ekonomi, masaalah sosial, tidak menyentuh masaalah politik. Jadi soal yang di-timbulkan oleh Ahli Yang Berhormat itu tidak-lah berbangkit.

Tuan Mustapha bin Ahmad (Tanah Merah): Tuan Yang di-Pertua, soalan-nya bagini, sekarang ini di-dalam bulan pertengahan tahun ini akan di-adakan sa-buah Persidangan Negara² Islam yang di-anjorkan oleh Kerajaan kita, apa-kah pandangan Menteri ini sa-bagai sa-buah negara Malaysia yang terdiri daripada berbagai² agama dan bangsa, sa-kira-nya pada satu hari pehak agama² lain mahu mengadakan persidangan itu, apa-kah Kerajaan bersedia untuk menyokong bersama saperti mana Persidangan Negara² Islam yang di-adakan pada pertengahan tahun ini.

Dato' Haji Abdul-Rahman bin Ya'kub: Belum ada permohonan saperti itu. Kalau ada nanti kita, Yang Teramat Mulia Tunku Perdana Menteri, akan mengambil keputusan.

Tuan Haji Abdul Razak bin Haji Hussin (Lipis): Tuan Yang di-Pertua, oleh sebab Russia juga ada mempunyai penduduk-nya beragama Islam, adakah Yang Berhormat Menteri menimbangkan bagi menjemput ulama' di-Russia menjadi sa-bagai pemerhati dalam Persidangan yang di-chadangan itu?

Dato' Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, Persidangan ini ada-lah Persidangan diperingkat Kerajaan, di-peringkat Pemerintah. Dengan sebab yang demikian tidak-lah boleh kita menjemput sa-saorang ulama' atas nama batang tuboh-nya sendiri. Ini nanti akan menyentoh perasaan negara² yang lain yang berkenaan.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, berhubung dengan soalan yang di-kemukakan oleh Ahli Yang Berhormat daripada Lipis tadi, adakah benar bahawa satu permintaan daripada kumpulan masyarakat Islam di-Russia hendak menghadziri Persidangan kita itu sa-bagai pemerhati, kalau benar apa sebab di-tolak?

Dato' Haji Abdul-Rahman bin Ya'kub: Belum ada saya terima lagi, Tuan Yang di-Pertua.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, sa-jauh mana-kah sikap Kerajaan dari hasil persidangan negara² Islam yang akan datang ini, apa-kah keputusan daripada meshuarat negara² Islam itu akan di-jadikan satu keputusan yang di-laksanakan oleh Kerajaan sa-chara rasmi, atau pun sa-kadar keputusan itu hanya untuk diperhatikan sa-mata²?

Dato' Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, sebab yang besar Malaysia menchadangkan supaya persidangan ini di-adakan diperingkat pemerintah atau pun peringkat Kerajaan ia-lah supaya keputusan² atau pun rumusan², hasil daripada Persidangan ini akan di-laksanakan oleh Kerajaan² yang mengambil bahagian masing² dan tidak tinggal sa-bagai rumusan atau pun keputusan² sahaja di-atas kertas.

KAJIAN MELOMBONG DI-DASAR LAUT, PANTAI NEGERI MELAKA

2. Tuan Ahmad bin Arshad bertanya kepada Menteri Tanah dan Galian adakah benar dia telah menghalang pakar² jurutera dari Australia dan Canada daripada menjalankan kajian melombong di-laut jauh dari pantai ia-itu 60 batu sa-panjang pantai Negeri Melaka, jika benar, kenapa.

Dato' Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, memang benar saya telah meminta kerjasama daripada Jabatan yang berkenaan seperti Imigreshen dan Jabatan Marine menghalangkan sa-orang jurutera bangsa Australia dalam permohonan-nya mendapat kebenaran bekerja di-Malaysia mengenai usaha² menyiasat dan melombong bijih timah di-dasar laut pantai negeri Melaka. Jurutera tersebut ada-lah bekerja dengan sa-buah sharikat dari Canada yang di-dapati telah mengikat janji dengan sa-buah sharikat tempatan untuk menjalankan penyiasatan dan sa-terus-nya melombong di-dasar laut di-pantai negeri Melaka yang mana perbuatan ini ada-lah bertentangan dengan keputusan dasar yang telah di-persetujui oleh Kerajaan² Negeri dan Kerajaan Pusat dalam satu meshuarat di-antara wakil² Kerajaan Negeri² di-Pantai Barat termasuk Ketua Menteri Melaka sendiri dengan Yang Amat Berhormat Tun Abdul Razak dan saya sendiri pada 3hb Oktober, 1967.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, dengan tindakan ini adakah satu daripada timbal balas Kerajaan Malaysia terhadap Kerajaan Australia dan Canada berhubung dengan tidak mahu menentukan sikap-nya terhadap pertikaian antara Malaysia dengan Philipina?

Dato' Haji Abdul-Rahman bin Ya'kub: Berpuluh² batu jauh-nya, Tuan Yang di-Pertua.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, tidak-kah mengikut Undang² yang kita mengaku², pantai yang ada bagi hak kita hanya tiga batu

dari pantai. Sekarang ini 60 batu. Apakah tidak 60 batu ini menjadikan satu lautan bebas?

Dato' Haji Abdul-Rahman bin Ya'kub: 60 batu, Tuan Yang di-Pertua, itu pantai negeri Melaka, bukan daripada pasir di-darat, bukan daripada shore kapada tengah lautan, ini maksud dalam soalan ini?

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, mengikut pertanyaan ini, sebab itu-lah yang menjadi gelisah bagi saya, melombong di-laut jauh dari pantai 60 batu.

Dato' Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, sa-panjang pantai negeri Melaka itu dia jadi territorial waters mengikut per-ayeran itu tiga batu. Saya akan beri terang, Tuan Yang di-Pertua, itu tiga batu, kemudian sa-telah itu di-luar itu continental shelf. Jadi konsep continental shelf itu di-luar daripada kawasan tiga batu yang di-panggilkan territorial waters. Jadi konsep continental shelf ini kita mengikut Geneva Convention yang mana negeri Malaysia ini telah menanda-tangani-nya.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, dengan penolakan sharikat ini tadi, ada-kah benar bahawa Kerajaan telah membenarkan sa-buah sharikat asing menjalankan penyelidekan di-laut ini?

Dato' Haji Abdul-Rahman bin Ya'kub: Telah di-persetujui pada 13hb Oktober, 1967, Tuan Yang di-Pertua, bahawa kawasan di-pantai barat ini di-bahagi kapada tiga bahagian, atau pun tiga zones. Utara mengandungi Perlis dan Kedah, di-beri kapada sa-buah Sharikat Amerika. Saya sudah lupa nama sharikat itu. Kemudian kawasan yang kedua, yang di-panggil kawasan tengah, Pulau Pinang, Perak dan Selangor, telah di-persetujui pada dasar-nya sahaja kapada Sharikat Conzinc Riotinto oleh Kerajaan² Negeri dan juga Kerajaan Pusat. Kemudian kawasan selatan, terdiri daripada Negeri Sembilan, Melaka dan Johor.

Kerajaan² negeri yang berkenaan dan Kerajaan Pusat telah bersetuju pada dasar-nya untuk memberi kapada Sharikat Billitov. Jadi perkara ini

sekarang sedang dalam kajian Kerajaan Pusat dan Kerajaan Negeri. Baharu² ini satu meshuarat telah diadakan dalam National Land Council, di-mana perkara ini telah di-binchangkan dan sa-telah itu juga ada meshuarat telah di-adakan di-antara Menteri Kewangan, saya sendiri dengan wakil² daripada Kerajaan² ini untuk menyelesaikan masalah permohonan daripada tiga buah company ini.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, daripada jawapan Yang Berhormat Menteri, saya ingin tahu ada-kah turut sama Kerajaan Negeri Johor juga supaya di-jalankan penyelidekan di-kawasan pantai-nya.

Dato' Haji Abdul-Rahman bin Ya'kub: Sudah di-beritahu, Tuan Yang di-Pertua, kawasan Selatan itu termasuk Negeri Sembilan, Melaka, Johor, termasuk-lah kampung Ahli Yang Berhormat itu sendiri.

Tuan Ahmad bin Arshad: Saya hendak tahu, Tuan Yang di-Pertua, ada-kah sampai sa-takat ini permintaan daripada Kerajaan Negeri Johor, saya faham di-atas jawapan Yang Berhormat Menteri tadi sa-chara 'am, tetapi sa-takat ini ada-kah Kerajaan Johor telah mengemukakan satu chadangan supaya mengikut rancangan di-Selat Melaka ini di-teruskan ka-Johor?

Dato' Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, telah di-persetujui pada 3hb Oktober, 1967, segala usaha untuk melombong di-dasar laut itu di-jalankan bersama di-antara Kerajaan² Negeri dan Kerajaan Pusat dan telah di-persetujui pada dasar-nya juga supaya kawasan Selatan ini di-beri kapada company yang bernama Billito Maatchappij.

PAS KERJA UNTUK ORANG² ASING BEKERJA DI-MALAYSIA

3. Datin Hajjah Fatimah binti Haji Abdul Majid (Johor Bahru Timor) bertanya kapada Menteri Buroh ada-kah Kerajaan berchadang hendak mengadakan pas kerja untuk orang² asing supaya berpeluang bekerja di-Malaysia saperti yang di-buat oleh Kerajaan Singapura, jika ya, bila, dan jika tidak, kenapa.

Menteri Buroh (Tuan V. Manickavasagam): Tuan Yang di-Pertua, di-bawah Undang² Imigreshen orang² asing yang bukan penduduk tetap di-negeri ini tidak di-benarkan bekerja di-mana² tempat pekerjaan jika tidak ada pas pekerjaan (employment pass). Undang² ini telah pun di-kuatkuasakan sudah lama di-Malaysia. Act Pekerjaan, 1968, telah pun di-luluskan oleh Parlimen dan mendapat persetujuan di-Raja pada 11hb September, 1968. Act ini ada-lah berkenaan dengan permit pekerjaan yang akan di-keluarkan kepada pekerja² yang bukan Warga Negara Malaysia, tetapi tinggal tetap di-Malaysia. Permit ini ia-lah bagi pekerjaan di-dalam Jadual di-bawah Sekshen 4, Act Pekerjaan, 1968.

Anggaran belanja untuk menjalankan Undang² tersebut baharu di-luluskan oleh Perbendaharaan dan atoran² telah pun di-jalankan untuk melaksanakan Act ini. Undang² ini akan di-kuatkuasakan tidak lama lagi bila sahaja borang² dan kaki-tangan² yang terlately telah siap.

Tuan Haji Abdul Razak bin Haji Hussin: Tuan Yang di-Pertua, bolehkah Menteri Yang Berhormat itu ma'alumkan kepada Dewan berapa-kah bilangan pas² kerja itu yang telah di-beri kepada yang bukan ra'ayat dalam negeri ini bekerja dalam negeri ini?

Tuan V. Manickavasagam: Tuan Yang di-Pertua, I need notice for this.

RANCHANGAN² TANAH LUAR BANDAR BAGI JANDA², SUAMI² DAN ISTERI²

4. Datin Hajjah Fatimah binti Haji Abdul Majid bertanya kepada Menteri Pembangunan Negara dan Luar Bandar bolehkah Kerajaan membenarkan janda² yang mempunyai tanggungan, suami² yang berumur lebih daripada 50 tahun dan isteri² yang mempunyai suami yang chachat anggota dan tidak berdaya, supaya menyertai dalam ranchangan² tanah luar bandar; jika tidak, ada-kah Kerajaan berchadang hendak menyediakan satu ranchangan khas kerana orang² sa-umpama itu.

Menteri Ta' Berjabatan (Tuan Abdul Ghafar bin Baba): Tuan Yang di-Pertua, tidak-lah ada menjadi tegahan kepada pemohon² seperti yang di-sebutkan dalam soalan Ahli Yang Berhormat ini untuk mengambil bahagian dalam Ranchangan Tanah F.L.D.A., tetapi oleh kerana permohonan² terlampau banyak dan terpaksa di-pileh, maka dengan sebab itu Kerajaan ada-lah mengutamakan peserta² yang di-fikirkan mempunyai lebih kelayakan supaya dapat menjamin bahawa tanah itu di-kerjakan dengan sempurna-nya.

Soalan yang kedua, sama ada Kerajaan hendak menyediakan satu ranchangan khas kerana orang yang sa-umpama itu, jawapan-nya tidak ada.

Datin Hajjah Fatimah binti Haji Abdul Majid: Tuan Yang di-Pertua, ada-kah Kerajaan sedar bahawasanya hingga hari ini tidak ada satu pun yang telah di-beri peluang kepada janda² yang mempunyai anak banyak dan isteri² yang mempunyai suami yang chachat dan umur-nya yang lebih daripada 50 tahun, padahal isteri² ini maseh muda dan ada mempunyai anak yang ramai dan anak yang boleh bekerja, tetapi di-sebabkan ranchangan tanah ini hanya di-untukkan dan telah di-jadikan dasar di-bahagikan kepada orang yang memohon itu terdiri daripada kaum laki²?

Tuan Abdul Ghafar bin Baba: Tuan Yang di-Pertua, saya telah menjawab tadi, ada-kah hendak di-ulang balek?

Tuan Yang di-Pertua: Sudah faham?

Datin Hajjah Fatimah binti Haji Abdul Majid: Yang Berhormat Tuan Yang di-Pertua, sa-panjang penerangan saya, jawapan daripada Menteri itu kata-nya Kerajaan tidak ada halangan untuk memberikan kepada siapa² juga yang memohon, tetapi pertanyaan saya kepada janda² yang terdiri daripada wanita dan bukan-nya janda² daripada laki².

Tuan Abdul Ghafar bin Baba: Tuan Yang di-Pertua, Kerajaan akan menim-bangkan soal ini pada masa akan datang.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, kalau Kerajaan menimbangkan, ada-kah Kerajaan bersedia memberi keistimewaan kepada kedua² orang itu.

Tuan Abdul Ghafar bin Baba: Tuan Yang di-Pertua, saya telah menjawab tadi, kalau sa-kira-nya tanah² ini diberikan kepada orang yang di-fikirkan tidak layak mengerjakan-nya, maka di-takuti ranchangan ini akan gagal. Oleh kerana permohonan terlampau banyak maka di-utamakan kepada pehak yang di-fikirkan boleh menjayakan ranchangan tanah ini, tetapi bagi pehak mereka yang di-sebutkan dalam soalan ini boleh-lah di-buatkan satu pertimbangan sama ada di-berikan ranchangan tanah, atau lain² ranchangan yang boleh menolong mereka itu.

Tuan Haji Hamzah bin Alang (Kapar): Tuan Yang di-Pertua, ada-kah Menteri itu sedar bahawa kadang² orang yang umur lebih daripada 45 atau 50 tahun itu lebih kuat bekerja daripada orang muda umur 37.

Tuan Abdul Ghafar bin Baba: Tuan Yang di-Pertua, kerja ini banyak-lah perkara kerja, Tuan Yang di-Pertua, saya tak tahu kerja mana yang di-maksudkan itu.

TUDOHAN KERAJAAN PUSAT MENGUTIP HASIL LEBEH BANYAK DARI NEGERI KELANTAN DARIPADA PEMBERIAN-NYA

5. Tan Sri Haji Nik Ahmad Kamil (Kota Bharu Hilir) bertanya kepada Menteri Kewangan ada-kah benar tuduhan bahawa Kerajaan Pusat mengutip hasil yang lebih banyak tiap² tahun bagi pehak negeri Kelantan dan memberi balek kepada negeri itu jumlah yang kurang. Sekira-nya tidak benar, boleh-kah Menteri itu memberi kenyataan² dan angka².

Menteri Kewangan (Tun Tan Siew Sin): Tuan Yang di-Pertua, tidak mungkin dapat di-berikan angka² berhubung dengan hasil Kerajaan Pusat dari Negeri Kelantan oleh kerana hasil Kerajaan Pusat ada-lah di-kutip atas dasar Persekutuan atas dasar dari negeri ka-negeri. Mithal-nya chukai

pendapatan yang di-bayar oleh sa-orang penduduk negeri Kelantan, mungkin juga termasuk chukai yang di-dapati dari negeri² lain. Sama-lah juga chukai Kastam yang di-bayar di-negeri Kelantan mungkin juga terkena ka-atas barang² yang di-gunakan di-luar negeri Kelantan dan barang² yang telah di-bayar chukai impot-nya di-Johor Bahru mungkin di-gunakan di-negeri Kelantan. Walau bagaimana pun dari penyata² yang di-kemukakan oleh jabatan² di-negeri Kelantan, jumlah hasil Kerajaan Pusat yang di-kutip di-negeri itu pada tahun 1967 ia-lah \$8.3 juta.

Perbelanjaan Kerajaan Pusat yang di-bayar di-negeri Kelantan dalam tahun itu juga termasuk bantuan² berkanun yang di-bayar kepada negeri itu ada-lah berjumlah sa-banyak \$16.9 juta. Jumlah ini termasuk-lah \$8.2 juta perbelanjaan biasa bagi Perkhidmatan Kerajaan Pusat di-negeri itu, \$3.6 juta bagi pembangunan dan \$5.1 juta berupa bantuan capitation dan bantuan jalan kepada negeri itu. Oleh itu ada-lah jelas dari angka² ini bahawa tuduhan yang mengatakan Kerajaan Pusat mengutip hasil yang lebih banyak dari Negeri Kelantan dan memberi balek kepada negeri itu jumlah yang kurang, ada-lah tidak benar.

Tan Sri Haji Nik Ahmad Kamil: Tuan Yang di-Pertua, boleh-kah Yang Berhormat Menteri menganggap benar bahawa perbelanjaan bagi tahun yang lepas boleh jadi lebih pada keseluruhannya daripada tahun yang lalu, oleh sebab faham saya banyak perbelanjaan Persekutuan yang di-churahkan ka-negeri Kelantan terutama sa-kali berkenaan dengan membangunkan bangunan² berkenaan dengan ugama Islam seperti masjid², surau, madrasah dan lain²-nya.

Tun Tan Siew Sin (dengan izin): Mr Speaker, Sir, in view of the fact that grants to Kelantan last year had been stepped up by the Honourable Deputy Prime Minister, the trend suggested by the Honourable Member could well have taken place.

Tuan Ahmad bin Arshad: Tuan Yang di-Pertua, dalam jawapan Yang Berhormat Menteri Kewangan tadi

yang telah memberikan peruntukan kepada Kerajaan Negeri Kelantan, saya gemar tahu ada-kah termasuk pemberian ini kepada elaun² Ahli² Dewan Negeri Kelantan yang kita tahu negeri Kelantan itu menentang banyak perkara-nya yang di-tentang daripada Kerajaan Pusat.

Tun Tan Siew Sin: Mr Speaker, Sir, that could well happen because we give a block allocation to Kelantan and it is clearly not possible for us to check every detail of this expenditure.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, daripada jawapan ini saya dapat faham angka \$8.2 juta ia-lah angka yang boleh di-dapati ia-itu angka available sekarang bukan finalise dan angka \$5.1 juta ia-lah capitation grant ia-itu yang di-beri oleh Kerajaan Pusat mengikut Perlembagaan, \$3.6 juta pembangunan dan pembangunan ini biasa-nya kita berhutang dan kita beri pada tempat itu. Yang saya hendak tanya kutipan di-Kelantan dengan beri di-Kelantan mengikut Perlembagaan, yang mana yang banyak? Yang Kerajaan Pusat mengambil-kah, yang memberi-kah?

Tun Tan Siew Sin: Mr Speaker, Sir, I thought I have already answered that question.

Tuan Haji Abdul Razak bin Haji Hussin: Tuan Yang di-Pertua, ada-kah Kerajaan sedar bahawa Ahli² Yang Berhormat daripada Parti PAS dalam kempen mereka di-luar² bandar memperkatakan bahawa hasil negeri Kelantan ini di-ambil oleh Kerajaan Pusat lebih banyak, tetapi pemberian-nya balek kepada negeri Kelantan ini terlampau sedikit. Dengan sebab itu-lah Kerajaan PAS tidak dapat membuat rancangan dalam pembangunan luar bandar.

Tuan Yang di-Pertua: Ini tidak kena-mengena dengan soalan ini.

Tun Tan Siew Sin: Mr Speaker, Sir, Kelantan by any reckoning or any calculation cannot contribute very much to Federal revenue because:

- (a) I think it is practically empty;
- (b) the Government is bankrupt or near bankrupt; and

(c) on top of that, it has mismanaged so badly that it had to renew its overdraft every year from commercial banks in this country.

Dr Tan Chee Khoon (*dengan izin*): Mr Speaker, Sir, is the Honourable Minister of Finance aware, if Kelantan is alleged to be bankrupt or near bankrupt, that Kelantan is in very good company because, as the Auditor-General's Report reveals, the State of Trengganu at one time, I think in the year 1967, had only about \$200 over in the bank to meet commitments to the tune of \$300,000.

Tun Tan Siew Sin: Mr Speaker, Sir, there is a slight difference between Kelantan and Trengganu because, unlike Kelantan, Trengganu has not had to appeal to the Federal Government year after year to ask the Federal Government's permission to renew its overdrafts.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, kalau-lah benar kenyataan yang di-buat oleh Yang Berhormat Menteri Kewangan bahawa Kerajaan Kelantan itu bankrupt, dari segi Undang² ada-kah sa-buah Kerajaan itu di-benarkan berjalan di-bawah Undang² kalau ia-nya benar bankrupt.

Tun Tan Siew Sin: Mr Speaker, Sir, the Honourable Member has apparently forgotten that not so long ago the Kelantan Government was not even able to pay salaries for *Hari Raya* but for the intervention of the Prime Minister.

Tuan Abdul Ghafar bin Baba: Tuan Yang di-Pertua, saya berasa hairan apabila mendengar Ahli² Yang Berhormat daripada Kelantan, orang² PAS membangkitkan soal kewangan dan minta wang yang lebih, kerana sapanjang yang saya tahu Ahli² Yang Berhormat daripada Parti PAS ini tidak berkehendakkan apa² kemajuan dalam Negeri-nya sebab itu soal dunia, sedangkan mereka ia-lah semua-nya orang akhirat. Jadi saya pun hairan-lah macham mana dia datang minta wang lebih dalam Dewan ini.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, saya tidak

hendak melayan itu kempen rancha-
ngan luar bandar, yang saya interested
dalam perkataan bankrupt. Saya kalau
dari segi bahasa biasa saya dapat
menerima apa juga perkataan: Duty
saya is to say and to be said. Tetapi
kalau perkataan bankrupt itu satu per-
kataan undang², saya chabar Kerajaan
mengapa tidak bawa dalam Mahkamah,
membiarkan satu unit Kerajaan dalam
Negeri Malaysia ini berjalan sa-bagai
Kerajaan yang bankrupt.

Tuan Abdul Ghafar bin Baba: Tuan
Yang di-Pertua, Mahkamah-nya ia-lah
ra'ayat dalam pilihan raya yang akan
datang.

Tuan Haji Abu Bakar bin Hamzah:
Tuan Yang di-Pertua, saya minta
Menteri Kewangan menjawab-nya, tidak
Menteri Tanpa Jabatan.

Tuan Yang di-Pertua: Itu tidak
boleh di-tujukan kepada sa-siapa, sini
gulungan Menteri. (*Ketawa*).

**Tuan Haji Othman bin Abdullah
(Hilir Perak):** Tuan Yang di-Pertua,
chukai yang di-dapati daripada Ke-
rajaan Negeri Kelantan, ada-kah ter-
masuk चुкай² itu चुкай² babi, चुкай
arak, चुкай anjing, चुкай permainan
dan segala macham चुкай yang di-
terima oleh Kerajaan Negeri PAS
dalam Negeri Kelantan ada-kah ter-
masuk

Tuan Yang di-Pertua: Ini soal ka-
pada siapa yang di-tujukan?

Tuan Haji Othman bin Abdullah:
Kapada Menteri Yang Berhormat.

Tun Tan Siew Sin: Yes, Sir.
(*Laughter*).

Tuan Haji Abu Bakar bin Hamzah:
Tuan Yang di-Pertua, ada-kah चुкай²
yang di-perolehi di-Negeri Kelantan itu
bukan sahaja termasuk babi dan anjing,
tetapi termasuk juga haiwan² dalam
hutan seperti berok, monyet dan kera
(*Ketawa*).

Tuan Abdul Ghafar bin Baba: Tuan
Yang di-Pertua, di-Negeri Kelantan
ada lebih istimewa lagi ia-itu me-
mungut चुкай mengkachip telinga
lembu. (*Ketawa*).

Tuan Mustapha bin Ahmad: Tuan
Yang di-Pertua, fasal mengkachip
telinga lembu itu hanya ada di-
Kelantan, apa-kah tidak ada di-Negeri²
lain.

Tuan Haji Othman bin Abdullah:
Tuan Yang di-Pertua, ada-kah juga . .

Tuan Yang di-Pertua: Menteri belum
jawab lagi satu soalan (*Ketawa*).

Tuan Haji Othman bin Abdullah:
Tuan Yang di-Pertua, ada-kah juga
dalam Negeri Kelantan mengambil
chukai katak puru (*Ketawa*).

Tun Tan Siew Sin: I am not aware
of the actions of the Kelantan Govern-
ment in that regard.

Tuan Haji Abu Bakar bin Hamzah:
Tuan Yang di-Pertua, ada-kah wang²
ini yang di-beri kepada Kelantan ini
banyak oleh kerana Kerajaan Perikatan
sudah berjaya membeli sa-orang wakil
PAS daripada Kelantan.

Tuan Haji Othman bin Abdullah:
Tuan Yang di-Pertua, saya atas
nama

Tuan Yang di-Pertua: Nanti-lah
dahulu! Sabar-lah, jawapan belum lagi.

Tun Tan Siew Sin: No, Sir.

Tuan Haji Othman bin Abdullah:
Tuan Yang di-Pertua, saya minta
supaya Ahli Yang Berhormat itu
menarek balek tuduhan-nya membeli
sa-orang wakil PAS dan kalau dia
berani dia boleh menchabar saya di-
luar daripada Dewan.

Tuan Haji Abu Bakar bin Hamzah:
Saya tidak tarek balek (*Ketawa*).

Tuan Yang di-Pertua: Jadi dia
menchabar di-luar daripada Parlimen
ini-lah. Jadi bersedia sahaja-lah
(*Ketawa*).

REAPPOINTMENT OF TWO DIRECTORS OF MALAYAN BANKING BERHAD

6. Dr Tan Chee Khoon (*dengan izin*)
asks the Minister of Finance whether
it is a fact that the Malaysian Govern-
ment requested that two directors of
the Malayan Banking Berhad to be
reappointed, and if so, why?

Tun Tan Siew Sin (*dengan izin*): It is true that I have requested two directors of Malayan Banking Berhad to be reappointed. It will be recalled that arising from difficulties experienced by Malayan Banking Berhad in October, 1966, which led to a substantial loss of deposits by the bank, Bank Negara Malaysia, in the public interest, caused the management of Malayan Banking Berhad to be reorganised. This reorganisation, which was carried out towards the end of 1966, involved the reconstitution of the Board of Directors of the bank to a more manageable size and the appointment to the Board of two persons, viz., Enche' Yong Pung How and Enche' Azman bin Hashim. These names were suggested by the Government on the recommendation of Bank Negara. Reorganisation also involved the abolition of the posts of Managing Director and Assistant Managing Director and subjected the management of the bank and its loans and advances to the supervision of a Supervisory Committee of the Board of Directors. An experienced banker from abroad was also appointed Chief General Manager of the bank.

Since the reorganisation, the Board of Directors and its Supervisory Committee have functioned satisfactorily and the bank has recovered its former position. At the last Annual General Meeting of Malayan Banking Berhad held on November 25, 1968, two members of the Board of Directors, viz., Enche' Yong Pung How and Enche' Lim Huan Lye, were not re-elected to the Board for a further term. It is in the public interest that the management of the bank should continue to be in the hands of persons who can command the confidence of the public as well as Bank Negara which, among other things, has responsibility to ensure that depositors' funds in the bank are safeguarded, and that this Bank continues to be properly run. On the advice of Bank Negara, therefore, I requested Malayan Banking Berhad to reinstate Enche' Yong Pung How and Enche' Lim Huan Lye on the Board of Directors.

To sum up, it should be borne in mind that there was a run on this bank

slightly more than two years ago, a run which gave every indication of assuming serious proportions. Under the circumstances, with my concurrence as Minister of Finance, Bank Negara Malaysia had to issue a Press statement assuring the public that Malayan Banking Berhad would continue to be able to meet its deposit liabilities and, if necessary, Bank Negara would provide sufficient liquid funds to the bank to enable it to do so. It was necessary to issue such a statement in order to avoid the possibility that this bank, which is the largest domestic bank in this country, might not be able at that time to meet its liabilities to depositors, thereby adversely affecting the banking system as a whole. In a situation of this kind, therefore, the Government must ensure that this bank is properly managed in view of the public undertaking it has given. This would necessitate intervening in the affairs of the bank whenever, in the considered opinion of the Government, such intervention is necessary in the public interest and even in the interests of the bank itself.

Dr Tan Chee Khoon (*dengan izin*): Mr Speaker, Sir, when we talked about Malayan Banking some two years' ago, the Minister of Finance accused me of wanting to destroy that Bank. I want to make it very clear that in asking this question I am not trying to take up cudgels on behalf of Malayan Banking. I have not hybernated with anyone of the officials of Malayan Banking. The Minister of Finance, in his answer stated that he was satisfied that after a very unhealthy state of affairs towards the end of 1966, Malayan Banking Berhad had recovered its financial health. That being so, Mr Speaker, Sir, can the Honourable Minister of Finance explain, if Malayan Banking had recovered from its unhealthy state of affairs for some time in the past, why should it be thought fit today that the Minister of Finance should intervene to order Malayan Banking Berhad to accept two nominees of the Minister of Finance on its Board?

Tun Tan Siew Sin: Mr Speaker, Sir, there are things about Malayan Banking which I am afraid it would not be in

the public interest for me to reveal unless the Honourable Member wants to start another run on the Bank.

Dr Tan Chee Khoon: Mr Speaker, Sir, it is the sort of threat that the Minister of Finance tries to use to those of us who are very honest about these things. I can assure the Honourable the Minister of Finance that I do know a bit about Malayan Banking, and I have no interest one way or the other, either to start a run on the Bank or to try and pull it up because, as I have said, I have no stake in it. Indeed, one organisation that I am connected with has a fixed deposit in Malayan Banking. So, the Minister must not insinuate that I am trying to start a run on the Bank. What I am trying to seek from the Minister of Finance is this: is he aware that by imposing two nominees on Malayan Banking Berhad, it may well be the thin edge of the wedge of Government intervention into what is purely a commercial, private enterprise? This is what has caused misgivings in financial circles.

Tun Tan Siew Sin: Mr Speaker, Sir, I would like to repeat again that even if the motives of the Honourable Member are beyond question, and I myself have doubts on that point, his actions, I think, could result in adverse results not only for Malayan Banking Berhad, but for the banking system as a whole. As I have tried to point out to the Honourable Member, there are things I know which I obviously cannot reveal in public, and if the Honourable Member wishes to cause mischief and trouble, I must admit he is going about it in the right way.

RANG UNDANG²

RANG UNDANG² KASTAM (PINDAAN), 1969

Bachaaan Kali Yang Kedua dan Ketiga

Setia-usaha Parlimen kepada Menteri Kewangan (Tuan Ali bin Haji Ahmad): Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang² bertajok "Act Bagi Meminda Act Kastam, 1967", di-bachakan bagi kali kedua.

Rang Undang² Kastam (Pindaan), 1969 yang di-bentangkan di-hadapan Ahli² Yang Berhormat Dewan ini tidak-lah bertujuan hendak mengenakan chukai ekseptot baharu getah dan bijeh timah dari Pulau Pinang tetapi hanya mengadakan kuasa dalam Act Kastam, 1967 bagi mengutip chukai ekseptot getah yang di-ekseptotkan dari Pulau Pinang dan juga chara hendak menghapuskan penyeludupan bijeh timah dari Malaysia Barat melalui Pulau Pinang.

Chukai Ekseptot telah di-kutip atas getah yang di-ekseptotkan dari Pulau Pinang semenjak 1962 sa-lepas Act Chukai Ekseptot Getah (Pulau Pinang) 1961 (No. 50 tahun 1961) berjalan kuat-kuasa-nya daripada 1hb Januari, 1962. Chukai ekseptot yang di-kenakan atas getah dari hari itu ada-lah sama dengan yang di-kenakan di-Kawasan Kawalan Utama Kastam. Act 1961 ini meminda sekshen 143 di-dalam Ordinan Kastam, 1952 yang dahulu bagi mengadakan kuasa yang perlu untuk mengutip chukai ekseptot getah.

Apabila Act Kastam (Pindaan), 1966 di-jalan dan di-kuat-kuasakan pada 1hb Disember, 1966, ia meng-gubal sekshen 143 Ordinan Kastam yang dahulu dengan tidak mengadakan peruntukan bagi pindaan yang telah dilakukan oleh Act Chukai Ekseptot Getah (Pulau Pinang), 1961. Ini, malang-nya telah menimbulkan keraguan atas kuasa mengutip chukai ekseptot getah yang di-ekseptotkan dari Pulau Pinang kerana dengan peng-gubalan semula seluruh sekshen 143, ia-nya sa-olah² menunjukkan bahawa "tidak ada chukai ekseptot akan dikenakan di-atas apa² barang yang di-ekseptotkan dari Pulau Pinang", walau pun chukai ekseptot telah di-kutip dan maseh di-kutip, atas ekseptot getah dari Pulau Pinang. Oleh itu, keraguan terus berlaku atas kuasa untuk mengutip chukai ekseptot getah dari Pulau Pinang semenjak 1hb Disember, 1966.

Oleh itu Rang Undang² Kastam (Pindaan) bukan sahaja meminda Act Kastam, 1967 yang telah menggantikan Ordinan Kastam, 1952 dahulu bagi mengadakan kuasa mengutip chukai ekseptot getah, tetapi akan juga mengesahkan dan menguatkan kuasa

bagi mengutip chukai eksept getah dari Pulau Pinang bagi tempoh 1hb Disember, 1966 hingga 31hb Disember, 1968. Ahli² Yang Berhormat tentu bersetuju bahawa tiada apa² sebab mengapa Pulau Pinang sahaja di-kechualikan dari chukai eksept getah yang di-keluarkan di-Malaysia.

Tujuan memasokkan bijeh timah sabagai suatu barang yang di-kenakan chukai apabila di-ekseptkan dari Pulau Pinang di-bawah Undang² Kastam (Pindaan) ada-lah untuk menahan penyeludupan bijeh ini dari Malaysia Barat. Pada masa ini, bijeh timah yang di-bawa masuk ka-Pulau Pinang dari Malaysia Barat ada-lah di-kenakan chukai di-Butterworth dan Prai dan oleh itu apabila sampai di-Pulau Pinang chukai-nya tentu-lah telah dibayar. Oleh itu Rang Undang² yang ada di-hadapan Majlis ini akan membolehkan bijeh timah di-bawa masuk dari Malaysia Barat ka-Pulau Pinang dengan tidak di-kenakan apa² chukai. Hanya apabila bijeh timah itu keluar dari Pulau Pinang baru-lah chukai eksept di-kutip di-atas-nya. Ini, tentu akan mengurangkan kechenderongan penyeludup² membawa bijeh timah ka-Pulau Pinang, kerana pada akhir-nya, bijeh-timah² tersebut mesti juga di-kenakan chukai sa-belum ia-nya diizinkan di-muat ka-kapal untuk di-bawa ka-luar negeri.

Tuan Yang di-Pertua, saya mohon menchadangkan.

Tuan Lee San Choon: Tuan Yang di-Pertua, saya menyokong usul ini.

Tuan Geh Chong Keat (Penang Utara) (*dengan izin*): Mr Speaker, Sir, I am always perturbed when I hear of Penang being accused of or charged with smuggling. Sir, I wish to state that Penang has been having an entrepot trade for over 150 years, and all trading into the country through a free port is legal trading. If we have been accused of smuggling, I would refer to statements on similar issues regarding Sabah. Sabah has always been doing legal trading and any export has been legal, but the Philippines treat it as smuggling. Therefore, on the same parallel, Penang has been an entrepot trade centre, and all rubber coming

from Indonesia has been imported legally; and if there has been any drainage of Government revenue, I would suggest that the Treasury work on the Customs Department itself. Rubber coming in, i.e., imported, has got to be reported and a certificate has got to be issued giving an assessment on the dry content in order to enable re-export of a similar amount calculated on tonnage basis. Now, it is always this index of calculating the actual percentage of rubber that creates the loophole of drainage. Therefore, businessmen importing rubber legally and collecting rubber legally for export usually face inconveniences and problems through the Customs procedure which, as I said many times in this House, is laborious and difficult due to some unreasonable officers. So, I hope the Minister would simplify the system on the calculation of the percentage of dry content. It is through this loophole that the Government loses its revenue, and only very few unscrupulous exporters exploit the Government through the weakness of our own officers. To be fair to the businessmen in Penang, and the majority of the exporters, I wish that Government would simplify this system of collecting revenue and thus assist the businessmen. This would be a thing to adopt rather than casting a slur that all businessmen in Penang are smugglers.

As I have said in this House, Sir, most of the headquarters of the smugglers are not based on the Island. They are based far away from the island and this allows them to move from Penang and, at any moment, to shift to Johore. Sir, the basis of this is the integrity of our officers. I know it is the privilege of the Honourable Minister and the Heads of Departments to protect the officers, but still I say that it is well-known throughout the country that it is these few unscrupulous officers who think that this transitional period of building our nation is the time for them to feather their own nests. They feel that it is a time when they have the opportunity to dip their fingers in all the pies. So, I request the Honourable Minister with all the best of intention to consider the problems of the businessmen and

whatever their appeals may be, if they are reasonable, to pay heed and give them a good listening ear. They too are loyal citizens of the country and they too have helped us to build up our national reserves and they have contributed, even though in some small way, towards the prosperity of the country and to our sound monetary stability. I am sure the Honourable Minister of Finance will show appreciation and, I hope, from now on we would not work on the basis of suspicion that the Island of Penang is rife with smuggling. I say we always do legalised trading and honest business in the country. Thank you, Sir.

Tuan Haji Abu Bakar bin Hamzah (Bachok): Tuan Yang di-Pertua, saya turut berchakap sama di-bawah Rang Undang² Kastam ini. Pada satu segi saya menyokong Kerajaan membuat sa-barang Undang² mengawal apa juga chukai yang boleh di-bawa lari sama ada di-Pulau Pinang atau pun di-mana² tempat. Tetapi ada satu perkara—point—yang saya hendak timbulkan di-sini, ia-itu Clause 3 dalam Rang Undang² ini sa-olah²-nya membetulkan perbuatan Kerajaan yang pada satu masa tidak mempunyai Undang². Erti-nya bagini, Tuan Yang di-Pertua, kita telah meminda Undang² Kastam ini banyak kali termasuk-lah pada tahun 1962, tahun 1966 dan tahun 1967 sa-bagaimana yang ada sekarang ini. Yang menjadi ragu² kepada ra'ayat atau pun pehak² yang berkenaan di-bawah Undang² ini ia-lah satu masa—period—di-antara tahun 1966 sampai kepada tahun 1967 atau pun tahun yang kita membuat Undang² ini tidak ada kuasa di-dalam mana² Undang² ini membenarkan Kerajaan mengutip chukai dan kita telah kutip, dengan sebab itu kita sendiri pun ragu² apa-kah pekerjaan kita itu lulus dari segi Undang² dan orang ramai pun mithalnya yang kena kutip tentu-lah dia hendak mengadu perkara ini ka-Mahkamah dan mereka itu membuat pengaduan berdasarkan kepada keraguan ini. Apabila kita mengadakan Clause 3 ia-itu cheraian 2 ini erti-nya apa tindakan pun tidak boleh di-ambil terhadap Kerajaan Federation, terhadap pegawai yang bertugas, terhadap

siapa² juga yang mengutip chukai itu dan apa juga chukai yang di-kutip sampai hujung tahun 1968 hendak-lah di-pandang chukai itu di-kutip dengan sah-nya. Ini yang menimbulkan satu pertanyaan, ia-itu ada-kah Kerajaan yakin bahawa chara membuat Undang² kemudian sa-telah kita membuat satu kerja yang pada masa itu Undang²-nya tidak ada—silence—pada masa itu, kita buat Undang² kemudian membetulkan, legalisekan, perbuatan kita yang tidak ada Undang² itu ada-kah ini satu chara yang betul atau pun satu chara yang dapat di-terima.

Yang kedua, Tuan Yang di-Pertua, kalau orang mengadu kepada mahkamah berdasarkan period Undang² itu belum ada di-masa yang kita maseh ragu² orang mengadu kepada Mahkamah memakai loyar membayar sekian banyak, wang chukai yang di-kutip pun sekian banyak, orang² ini chuba hendak mendapat balek chukai itu. Mengikut cheraian 2, Clause 3 ini benda itu discharge bagitu sahaja. Orang itu rugi baik chukai-nya pun di-kutip, belanja court fees rugi, tenaganya rugi pada hal orang² ini membuat pengaduan itu di-ketika Undang² belum ada. Mereka itu asaskan aduan itu di-ketika Undang² ini silence. Jadi, saya rasa sa-kurang²-nya kita membayar balek wang itu dan court fees itu kita ketepikan, saya rasa itu 'adil.

Ini, Tuan Yang di-Pertua, saya terkenang pada satu masa dahulu ia-itu kita kutip satu chukai di-Pulau Pinang kira² empat bulan, kita kutip chukai itu Undang²-nya tidak ada, kemudian Yang Berhormat Menteri atau pun Kerajaan mengemukakan satu Undang² mengiakan masa empat bulan yang Kerajaan buat tidak mempunyai Undang² itu. Pada masa itu saya telah menegor, boleh jadi tegoran saya itu dapat ada asas-nya atau pun tidak, tetapi saya telah menyampaikan kepada Kerajaan ia-itu perbuatan membetulkan kerja yang tidak betul pada masa yang lalu atau pun biasa-nya dikatakan *ipso facto* tidak patut-lah berlaku di-negeri kita ini pada tiap² tahun. Pada masa itu saya telah berkata saya bimbang takut tahun depan menjelang sahaja Parlimen ada lagi Undang² yang sa-macham ini, kalau tidak silap saya,

Yang Berhormat Menteri kata kita akan berusaha tidak akan membawa Undang² sa-macam ini lagi tiba² lagi sa-kali di-bawa Undang² sa-macam ini di-hadapan kita. Ini, Tuan Yang di-Pertua, kalau saya tidak silap saya punya fahaman. Kalau-lah saya punya fahaman ini benar, dan kalau pendapat saya benar dan fahaman saya berkenaan dengan Rang Undang² ini benar, saya rasa Kementerian Kewangan membuat satu perkara yang tidak patut dari segi Undang² dan ini patut di-semak dari segi legal point of view apa-kah Bill ini sah di-bawa kadalam Dewan ini. Dan saya hendak menguji kejujuran Kerajaan dalam ini dengan saya menchabar Kerajaan membawa Rang Undang² ini kepada Select Committee.

Tun Tan Siew Sin (*dengan izin*): Mr Speaker, Sir, I would like only to reply to the Honourable Member for Penang Utara who spoke first and who, in my view, got unnecessarily hot under the collar. No one in the Government is suggesting that the people of Penang by and large are less law-abiding than the population of the rest of Malaysia. But, I think even the Honourable Member for Penang Utara will not claim that everybody in Penang is an angel. If that was so, we would not need a Police Force in Penang and we would not need laws in Penang; if that was so, Penang must be the most unique piece of land on the whole of this earth. In the same way, we in the Government do not claim that there is no corruption at all in the Department of Customs and Excise. However, I think the Honourable Member must give the Department of Customs and Excise credit for having done, on the whole, creditably well. If he had followed events closely, he would have found that the revenue is rising nicely—Customs revenue, of course—and seizures of confiscated and smuggled goods are also showing a commendable improvement, and I think we are trying to do as best we can. We can assure the Honourable Member that the Government has no intention of being harder on Penang than it will be on the rest of Malaysia, and we certainly intend to give Penang a fair deal.

Menteri Ta' Berjabatan (Tuan Abdul Ghafar bin Baba): Tuan Yang di-Pertua, saya suka hendak menjawab ucapan Wakil dari Bachok. Ada-lah menjadi satu perkara biasa yang dilakukan di-mana² negeri membawa undang² supaya menghalalkan kerja² atau pungutan wang yang di-pungut lebeh dahulu dengan tiada-nya undang². Walau bagaimana pun, keadaan ini ada-lah lebeh baik sedikit jika di-bandingkan dengan hal yang berlaku di-negeri Kelantan sendiri dimana wang² pertarohan pemohon² yang meminta tanah telah di-pungut oleh Kerajaan dan telah di-belanjakan dengan tidak ada membawa undang² langsung bagi menghalalkan membelanjakan wang yang telah di-pungut dengan tidak kebenaran daripada orang² yang menyimpan wang-nya itu. Jadi, sa-kurang²-nya apa yang di-buat oleh Kerajaan Perikatan ini ada-lah lebeh baik dan mengikut undang² daripada yang di-lakukan oleh parti daripada mana Ahli dari Bachok itu sendiri datang.

Tuan Ali bin Haji Ahmad (*dengan izin*): Mr Speaker, Sir, the collection of export duty has been done with the concurrence of the Rubber Traders Association of Penang—I hope the Member for Penang Utara will realise this. The collection of rubber export duty is actually on rubber grown in Penang Island itself. The inclusion of tin as a dutiable item in the Amendment Bill is to stop the smugglers from using Penang Island as an export point. West Malaysia is a major producer of tin in the country, and it is easy for tin to be brought into Penang. When tin is dutiable from Penang, it would, in fact, encourage the trade of Penang because tin leaving Butterworth for Penang is not dutiable as tin will be taxed only when leaving Malaysia.

Tentang point yang di-timbulkan oleh Ahli Yang Berhormat dari Bachok tadi

Tuan Geh Chong Keat: Tuan Yang di-Pertua, saya terima kaseh-lah atas jawapan ini. Tetapi saya minta izin berchakap dalam Bahasa Inggeris untuk memberi sedikit penjelasan.

Mr Speaker, Sir, I wish to say in this respect—and I am sure—that the Ministry would also thank the rubber merchants in Penang for their co-operation in undertaking to collect the dues from this rubber for export. In fact, this was one of the best things on the part of the Minister of Finance to agree to that sort of arrangement and I am sure he was quite happy with that arrangement. That is why when I expressed my feeling just now, I was also appealing for the continuance of this good relationship.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, saya ucapkan terima kasih kepada Ahli Yang Berhormat dari Pulau Pinang Utara.

Berkenaan dengan point yang di-timbulkan oleh Ahli Yang Berhormat dari Bachok yang meragukan sama ada Bill ini sah atau tidak, Tuan Yang di-Pertua, saya suka memberitahu Ahli Yang Berhormat itu Bill yang di-kemukakan ini sa-belum di-kemukakan kepada Dewan ini ada-lah di-siasat dan di-tapis terlebih dahulu dari segi undang²-nya, dari segi loophole-nya oleh Pejabat Peguam Negara dan dengan demikian saya suka memberikan jaminan di-sini ia-itu Bill yang ada di-hadapan kita ini apabila di-luluskan oleh Dewan ini akan menjadi satu Bill yang sah.

Point yang satu lagi yang di-timbulkan oleh Ahli Yang Berhormat dari Bachok itu ia-lah beliau menchabar supaya Bill ini di-bawa kepada Select Committee. Tuan Yang di-Pertua, bagi menjawab-nya saya kata ia-itu tidak perlu Bill ini di-bawa kepada Select Committee.

Usul di-kemuka bagi di-putuskan, 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 Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

THE INCOME TAX (AMENDMENT) BILL, 1969

Bachaaan Kali Yang Kedua dan Ketiga

Tun Tan Siew Sin (*dengan izin*): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Income Tax Act, 1967" be read a second time.

The purpose of the Bill is to remove ambiguities in certain sections of the Act, to facilitate the operation and management of income tax and to give effect to certain further representations since received.

The Income Tax Act provides that the residential status of an individual is to be determined by reference to the number of days he is in Malaysia. It is intended that if an individual is in Malaysia for a part or parts of a day, he should be treated as being in Malaysia for one day. The Bill, therefore, seeks to define "day" as meaning a part or parts of a day.

It is also proposed to amend the Act to remove a possible anomaly in the case of a business which does not make up its first accounts to the thirty-first day of December or for a period of twelve months. In such a case, there will be an overlap of basis periods for the first and second years of assessment. The proposed amendment to the relevant section of the Act seeks to allow the Comptroller-General of Inland Revenue to specify the basis periods for the first two years of assessment, so as to avoid an overlap of basis periods only in those cases where the accounts are required to be made up to a specific date under any law or because of group accounting requirements, or in cases where a new partner enters an existing partnership, or where a sole proprietor admits any person into his business to form a

partnership. It is not intended that a person should be allowed the choice to manipulate his first accounting period in such a way as to give himself a tax advantage at the expense of revenue.

At present, the Act exempts from tax in whole or in part certain terminal payments made to an employee, depending on the period of his employment with the same employer or with companies in the same group. These normally take the form of sums received by way of compensation for loss of employment or by way of gratuity on retirement from an employment. This restriction has unfortunately created an anomaly in the case of an employee working for different employers whose businesses operate under a common management or a common agency or where the period of employment is in a business with different employers but where the control and management of that business remains substantially with the same person or persons. The Bill, therefore, seeks to enlarge the definition of employment with the same employer to include all the categories of employment to which I have just referred.

There are also other amendments proposed. Since these are of a minor or technical nature, I do not propose to dwell on them beyond inviting the attention of Honourable Members to the Explanatory Statement at the end of the Bill.

Sir, I beg to move.

Dato' Ganie Gilong: Tuan Yang di-Pertua, saya menyokong.

Usul di-kemuka bagi di-putuskan, 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 Jawatan-kuasa*)

Fasal 1 hingga 10—

Tun Tan Siew Sin: Mr Chairman, Sir, I beg to move the following amendments to Clauses 1, 7, 8, 9, and 10 in the manner indicated in the amendment slips which have already been circulated to Honourable Members:

Fasal 1—

Insert the words "except for Clause 8 which shall deem to have effect for the years of assessment 1969 and subsequent years of assessment." at the end thereof.

Fasal 7—

Delete Clause 7 and substitute the following thereof:

"Amendment of section 33. 7. Section 33 of the principal Act is hereby amended by—

- (a) for the words, "the gross income" wherever they appear after the words "the production of" in sub-section (1) substitute therefor the words, "gross income from that source";
- (b) for the words, "the gross income" appearing after the words, "of producing" in sub-section (1) (b) substitute therefor the words, "gross income from that source";
- (c) inserting after the words, "sub-section (1) (a) applies in relation to gross income" appearing in sub-section (2) the words, "from a business of his".

Fasal 8—

(New)

Insert the following new Clause after Clause 7:

"Amendment of section 39. 8. Section 39 of the principal Act is hereby amended by—

- (a) deleting paragraph (g) of sub-section (1) thereof and re-lettering paragraph (h) as paragraph (g); and
- (b) Inserting the words "in Malaysia" immediately after "from a forest" occurring in the re-lettered paragraph (g) of sub-section (1) thereof."

These amendments are of a minor nature and the explanations and reasons for them have been given in the slips referred to. I should also add that beginning from Clause 8 the subsequent Clauses are to be re-numbered, i.e., 8 becomes 9, 9 becomes 10, and so on until the end of the line.

Pindaan² di-kemuka bagi di-putuskan, dan di-setujukan.

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

Fasal 11 hingga 14 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 15—

Tun Tan Siew Sin: Mr Chairman, Sir, the Clauses in the Bill have been re-numbered, and I would like to draw the attention of Honourable Members to amendments to Clause 15 (new Clause 16) in the amendment slip which has already been circulated to Honourable Members:

Clause 15 (3): In the new subparagraph (d) insert the words "basis period for the" after the word "the" in line 8.

Clause 15 (5): Substitute the words "38 (1) (d)" for the words "38 (d)" wherever appearing therein.

Pindaan² di-kemuka bagi di-putuskan, dan di-setujukan.

Fasal 15 sa-bagai di-pinda, di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 16 hingga 18 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

THE INVESTMENT INCENTIVES (AMENDMENT) BILL, 1969

Bachaan Kali Yang Kedua dan Ketiga

Tun Tan Siew Sin (*dengan izin*): Mr Speaker, Sir, I beg to move that a Bill intituled "An Act to amend the Investment Incentives Act, 1968" be read a second time.

The purpose of the Bill is to remove an anomaly in the ascertainment of income of a pioneer company for the first and second years of assessment immediately following the expiration of its tax relief period, and to extend the double deduction of expenses for the promotion of exports to advertisements over radio and television operated outside Malaysia and Singapore.

According to section 15 of the Investment Incentives Act, 1968, where the tax relief period of a pioneer company ends on a day which does not coincide with the day to which the company makes up its final accounts, the income of its business immediately after the end of its tax relief period is liable to be assessed for more than one year of assessment. The proposed amendment is intended to remove this anomaly.

The Investment Incentives Act contains Rules made under section 27 thereof to provide for a double deduction of expenses incurred for the promotion of exports. At present the double deduction is allowed in respect of payments made to persons not resident in Malaysia for advertisements placed in newspapers, trade journals and similar publications, even though such advertisements may be published in Malaysia. Since the purpose of the double deduction is to encourage the promotion of exports for which the markets sought should be those outside Malaysia, the mere payment of such expenses to non-residents should not by itself qualify for the double deduction. It is now proposed to remove this anomaly and at the same time to extend the double deduction to advertisements over radio and television. The Bill, therefore, seeks to amend Rule 4 (2) of the Income Tax (Promotion of Exports) Rules, 1968, to allow only expenses incurred for advertisements in newspapers, trade journals or similar publications, or advertisements over radio and television operated outside Malaysia and Singapore. Singapore is excluded because for this purpose advertisements published or broadcasts made in Singapore are readily available in Malaysia,

and hence could well be designed merely for the promotion of sales in Malaysia.

One of the incentives provided for in the Investment Incentives Act, 1968, is an export allowance to be deducted from the gross income of a company whose income includes profits from the sale of manufactured goods which are exported. It is obvious that no pioneer company which exports during its tax relief period would wish to have this allowance since it would have the effect of reducing the amount of its exempted income. The Bill, therefore, seeks to exclude pioneer companies from section 29 (1) of the Act which provides for such export allowance.

There is also a technical amendment to section 34 (5) (b) of the Act, so that pioneer companies approved under the repealed Pioneer Industries Ordinance will continue to qualify for payroll tax exemption and for double deduction in respect of expenses for the promotion of exports.

Sir, I beg to move.

Dato' Ganie Gilong: Tuan Yang di-Pertua, saya menyokong.

Usul di-kemuka bagi di-putuskan, 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 Jawatan-kuasa*)

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

Fasal 2—

Tun Tan Siew Sin: Mr Chairman, Sir, I would like to propose an amendment to Clause 2 of the Bill in the

manner indicated in the amendment slip which has already been circulated to Honourable Members, viz.,

*Clause 2—*In the proposed new sub-section (2) add the following immediately after the words "a new business" in line 2 thereof,

"and the accounts of the new business are made up to a day corresponding to the day on which the annual accounts of the old business were made up".

The reason for the amendment has also been given in the amendment slip.

Pindaan di-kemuka bagi di-putuskan, dan di-setujukan.

Fasal 2 sa-bagai di-pinda, di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 3 hingga 5 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

THE STAMP (AMENDMENT) BILL, 1969

Bachaan Kali Yang Kedua dan Ketiga

Tun Tan Siew Sin (*dengan izin*): Mr Speaker, Sir, I beg to move that a Bill intituled "An Act to amend the laws relating to Stamp Duty" be read a second time.

Contract notes covering the sale of shares of companies incorporated domestically are at present liable to stamp duty at the rate of 25 cents when the value of the shares does not exceed \$1,000, and 50 cents if it exceeds this amount. For foreign companies, the corresponding rates are \$1.00 and \$2.00 respectively. The purpose of this Bill is to revise the rates as follows: where the value of the shares does not exceed \$1,000 the new rates will be 50 cents for domestic companies and \$1.50 for foreign companies; where the value exceeds \$1,000 the new rates will be \$1.00 and \$3.00 for domestic and foreign companies respectively.

Sir, I beg to move.

Dato' Ganie Gilong: Tuan Yang di-Pertua, saya menyokong.

Usul di-kemuka bagi di-putuskan, 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 Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

THE ACCOUNTANTS (AMENDMENT) BILL

Bachaaan Kali Yang Kedua dan Ketiga

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, saya mohon mencha-dangkan Rang Undang² bertajok an Act to amend the Accountants Act, 1967, di-bachakan kali yang kedua.

Tujuan Rang Undang² ini ia-lah untuk memperkemaskan Act Accountant, 1967 yang ada sekarang ini yang belum lagi di-kuat-kuasakan. Act Accountant, 1967 belum dapat di-kuat-kuasakan kerana sa-telah Act itu di-luluskan oleh Parlimen tempoh hari Gabnor Bank Negara dan Jawatan-kuasa yang mengulang-kaji Act Sharikat², 1965 telah mengemukakan beberapa tegoran mengenai Act itu dan meminta beberapa perubahan dan tambahan di-buat. Pindaan kepada Sekshen 7 Act ini ia-lah untuk membolehkan orang² yang tidak tinggal di-Malaysia menjadi ahli Institute Accountant Malaysia dan juga untuk memberi beberapa kemudahan kepada mereka.

Pindaan kepada Sekshen 8 pula bertujuan untuk mewujudkan perwakilan yang sama daripada Accountant² 'Awam dan Accountant² Berdaftar

dalam Majlis Institute tersebut. Pindaan ini di-buat berikutan dengan permintaan yang di-kemukakan oleh sa-bahagian daripada Ahli² Majlis Institute itu yang terdiri daripada Accountant² Berdaftar. Mengikut Act yang ada, Accountant² 'Awam mempunyai lapan orang ahli dan Accountant² Berdaftar enam orang sahaja. Perwakilan yang sama ini adalah sa-laras dengan peruntukan perwakilan yang terdapat dalam kebanyakan Institute, atau Persatuan² Accountant di-dunia ini. Dalam Act yang ada sekarang ini tidak terdapat satu peruntukan pun yang membolehkan sa-saorang yang tidak puas hati dengan keputusan Majlis Institute menolak permintaan-nya menjadi ahli untuk merayu kepada pihak atasan. Bagi membolehkan orang² ini membuat rayuan dan dari segi ke'adilan, Sekshen 12 di-pinda dengan mengadakan peruntukan tambahan untuk membolehkan mereka merayu ka-Mahkamah Tinggi.

Sekshen 13, di-pinda untuk membolehkan Majlis Institute menerima sa-saorang yang mempunyai Sijil Persekolahan Tinggi untuk menjadi Accountant 'Awam atau Berdaftar jika mereka ada pengalaman yang diakui sa-lama empat tahun. Act yang ada sekarang ini hanya menyentuh pemegang² ijazah university sahaja, di-samping itu terdapat juga peruntukan tambahan memberi kuasa kepada Majlis Institute untuk menerima sa-saorang Accountant Berdaftar menjadi Accountant 'Awam atas satu chadangan satu Jawatan-kuasa yang di-lantek khas mengikut peratoran² Act ini. Peruntukan tambahan ini bertujuan untuk memberi peluang kepada sa-golongan Accountant² Berdaftar menjalankan pekerjaan sendiri sa-telah meninggalkan jawatan² mereka di-Jabatan² Kerajaan, Badan² Berkanun, firm² dan sa-bagai-nya.

Pindaan kepada Sekshen² 17 dan 22 ada-lah bertujuan untuk menjelaskan bahawa sa-saorang yang telah di-daftarkan sa-bagai Accountant 'Awam mesti-lah mempunyai tempat tinggal yang utama atau yang tinggal di-Malaysia sa-belum ia di-benarkan menjalankan pekerjaan-nya sa-bagai Accountant 'Awam di-Malaysia.

Pindaan ini di-buat demi kepentingan orang ramai dan Accountant² tempatan. Pindaan kapada Jadual Pertama Act ini ia-lah untuk menyelaraskan dengan pindaan yang di-buat kapada Sekshen 8, manakala pindaan kapada Jadual Kedua ada-lah bertujuan untuk memasukkan dua institute baharu.

Tuan Yang di-Pertua, saya mohon menchadangkan.

Tuan Ibrahim bin Abdul Rahman: Tuan Yang di-Pertua, saya mohon menyokong.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

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

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangkan dalam Jawatan-kuasa.

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

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

Fasal 5—

Tuan Ali bin Haji Ahmad: Tuan Pengerusi, saya mohon mengemukakan sedikit pindaan kapada Clause 5 berkenaan dengan Sekshen (IB).

Pindaan-nya berbunyi seperti berikut:

Clause 5: Delete the words "in the case of" appearing in line 2 of the proposed sub-section (IB).

Pindaan di-kemuka bagi di-putuskan, dan di-setujukan.

Fasal 5 sa-bagai di-pinda, di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 6 hingga 8 di-perintah menjadi sa-bahagian daripada Rang Undang².

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

Tuan Yang di-Pertua: Persidangan ini di-tempohkan sa-lama 15 minit.

Persidangan di-tempohkan pada pukul 11.35 pagi.

Persidangan di-sambong sa-mula pada pukul 11.50 pagi.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat*)

THE SUPPLEMENTARY INCOME TAX (AMENDMENT) BILL, 1969

Bachaaan Kali Yang Kedua dan Ketiga

Tun Tan Siew Sin (*dengan izin*): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Supplementary Income Tax Act, 1967 and to make provision for the imposition of a Timber Profits Tax" be read a second time.

As Honourable Members are aware, the law governing development tax is contained in the Supplementary Income Tax Act. The rate of tax is 5% on every dollar of development income, provided that in the case of an individual who is a partner in a partnership business a minimum tax of \$100 per annum is payable by him whether or not he derives any income from that business.

When introducing development tax in this House in 1967, I explained that the imposition of a minimum tax of \$100 was intended to discourage the formation of pseudo or fictitious partnership for the purpose of fragmenting income in order to reduce if not evade liability to the tax. Unfortunately, it has been found that this provision had an unduly harsh impact on the very small businessmen who are partners in a partnership business with little or no income from such business and it was not the original intention that such people should be so affected.

This Bill seeks to abolish this minimum tax and to impose in its place a 5% charge on every dollar of development income in excess of \$1,000 per annum of an individual who is a partner in a partnership business. The effect of this is that unless his development income is more than \$1,000 he

will not be subject to development tax. There is also provision for marginal relief so that where the individual's development income slightly exceeds \$1,000 his development tax will be the difference between the amount of his development income and \$1,000.

This Bill also seeks to introduce another form of supplementary income tax, namely an excess profits tax on timber. In this connection, Honourable Members will recall that in my Budget speech last month, I announced our intention to abolish a certain disallowance and to replace it with this new tax. The disallowance mentioned is the disallowance of one-half of the amount of any royalty paid or payable to a State Government for the extraction of timber from forest land, or where no such royalty is payable, one-half of the amount of any duty paid or payable on the export of the timber so extracted.

This new tax will be imposed for each year of assessment commencing from 1969 on the income of any person derived from timber operations. Timber operations are defined as meaning the extraction of timber from a forest in Malaysia or the granting or assignment of any rights, privileges, licences or concessions—by whatever name called—for the extraction of such timber, but does not include the processing, milling, sawing or manufacturing of such timber. The tax will be additional to any income tax that may be charged in respect of that person for that year of assessment under the Income Tax Act, 1967.

In the ascertainment of timber profits for the purpose of the proposed tax, only expenditure patently attributable to timber operations will be deductible. In order to ensure that timber profits will not be deflated to avoid the tax by the simple expedient of increasing directors' remuneration, it is provided in the Bill that directors' remuneration of controlled companies will be restricted to the remuneration actually paid or 10% of the adjusted timber profits before the deduction of the remuneration whichever is the lower, subject to a minimum of \$20,000 and a maximum of \$250,000 per annum.

In the case of an integrated business, i.e., one which derives income from timber operations as well as from the sawmilling or processing of any timber logged by the business itself, the timber sawn or processed will be valued at cost or market value, whichever is the less, for the purpose of ascertaining the timber profits of the business from its logging operations.

A deduction of 10% of gross income from timber operations for the basis year for a year of assessment will be allowed and only timber profits in excess of this deduction will be subject to the new tax. Where a person has more than one source in respect of which income is derived from timber operations, the tax will be charged on the aggregate of timber profits from each source after the 10% deduction.

The rate of tax is 10% on any amount of the timber profits exceeding 10% but not 20% of the gross income derived from timber operations, and 20% on any amount in excess of 20% of the gross income.

There are also provisions to aggregate the timber profits of a husband and wife and to impose the tax on a partnership on the same basis as on an individual or company.

As in the case of tin profits and development tax, the new supplementary income tax is in the nature of a corporation tax in that the tax payable will not be available to frank dividends paid by a company, i.e., the company paying the dividend will not be entitled to deduct the tax from the dividend paid so that the tax will not be available for set-off against any tax payable by a shareholder of the company.

Sir, I beg to move.

Dato' Ganie Gilong: Tuan Yang di-Pertua, saya menyokong.

Dr Tan Chee Khoon (Batu) (*dengan izin*): Mr Speaker, Sir, last year when the Minister of Finance announced that this country has perhaps reached its optimum level of taxation, I am sure the business people of this country must have heaved a sigh of relief. This year, a little more than a month ago, the Minister again reiterated that principle,

no doubt, with the General Elections in mind, hoping to beguile the electorate into thinking how reasonable the Minister of Finance is and how reasonable the Alliance Government is. Now, I myself have not said that the people who can afford to pay should not be taxed more, in order to provide for the services that are needed in this country, but I say that at least the Minister of Finance and the Alliance Government should be honest in what they say. I say that the Minister, while on the one hand assures the country that the optimum level of taxation has been reached, on the other hand, in the Bill that is before the House today, proceeds on a principle which is blatantly a thin edge of the wedge.

This Bill seeks to impose a 10% tax on any amount not exceeding 10% of the gross income for the basis year and 20% for the higher level, and the Minister in his speech has admitted that this is in the nature of a corporation tax. Today, the Minister presumably has a very good case in imposing this taxation on timber and timber merchants, but tomorrow he may well cast his net wider and rope in other people other than the timber merchants. As I have stated before, I am not against the imposition of new taxes or higher rates of taxes on the people who can afford to pay. What I am saying is that the Minister, while assuring the country that the optimum level has been reached, should not at the same time cast his net wider, in this case on the timber merchants. No doubt, when the Budget comes round next year, the Minister will cast his net far wider and include a far larger category of tax-payers of this country. I do hope that the electorate and tax-payers in this country will take note of the actions of the Minister of Finance as opposed to his sweet words regarding the optimum level of taxation in this country.

Mr Speaker, Sir, I wish to touch on two aspects of this taxation and of the timber industry in this country. The Minister in his Budget speech almost rubbed his hands with glee and said, "Ah, you know, timber is the third export-earner in this country", and I

think the figure given was in the region of \$182 million which had been gathered last year from timber exports. Mr Speaker, Sir, timber, like tin, is a wasting asset but, unlike tin which you cannot replace into the earth, reafforestation will ensure that while we denude our forests of timber we should replant so as to see that there is a continuous supply of timber in the years to come. I regret to say that as far as I can see, there is very little evidence of work in this direction despite the fact that the United Nations Development Programme provides specifically for aid of such a nature. I would like to bring it to the attention of the Minister or of his other Ministerial colleagues that what the Government should do is to create a Cess Fund, impose a cess on the export of timber or of timber logs. Today, the timber merchant is only interested in extracting timber from the forest land. More than that, he is only interested in minting money in Sabah and Sarawak. Literally, these people are minting money without a care for the future, but we in this House should see that the future generations in this country are not deprived of timber for future uses. It is true that there are thousands of acres in both East and West Malaysia, more of it in East Malaysia, and the timber is being cut down at a very alarming rate. I myself am not that happy, as the Minister for Finance is, over the increase in export of timber and allied products. What I say is that these tycoons and others who are raking in money should contribute towards a Cess Fund on the model of the Rubber Cess Fund, so that this money can be used by the Government to replant forest land that has been denuded of timber.

The other thing, Mr Speaker, Sir, that I wish to bring to the attention of this House and to the Alliance Government is the fact that the people who are connected with this industry are more interested in quick money and hence despite the fact that there is an extra tax on logs being exported from this country, I am told that in Sabah and Sarawak, logs are being exported wholesale to Japan. Now, Mr

Speaker, Sir, we know that the processing of logs will provide employment for thousands of people and there is no reason why we should send our logs to Japan to be processed there. I see the Minister of Commerce and Industry has just arrived, Mr Speaker, Sir, and surely he is interested in seeing that logs should provide us with new industries and with employment for thousands of unemployed in this country. I would hope that the Alliance Government would persuade the loggers in East Malaysia—if it is possible, use the velvet glove in the first instance; if not, use the mailed fist by way of legislation—to see that the logs, if they cannot be processed in East Malaysia, should be brought to West Malaysia or the East Coast of the Peninsula and be processed there, thus providing work—one hears so very often in this House the Member for Kuala Trengganu Utara, for example, telling us, “We have no industries, you cannot provide us with industries there”. Now, this is one method whereby logs can be brought from East Malaysia to West Malaysia and there processed into plywood and furniture; it is not too difficult to get skilled workmen to go to the beautiful beaches of Trengganu, Pahang and Kelantan and there start factories to process the logs that are being exported at an alarming rate to Japan. I do hope that the Minister of Commerce and Industry, in collaboration with his Ministerial colleagues, should see to it that there should be a drastic cutback in the export of logs and there should be greater work done in the processing of timber products, so that we can sell the finished products, thereby earning more foreign exchange and at the same time provide employment for the teeming thousands in this country. Thank you.

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, berchakap di bawah Rang Undang² ini dengan sababnya ringkas ada dua tiga perkara sahaja yang saya hendak sebutkan. Saya bersetuju dengan apa yang disebutkan oleh Ahli Yang Berhormat dari Batu ia-itu patutlah di-adakan satu fund supaya dapat di-gunakan

fund itu bagi menanam sa-mula kayu² dalam hutan² yang telah di-tebang pokok²-nya.

Tuan Yang di-Pertua, meski pun hutan ini memberi untong kepada kita dengan kita mengambil kayu, tetapi lama-kelamaan kita akan kehilangan kayu. Walau pun pada masa ini kita dapati negeri kita banyak hutan² yang belum di-tempoh atau virgin jungle, tetapi tidak lama lagi kita akan menghadapi kekurangan kayu. Saya mengshorkan supaya Kerajaan menanam sa-mula pokok² yang boleh di-katakan termasuk dalam jenis pine dan pokok² ini berguna kerana chabang-nya tidak banyak dan batang-nya lurus dan ditanam jarak² yang tidak begitu jauh, dengan itu pokok² ini boleh memberi satu lindongan kepada pokok cocoa, erti-nya cocoa boleh di-tanam di-chelah² pokok itu. Mengikut apa yang saya bacha pokok cocoa ini tidak mahu di-tanam di-bawah mata hari yang sachara langsung—direct sun. Kalau begitu dia mesti di-tanam di-chelah² pokok. Dengan demikian apabila Kerajaan mengadakan fund ini atau pun dengan satu undang² kita menanam sa-mula kayu dalam hutan² dan disamping itu kita menanam cocoa, saya rasa, itu akan lebeh menguntungkan, dan pokok yang saya sebutkan ini, Tuan Yang di-Pertua, dalam masa enam tahun sudah boleh kita potong dan di-gunakan kayu itu sa-bagai timber.

Yang kedua, Tuan Yang di-Pertua, mengenakan income tax kepada keuntungan daripada kayu atau pun timber profit. Sa-lain daripada income tax, kalau saya tidak silap faham di-sini erti-nya income tax sudah kena, kemudian untong daripada kayu ini pun di-kenakan lagi, jadi sudah dua income tax yang di-kenakan kepada orang yang berkenaan. Kemudian daripada itu satu cara pula di-buat di-sini ia-itu keuntungan yang di-perolehi daripada timber, daripada kayu atau papan ini oleh si-suami di-champor dengan apa yang di-dapati oleh si-isteri di-kenakan income tax pula. Kalau sa-kira-nya income tax asal itu di-champorkan, di-kenakan ini, Tuan Yang di-Pertua, dari segi undang² boleh kita sebut begitu,

tetapi dari segi practice amat-lah susah kita hendak dapati yang si-suaminya tokeh kayu, si-isteri-nya pun tokeh kayu, jadi jarang ada macham itu, chuma dari segi undang² boleh kita mengatakan begitu.

Yang ketiga, walau pun industry atau pun perusahaan saya belum tempohkau lagi, tetapi mengenakan income tax atas keuntungan daripada kayu ini terkadang² boleh membawa kepada perusahaan itu sendiri tidak berjalan, oleh kerana income tax itu mahal atau pun berat hendak di-bayar, tetapi usaha²-nya tidak dapat di-lakukan. Maka mahu ta' mahu, orang² yang bekerja berkenaan dengan kayu ini akan eksepot ka-luar kayu mentah begitu sahaja dan dengan demikian kita tidak dapat untong, melainkan untong harga kayu itu sahaja, sedang kalau kita mengadakan perusahaan di-negeri ini, sa-lain daripada keuntungan itu dapat dan chukai pun tentu kita dapat lebeh banyak, employment, kerja² pun kita boleh beri kepada ra'ayat kita.

Yang keempat dan yang akhir sekali perkara kayu, Tuan Yang di-Pertua, bukan perkara kechil. Bagi kita di-Malaysia ini kita rasa perkara ini kechil, sebab negeri kita kaya dengan kayu, tetapi yang sa-benar-nya kayu tidak banyak sebab itu kita dapati kayu mahal di-negeri² yang lain.

Saya menchadangkan supaya Kerajaan mengadakan factory untuk memproseskan kayu² ini, membuat furniture atau perabut² dan di-adakan taraf perintis. Kalau sa-kira-nya kita dapati di-Pantai Barat tidak ada tempat kita buat di-Pantai Timor dan kalau tidak chukup di-Pantai Timor kita buat di-Malaysia Timor ia-itu di-Sabah dan di-Sarawak. Banyak-lah usaha² yang boleh di-buat yang boleh menambahkan income bagi ra'ayat, bukan hanya satakut membuat undang² income tax untuk Kerajaan hendak mengambil-nya. Jadi nampak-nya tiap² kali bila kita ada pindaan Income Tax Act ini saya dapati Yang Berhormat Menteri kita membuat undang² hendak mengambil income tax, tetapi tidak di-majukar dengan melalui Kementerian yang lain, mithal-nya, Kementerian Perdagangan dan Perusahaan-kah, tidak di-kemuka-

kan chara² kayu ini boleh di-peroses dan kayu itu boleh menambah income, kalau kerajaan memberi jalan atau pun memberi kemudahan, memberi pimpinan kepada ra'ayat menambah income mereka itu, hasil mereka itu melalui kayu, maka Kerajaan pun boleh mengenakan progressive tax daripada satu masa ka-satu masa. Kalau hanya kita meminta income tax sahaja saya rasa ini akan memberatkan ra'ayat.

Tuan Yang di-Pertua, saya berkali² menyebutkan dalam Dewan ini saya tidak pernah menentang income tax yang di-pungut oleh Kerajaan. Saya rasa banyak lagi income tax yang patut kita buat di-negeri kita ini. Tetapi yang saya minta di-samping kita mengenakan income tax kita patut pula memberi kepada ra'ayat ini kerja² atau pun chara² jalan hidup yang menambah income mereka itu. Dengan demikian baharu-lah ada balance atau pun keadilan dalam memungut dan memberi jalan kepada ra'ayat hidup.

Tuan Haji Ahmad bin Sa'aid (Seberang Utara): Tuan Yang di-Pertua, saya bangun untuk memberi sokongan yang penoh kepada Bill ini, khas-nya mengenai pindaan terhadap chukai pembangunan bagi ahli² perniagaan yang kechil. Sa-bagaimana yang lalu kita dapati beberapa sungutan² daripada ahli² peniaga yang kechil yang bermodal kechil yang mana mereka ini mendapat kesusahan untuk hendak membuat kira² atau hendak membentangkan kira² dan lain² dan dikenakan chukai sama ada mereka itu mendapat untong atau tidak. Dengan terlaksana-nya undang² pindaan ini, maka akan memberi satu kemudahan yang istimewa kepada ahli² peniaga yang kechil. Dan saya perchaya tiap² ahli peniaga yang kechil akan menguchapkan sa-tinggi² terima kaseh kepada Yang Berhormat Menteri Kewangan yang telah pun mengadakan satu perasaan timbang rasa terhadap ahli² peniaga yang kechil ini dan saya berharap supaya Bill ini di-laksanakan dan boleh mendatangkan kepuasan hati kepada semua ahli² peniaga yang kechil dan saya memberi sokongan yang penoh kepada Bill ini.

Tun Tan Siew Sin (*dengan izin*): Mr Speaker, Sir, I would like to thank the last Honourable Member who spoke for supporting this Bill.

In regard to Honourable Members of the Opposition who have spoken, I must say that I cannot understand their logic, because they seem to be extremely fond of speaking when they are ignorant on a subject, and the greater their ignorance, the more eloquent they wax. For example, the Honourable Member for Batu accused me of imposing a new tax. There is nothing new about this tax. In the first place, I announced it in my Budget speech. In the second place, this tax has been proposed in response to representations from the industry itself, which informed me that they felt that the previous disallowance was not quite fair and they felt that it would be fairer to impose a tax on the profits instead of relating it to the payment of royalty. This Bill is, therefore, the product of my discussions with the industry itself, and the industry was well aware that this Bill would be put forward at this meeting. So, the Honourable Members who accused me of putting on a new tax are entirely wide off the mark, because this tax is merely to replace the former disallowance provision and the yield is expected to be about the same. The logging industry is not being asked to pay additional tax. It will be paying approximately the same amount of tax as it paid last year, except that the means of collecting it is slightly different and, we feel, fairer. I hope the Honourable Member for Bachok understands this Bill better now as a result of my explanation. At least, he took the trouble to wait while the Honourable Member for Batu obviously did not take his own remarks seriously.

Secondly, Sir, we have imposed a cess on the export of logs from West Malaysia, but again Honourable Members of the Opposition are probably not aware that under the terms of the Inter-Governmental Committee Report, we are not allowed to do so in respect of East Malaysia without the concurrence of the State Governments. At the

moment the two State Governments are not keen to impose a cess on log exports. So, there is nothing that we can do about imposing a cess on the export of logs from East Malaysia.

Now, in regard to the proposal that we should take care that our timber reserves are not cut down faster than the ability of the country to replace existing supplies, this is a question which is very much in the mind of the Government, in particular the Ministry of Agriculture. The Ministry of Agriculture has given considerable thought to it and is doing what it can, and was well aware of this problem long before Honourable Members of the Opposition had thought about this matter at all. The same thing applies to reafforestation. The Ministry of Agriculture will do what it can to ensure that timber supplies are replaced so that this industry can go on forever. Thank you.

❧ Usul di-kemuka bagi di-putuskan, 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 Yang di-Pertua *mempengerusikan Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 4—

Tun Tan Siew Sin: Mr Chairman, Sir, I would like to propose the following amendment to Clause 4 of the Bill as indicated in the amendment slip which has already been circulated to Honourable Members:

Clause 4: In the proviso to the proposed clause 21 (1) add—

(a) the words “for a period of twelve months” after the word “dollars” appearing in line 7; and

(b) the words "for a period of twelve months or where that period is more or less than twelve months, such proportionate deduction" after the word "dollars" appearing in line 10,

in paragraph (a) (iii) (bb).

Pindaan di-kemuka bagi di-putuskan, dan di-setujukan.

Fasal 4 sa-bagai di-pinda, di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

THE CENTRAL BANK OF MALAYSIA (AMENDMENT) BILL, 1969

Bacaan Kali Yang Kedua dan Ketiga

Tun Tan Siew Sin (*dengan izin*): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Central Bank of Malaysia Ordinance, 1958" be read a second time.

Clauses 2 (b) and 3 of the Bill will empower Bank Negara to take over from the Government the subscriptions which Malaysia has made to the International Monetary Fund under the Bretton Woods Agreements Ordinance, 1957, and to assume responsibility for any further payments of subscriptions. Subscriptions to the International Monetary Fund are paid and held by the Central Banks of a number of member countries of the International Monetary Fund for their own accounts. This practice would have been adopted had it not been that when Malaysia joined the I.M.F., Bank Negara Malaysia was not yet established. Most countries consider it appropriate for their central banks to undertake their obligations to the I.M.F. as the central banks are normally custodians of their foreign exchange and currency reserves. In the same way Bank Negara which already holds the country's currency and foreign exchange reserves should properly take

over the holding of Malaysia's subscription to the I.M.F. which will then form part of Bank Negara's reserve of external assets.

Clause 2 (a) of the Bill also deletes the restriction in section 28 (3) of the Central Bank of Malaysia Ordinance, 1958, limiting Bank Negara's investments to securities maturing within 5 years. This will enable Bank Negara to invest in longer term securities if longer term securities provide a higher return. At the same time, clause 2 (a) also deletes the whole proviso to section 28 of the Central Bank of Malaysia Ordinance, 1958, to remove the restriction that Bank Negara cannot invest more than 30% of its reserve of external assets in foreign government securities. This will enable Bank Negara to hold foreign government securities exceeding 30% of its reserve of external assets if this, again, is advantageous to the Bank. The proportion the Bank will actually hold of foreign government securities will, of course, depend on the Bank's need for liquidity.

The other consequential amendment in clause 3 will enable Bank Negara to buy and to sell such other securities as may be approved by the Minister of Finance. Up to now, section 28 of the Central Bank of Malaysia Ordinance, 1958 provides that Bank Negara can only invest its reserve of external assets in gold, currency, bank balances, money at call in countries approved by the Minister of Finance, Treasury bills of governments approved by the Minister, bills of exchange drawn and payable at such places as approved by the Minister, securities of or guaranteed by such governments or international institutions as approved by the Minister. Section 28, therefore, limits the investment of Bank Negara's reserve of external assets to fixed interest securities based solely on traditional considerations of safety with the consequent result that returns are low and any inflation or currency devaluation is not offset by capital growth. The proposed amendment will allow Bank Negara a more flexible approach, including the power to invest in securities

of international corporations or institutions judged to be sound, so that not only will return on capital be maximised, but at the same time such investments have every possibility of capital appreciation over the years.

Sir, I beg to move.

Dato' Ganie Gilong: Tuan Yang di-Pertua, saya menyokong.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

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

Dewan bersidang sa-bagai Jawatan-kuasa.

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

Fasal 1 hingga 5 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

ATORAN URUSAN MESHUARAT (USUL)

Menteri Pengangkutan (Tan Sri Haji Sardon bin Haji Jubir): Tuan Yang di-Pertua, saya mohon menchadangkan:

Sa-lepas sahaja Rang Undang² Central Bank of Malaysia (Amendment) Bill telah di-luluskan Majlis ini hendaklah menimbangkan Rang Undang² The Sabah Ports Authority (Consequential Provisions) (Amendment) Bill.

Tan Sri Dr Lim Swee Aun: Tuan Yang di-Pertua, saya mohon menyokong.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Di-putuskan,

Sa-lepas sahaja Rang Undang² Central Bank of Malaysia (Amendment) Bill telah di-luluskan Majlis ini hendaklah menimbangkan Rang Undang² The Sabah Ports Authority (Consequential Provisions) (Amendment) Bill.

THE SABAH PORTS AUTHORITY (CONSEQUENTIAL PROVISIONS) (AMENDMENT) BILL

Bachaa Kali Yang Kedua dan Ketiga

Tan Sri Haji Sardon bin Haji Jubir:

Tuan Yang di-Pertua, saya memohon keizinan tuan supaya Rang Pindaan kapada Sekshen 16 Undang² Lembaga Pelabohan Sabah Bil. 25, 1968 di-bachakan kali yang kedua.

Di-dalam Dewan yang mulia ini pada 9hb Januari, 1969 sa-masa mengemukakan Undang² Lembaga Pelabohan Pindaan, 1969, saya dengan tidak senjaga telah membincangkan keperluan bagi memansohkkan Sekshen 16 dalam Undang² Lembaga Pelabohan Sabah peruntukan yang berkaitan No. 25, 1966. Saya menuntut ma'af atas kesilapan itu. Oleh yang demikian saya suka mengambil peluang ini untuk menerangkan ia-itu berhubung dengan Undang² Lembaga Pelabohan, 1963, pindaan-nya ia-lah berkenaan dengan Sekshen 13 yang bertujuan untuk membolehkan Lembaga Pelabohan Swettenham dengan kebenaran Menteri menubuhkan suatu Pasokan Keselamatan-nya sendiri bagi mengambil alih tugas² yang sekarang ini di-jalankan oleh Anggota² Polis di-Raja Malaysia.

Keputusan untuk menubuhkan satu pasokan keselamatan-nya sendiri telah di-buat oleh Lembaga itu sa-lepas berunding dengan Kementerian saya dan Kementerian Hal Ehwal Dalam Negeri yang berkenaan.

Berhubung dengan Undang² Lembaga Pelabohan Sabah peruntukan yang berkaitan No. 25 tahun 1968, Sekshen 16. Undang² tersebut memberi kuasa supaya kewajipan² polis dalam sa-suatu kawasan yang di-ishtiharkan sa-bagai sa-buah pelabohan di-bawah Enactment Pelabohan Sabah, No. 9 tahun 1967 bagi negeri Sabah hendaklah di-jalankan oleh polis pelabohan yang terdiri daripada Anggota² Polis di-Raja Malaysia. Akan tetapi pihak berkuasa polis tidak dapat mengadakan anggota² polis biasa bagi maksud itu dan oleh yang demikian telah mengatorkan supaya kewajipan² menjaga kawasan pelabohan di-serahkan-nya kapada Lembaga Pelabohan Sabah pada 1hb

Disember, 1968. Rang Undang² ini bermaksud hendak memansokkan Sekshen itu supaya jagaan polis bagi kawasan² pelabohan² di-bawah Lembaga Pelabohan² Sabah di-jalankan oleh perkhidmatan² lembaga yang di-beri kuasa polis di-bawah Undang² Polis Bilangan 41 tahun 1967.

Pasokan Polis yang berkekalan dengan sa-buah Lembaga Pelabohan mungkin dapat mencapai kecekapan yang lebih dengan kerana ahli² pasokan itu bekerja tetap dan memperoleh pengetahuan yang tertentu di-dalam masa-malah² polis berkaitan dengan pelabohan². Satu lagi faktor yang kerap kali memberi kesan kawalan polis yang baik dan lalin ia-lah perhubungan perusahaan di-antara pehak majikan dan pekerja² ia-itu pasokan polis-nya sendiri.

Pada masa meshuarat yang di-adakan pada 18hb Disember, 1968, Jema'ah Menteri telah meluluskan supaya Rang Pindaan Undang² ini di-kemukakan di-dalam persidangan Parlimen yang bermula pada 9hb Januari, 1969 dan juga bersetuju supaya pindaan Rang Undang² ini di-bachakan di-semua peringkat dalam persidangan ini. Untuk membolehkan Pasokan Polis kepunyaan Lembaga Pelabohan Sabah di-beri kuasa² polis di-bawah Undang² Polis Bilangan 41 tahun 1967 maka perlu-lah Sekshen 16, Undang² Lembaga Pelabohan Sabah Bilangan 25 tahun 1968 di-batalkan.

Tuan Yang di-Pertua, saya mohon menchadangkan.

Tan Sri Dr Lim Swee Aun: Tuan Yang di-Pertua, saya mohon menyokong.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, sa-bagaimana yang di-katakan oleh Menteri yang berkenaan bahawa perkara ini pernah pun di-perchakapkan dalam Dewan ini dan kita pada beberapa masa yang baharu ini telah kita berchakap berkenaan dengan polis yang bekerja atau pun yang di-ambil terus di-bawah pehak yang berkuasa pelabohan.

Tuan Yang di-Pertua, sa-bagaimana hari itu, pada hari ini saya tidak bersetuju dengan chara pengambilan polis

yang sa-macham ini. Saya lebih suka kalau Pegawai² Polis atau pun apa juga pengawal di-pelabohan itu di-ambil terus daripada regular police tetapi orang² ini di-beri latihan supaya kita ada satu bahagian di-dalam Polis Depôt, latihan berkenaan dengan pelabohan. Untong-nya bagini, Tuan Yang di-Pertua, walau pun Yang Berhormat Menteri mengatakan pegawai² polis yang sa-macham ini akan lebih cekap bekerja kerana mereka itu bekerja tetap di-pelabohan dan mereka itu di-bayar gaji oleh majikan, atau pun pehak pelabohan sendiri, tetapi apa salah-nya, Tuan Yang di-Pertua, kalau Pegawai² Polis itu di-beri latihan yang tertentu berkenaan dengan pelabohan dan mereka itu mendapat latihan biasa di-dalam Polis Depôt sendiri.

Pegawai Polis, Tuan Yang di-Pertua, bukan sahaja sa-kadar hendak menjaga benda² yang kesalahan, tetapi appearance atau pandangan diri polis itu sendiri pun hendak-lah mempunyai tarekan juga dan mereka itu akan lebih cekap menjalankan kerja. Ada pun kita bawakan di-bawah kuat-kuasa pelabohan boleh jadi pegawai² ini hanya dapat menjalankan tugas, tetapi dari segi physical dan segi police appearance, kita tidak boleh dapat latihan² yang sa-macham itu. Saya lebih suka kalau latihan ini di-adakan di-depôt sendiri dan di-adakan satu bahagian. Dengan demikian bererti Polis Negara kita menerima perkembangan, atau pun expansion dari segi latihan daripada satu masa ka-satu masa. Ini ada-lah lebih baik daripada apa yang di-katakan oleh Yang Berhormat Menteri.

Tuan Yang di-Pertua, ada sedikit lagi saya hendak berchakap ia-itu kalau-lah kita mengadakan polis ini di-Sabah sahaja, saya fikir ada baik-nya kita adakan polis di-kesemua pelabohan supaya sama kedudukan-nya. Kalau sa-mata² Sabah itu mempunyai satu kedudukan, saya harap pula Kerajaan akan mengemukakan pula di-Sarawak, mithal-nya Kuching Port Authority. Kalau kita hendak mengadakan di-Sabah sahaja, di-Sarawak tidak ada,—saya rasa Polis di-bawah Federal—dan patut-lah di-samakan. Dan saya tidak

nampak di-mana jalan-nya patut di-adakan di-satu negeri dan di-satu negeri lain tidak.

Tuan Yang di-Pertua, menyambong lagi ucapan saya ini, saya minta-lah pertimbangan itu daripada Menteri yang berkenaan.

Tan Sri Haji Sardon bin Haji Jubir: Tuan Yang di-Pertua, pandangan Ahli Yang Berhormat dari Bachok itu saya ucapkan terima kasih. Yang sa-benarnya segala yang di-chakapkan oleh beliau itu-lah juga tujuan daripada Jawatan-kuasa yang akan berunding dengan pihak polis supaya disiplin—police training dan juga latihan berkenaan dengan specialization berhubung dengan pelabohan.

Tentang Sarawak dan pelabohan² lain dia, lagi ada permohonan kepada saya lagi kerana dalam Negeri Sabah dan Sarawak, pelabohan itu ada-lah dalam kuasa Kerajaan Negeri, tetapi kalau mereka memohon, saya akan bawa perkara² itu kepada Dewan ini dan sokong-lah nanti apabila sampai pada waktu-nya. Terima kasih.

Usul di-kemuka bagi di-putuskan, 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 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.

THE HIRE PURCHASE (AMENDMENT) BILL

Bacaan Kali Yang Kedua dan Ketiga

Menteri Perdagangan dan Perusahaan (Tan Sri Dr Lim Swee Aun) (*dengan izin*): Mr Speaker, Sir, I beg to move

that a Bill intituled "The Hire Purchase (Amendment) Bill, 1969" be read a second time.

Honourable Members will recall that the Hire Purchase Act, 1967, and the Hire Purchase (Amendment) Act, 1968, which were passed by this House in January and March 1967 and 1968 respectively, came into force on the 11th of April, 1968. Approximately 5 months after its implementation, I invited the public and other interested parties including the Finance, Insurance and Trade Associations and the Chambers of Commerce to submit their views and the difficulties encountered by them during the course of the implementation of the provisions of the Act.

In the light of representations made by the public and other interested parties, the Drafting Committee of the Hire Purchase Act, 1967, has reviewed the existing provisions as contained in the said Act and has found it desirable that certain sections of the Act be amended, while new sub-sections be incorporated, in order to clarify existing provisions, speed up the administrative machinery as well as to enhance the overall effectiveness of the Act. For example the existing provisions of the Hire Purchase Act, 1967 enable an hirer to ask for any number of free copies of the memorandum or note of the agreement at any time before final payment is made and it is mandatory on the part of the owner to comply with such requests. The amendment to sections 4 and 8 of the Act as set out in Clause 3 and 4 of this Bill are to ensure that hirers do not make unnecessary requests for copies of the memorandum or note of the agreement at any time before the final payment is effected, with the exception that one free copy may be supplied by the owner. Any additional copies requested by the hirer would be supplied only on the payment of a fee to be prescribed by the Minister of Commerce and Industry.

The existing section 21 of the Hire Purchase Act empowers Magistrates only to attest the signature of the guarantor to the hire-purchase agreement. It is probably inconvenient not

only for members of the public but also for Magistrates to have the agreement executed in the presence of a Magistrate only. The present amendment seeks to ease the problem by empowering a Commissioner for Oaths or a Notary Public to attest such signatures.

Another important amendment is that pertaining to section 36 of the existing Act. The amendment will ensure that owners are able to trace the whereabouts of the hirer as well as the goods. It makes clear to the hirer of the effect of, and the consequences of, not informing the owner about the new address to which the goods comprised in the hire-purchase agreement have been removed from the specified address.

As for the remaining clauses, they are only introduced to clarify the existing provisions of the Hire Purchase Act.

Mr Speaker, Sir, I beg to move.

Menteri Pertanian dan Sharikat Kerjasama (Tuan Haji Mohamed Ghazali bin Haji Jawi): Tuan Yang di-Pertua, saya menyokong.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

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

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangkan dalam Jawatan-kuasa.

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

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

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

THE COPYRIGHT BILL, 1969

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri Dr Lim Swee Aun (dengan izin): Sir, I beg to move that "The

Copyright Bill, 1969" be read a second time.

The legislation relating to the copyright of this country at present comprises the Federated Malay States Copyright Enactment, which is applicable to the former Federated Malay States, the United Kingdom Copyright Act of 1911 as extended to the former Straits Settlements, and the United Kingdom Copyright Act of 1956 as extended to the States of Sabah and Sarawak, while in the former Unfederated Malay States, there is no copyright law in operation.

This present Bill is, therefore, being introduced in order to consolidate all the existing legislation to provide a uniform copyright law for the whole of Malaysia. The Bill is also intended to be an improvement on the proposed Copyright Bill of 1967 which Honourable Members may remember was published in the Government *Gazette* of June, 1967, and public comments were invited thereon. After taking into consideration the views and representations received, the new Bill now before the House is one which is considered to reflect the present trends prevailing in developing countries with regard to the concept of national and international copyright protection, while at the same time containing specific provisions to meet Malaysia's needs.

As Honourable Members may be aware, the prime purpose of copyright law is to protect creative and intellectual works so that authors, composers and artists may, during the continuance of copyright protection, control the uses to which their works are put and obtain commensurate financial return for the exploitation of their works. Without copyright protection, there will not only be no incentive for authors and artists to create and hence contribute to the intellectual and cultural enrichment of the country, but also there will be no encouragement for the establishment of recording and publishing industries. On the other hand, it is also necessary to have regard to those who use rather than create copyright material, such as the broadcasting, television and other entertainment industries. Their operations depend

largely on being able to use copyright material which should be obtainable from copyright owners on reasonable terms. The law must also make certain exceptions to copyright protection, when the works are used in what is known as "fair dealings", that is, when copyright works are used for the purpose of education, research, criticisms and review and many other legitimate purposes which will not affect the interest of copyright owners.

The present Bill, therefore, seeks to provide all these basic fundamentals and the provisions couched in simple terms are directed towards national interests with the main emphasis on providing protection on works produced by Malaysian citizens or those originating from this country. Protection is conferred on the basis of Malaysian citizenship, permanent residence and first publication in Malaysia. But provisions have been included in the proposed Act for the extension of copyright protection at the discretion of the Minister, to citizens of any foreign country or countries or for Malaysia's accession to any of the international conventions of copyright or for making arrangements for reciprocal protection of copyright works with any country or countries. The Government will, of course, consider establishing these international relations with any foreign country or countries as may be found desirable under this provision. In common with most countries, and particularly advantageous to a developing country like Malaysia for its cultural, educational and scientific advancement, provisions have been made in the Bill for exceptions to protection of copyright works when used in research and education, for right of translation into the National language and for encouragement on the growth of local publishing and recording industries.

The Bill also gives due regard to technological development in the fields of sound recordings and radio and television broadcasts for which adequate protections have been provided. The Bill, however, does not provide for registration of copyright works. Since copyright is conferred automatically

under the law of original works, it is considered that registration would be superfluous.

This Bill, when enacted, will not only serve a long felt need of Malaysian writers, composers, and artists to provide adequate protection for their works but would also serve to curb any tendency in piracy of books and other publications produced by Malaysian authors and publishers.

Having regard to the objectives of the Bill and in the interests of the public, I hope Honourable Members will give this Bill their full support.

Dato' Ganie Gilong: Saya menyokong.

Datin Hajjah Fatimah binti Haji Abdul Majid (Johor Bahru Timor): Yang Berhormat Tuan Yang di-Pertua, Rang Undang² Hak Cipta yang telah di-bentangkan di-Dewan ini—dan saya perchaya dengan ada-nya Undang² Hak Cipta ini—akan dapat menjamin kepunyaan Hak Cipta dan akan menambahkan dan menjadi dorongan kepada Hak Cipta menunjukkan bakat²-nya masing² kerana di-dalam zaman kemajuan telah banyak membawa pembaharuan para artis kesenian tempatan kita telah ma'ulum mereka ini kesemua-nya merupakan satu kelompok masyarakat yang berkembang di-masyarakat tanah ayer kita. Dengan ada-nya pehak² penyiaran yang tertentu dan melalui mass media seperti Radio, Talivishen, wayang gambar, buku² serta surat² khabar hasil chiptaan mereka ini telah dapat berkembang dengan pesat-nya namun begitu kedudukan hak chipta² seni ini tidak berapa terjamin kerana ketiadaan sa-barang undang² untuk mempertahankan karya² mereka daripada di-tiru, atau di-rampas oleh orang² lain. Perkara tiru-meniru ini, ini-lah yang merupakan ancaman besar kepada pengarang dan juga lain² penchiptaan seni. Tetapi kesan² sa-rupa ini tidak dapat berterusan terus menerus dewasa ini melainkan manakala pehak Kerajaan telah mengambil tindakan berkesan untuk menghapuskan perbuatan² yang tidak bertanggung-jawab.

Jadi satu Rang Undang² Hak Cipta telah pun di-bentuk di-mana karya² kesenian dan penggubah-nya akan

dapat di-beri perlindungan. Ini berarti masa depan perjuangan para² artis dan kesenian akan lebeh terjamin. Rang Undang² Hak Chipta ini merupakan satu inspirasi dan galakan kepada mereka yang berbakat seni untuk lebeh giat berkechimpong di-medan kesusasteraan. Tegas-nya harapan besar yang di-beri oleh Kerajaan ini akan dapat di-pertinggi dan di-perluaskan lagi bidang kesenian dan kesusasteraan tanah ayer kita.

Dengan ini kami ada-lah menguchapkan sa-tinggi² tahniah kepada pehak Kerajaan dan mudah²an dengan lahir-nya dorongan dan peratoran² di-dalam Rang Undang² ini Hak Chipta akan memberi peluang besar kepada ra'ayat untuk bersama² mempertahankan nilai dan mutu kesenian kebudayaan serta kesusteraan kita yang menchari kebanggaan negara Malaysia, sa-kali pun perhatian sa-rupa ini sewajar telah lama di-titek-beratkan oleh Kerajaan tetapi peluang ini maseh belum terlambat untuk penggubah² seni berbakti di-dalam kesenian dan dengan ini kami berharap dengan ada-nya Rang Undang² ini dapat bergerak dan berjalan dengan tegas dan di-samping itu kami ada-lah memberikan sa-penoh² sokongan kepada Rang Undang² Hak Chipta ini.

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, saya juga turut menyokong Rang Undang² ini dengan penoh, tetapi ada beberapa perkara yang saya suka hendak berchakap. Pada asas-nya, Tuan Yang di-Pertua, sudah sa-patut-nya-lah Undang² Hak Chipta ini sudah lama kita kemukakan oleh kerana hak Undang² Chiptaan yang sa-macham ini telah pun terjamin di-dalam Piagam Hak Asasi Manusia yang telah di-ishtiharkan pada 10hb Disember, 1948 di-Paris dalam Persidangan Bangsa² Bersatu ia-itu Bab yang ka-27 yang berbunyi:

"Sa-tiap orang berhak untuk turut serta sa-chara bebas dalam kehidupan, kebudayaan dari masharakat untuk merasakan kesenangan dalam kesenian serta untuk mendapat bahagian dalam kemajuan ilmu dan hasil²-nya".

"(B) sa-tiap orang berhak akan perlindungan atas kepentingan² kesusilaan dan kebendaan-nya yang merupakan hasil perbuatan ilmiah kesusasteraan dan kesenian apa pun jua yang ia sendiri menjadi chipta-nya".

Tuan Yang di-Pertua, dengan ada-nya Rang Undang² ini apabila kita luluskan, maka akan ramai-lah ahli² seni sama ada angkatan pelukis, atau pun angkatan sasterawan akan berlumba² melahirkan chiptaan² mereka itu. Pada masa² yang lalu, Tuan Yang di-Pertua, hasil² karya yang sa-macham ini tidak mendapat perlindungan; ada orang² yang hidup dengan hasil² karya-nya dan pendapat-nya itu amat-lah sedikit, yang untong-nya ia-lah publishers² atau pun orang² yang menchetak. Tuan Yang di-Pertua, kita tidak dapat hendak menyalahkan juga pehak² yang menerbit, tetapi kita dapat salahkan perkara ini kepada Kerajaan negara kita sendiri. Boleh jadi, Tuan Yang di-Pertua, ini kita lakukan sa-telah ada desakan² yang berat, tetapi saya suka menceritakan kepada Tuan Yang di-Pertua, saya pernah hidup dengan hasil karya ini sa-lama tiga tahun dan saya tahu sa-jauh mana penderitaan yang penchipta² dan penulis² ini, terkadang² itu, Tuan Yang di-Pertua, kita mendapat 10 per cent daripada apa yang kita tulis apabila di-chetak, tetapi kita tidak tahu berapa banyak hasil² karya kita itu di-chetak dan sudah berapa kali; yang kita apa hanya sa-takat 3 ribu naskhah mithal-nya kita dapat 10 per cent dan daripada situ kita dapat dalam 300 copy buku-nya, atau pun kita menunggu wang-nya dan tidak ada jalan kita hendak menuntut ke'adilan daripada mahkamah oleh kerana tidak ada undang² chiptaan kita kemukakan dalam Dewan ini.

Tuan Yang di-Pertua, ada beberapa perkara yang saya rasa amat penting kita bahathkan ia-itu mentafsirkan beberapa perkataan yang akan menjadi hak bagi kita di-dalam Hak Undang² Chiptaan ini, mithal-nya Clause yang 4 yang kita katakan terta'alok kepada peruntokan² sekshen ini karya² yang berikut ada-lah layak mendapat Hak Chipta: A—karya sastera; B—karya muzik; C—karya seni dan sampai akhir-nya. Tetapi Tuan Yang di-Pertua, karya² yang kita ini kita tentukan pula validity atau pun masa lama-nya, mithal-nya karya sastera kita bagian masa 25 tahun dan sa-lepas itu kita katakan sudah boleh di-jadikan hak sa-siapa pun. Tuan Yang di-Pertua,

25 tahun ini kalau pandang kepada angka tahun, dan pandang kepada masa orang yang hendak menchiptakan itu terkadang² memakan sampai 10 tahun, dia maseh belum dapat hendak mengemukakan

Tan Sri Dr Lim Swee Aun: Tuan Yang di-Pertua, perkara ini, jikalau sa-kira-nya dia lihat di-bawa sadikit 25 tahun sa-lepas the author is dead—25 years after death of the author.

Tuan Yang di-Pertua: Nampak-nya, Ahli Yang Berhormat hendak berchakap panjang lagi. Masa sudah chukup. Meshuarat ini di-tanggohkan hingga pukul 4.00 petang ini.

Persidangan di-tanggohkan pada pukul 1.00 tengah hari.

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

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Meshuarat*)

THE COPYRIGHT BILL

Bachaaan Kali Yang Kedua dan Ketiga

Perbahathan di-sambong sa-mula.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, menyambong ucapan saya tengah hari tadi, saya hanya ada beberapa perkara sahaja yang saya hendak sebutkan ia-itu berkenaan dengan tempoh bagi Hak Chipta yang di-beri oleh Rang Undang² ini. Tuan Yang di-Pertua, bagi karya sastera muzik atau pun seni kita memberi tempoh Hak Chipta itu 25 tahun sa-lepas pengarang atau pun penchipta itu telah meninggal dunia.

Tuan Yang di-Pertua, ini ada-lah satu masa yang panjang, tetapi mestilah kita fikirkan bahawa ada penchipta² atau pun pengarang² yang bekerja membuat satu² novel atau pun satu² chiptaan yang memakan masa sampai 17 tahun, sampai 20 tahun. Jadi terkadang² itu masa dia sakit baharu kita hendak chetak chiptaan-nya itu. Jadi saya rasa patut-lah masa bagi karya sastera ini tidak termasuk muzik supaya sastera sahaja kita beri masa yang

lebih banyak lagi tempoh ini. Saya lebih suka satu generation ia-itu satu umur manusia 50 tahun—saya suka.

Tuan Yang di-Pertua, saya sebutkan ini ada beberapa karya² yang baik yang saya bacha boleh tahan sampai lebih dua tiga kurun. Jadi tidak patut-lah usaha yang sa-macham itu kita hanya bagi tempoh dalam 25 tahun, mithal-nya kita katakan ajaran Sun Yet Sun, sudah berkurun² dan kalau kita berikan tempoh 25 tahun sahaja tentulah sa-siapa juga akan mengatakan ini ajaran Lim Swee Aun mithal-nya, sebab itu masa sudah habis 25 tahun, pada hal karya² yang sa-macham ini 50 tahun itu pun boleh di-katakan chukup chepat masa-nya.

Yang kedua, Tuan Yang di-Pertua, saya bimbang hendak menentukan pemindahan Hak Chipta, sebab mithal-nya chiptaan, mithal-nya satu orang telah mengarang sa-buah buku mempunyai pendapat-nya, kita beri masa 20 tahun atau pun 25 tahun, dalam tempoh itu ada sa-orang pengarang yang lain yang otak-nya tidak kurang daripada penchipta itu sendiri, tetapi dia pandai, dia modify, dia ubah sana, ubah sini, sa-hingga chiptaan itu sa-olah² menjadi chiptaan yang baharu. Jadi di-mana-kah neracha-nya, Tuan Yang di-Pertua, yang kita hendak katakan orang ini telah memindahkan karya itu sa-hingga luput menjadi model yang baharu, di-mana-kah criterion-nya atau pun neracha yang dapat kita timbangkan? Ini tidak di-sebut di-sini. Jadi kita serahkan kepada satu pehak yang ketiga—mahkamah-kah, Jawatan-kuasa Kechil-kah, atau pun apa² badan-kah dan badan ini akan menimbang sama ada chiptaan ini chiptaan yang di-sadorkan, atau pun yang di-tiru sa-hingga menjadi rekaan baharu.

Saya tidak nampak ada peruntukan atau pun provision di-dalam Rang Undang² ini. Ini ada-lah satu chachat atau pun defect dalam kita membuat Rang Undang². Tuan Yang di-Pertua, saya suka undang² ketat dan lebih luas oleh kerana hal ini kena-mengena dengan hak asasi manusia. Di-dalam negara kita sudah 10 tahun lebih kita merdeka, kita telah bagitu giat bekerja membuat Rang Undang² berkenaan

dengan Income Tax, dan bermacam² lagi undang², tetapi perkara² yang abstract atau pun perkara² yang kena mengena dengan hasil otak manusia langsung kita tidak fikirkan hanya baharu ini sahaja yang kita fikirkan. Ada pun undang² yang kena mengena dengan Hak Chipta pada zaman² yang lalu seperti yang di-adakan bagi Negeri² Bersekutu dan Negeri² Selat kita pakai undang² British yang sudah lama yang kalau kita ikut undang² ini sa-mata² menengah kita daripada meniru copy yang sa-benar, tetapi dari segi kita meminda tidak pun tersebut.

Tuan Yang di-Pertua, lagi satu oleh kerana Undang² sendiri, Rang Undang² ini sendiri, mengaku bahawa kita akan ikut tempat mana² yang patut ia-itu butir² yang di-pakai di-dalam Berne Convention dan begitu juga di-dalam Universal Copy Right Convention. Saya minta Kerajaan menimbang ia-itu bagi penchipta² yang bukan citizen yang hanya permanent resident dalam negeri ini kita kenakan tempoh² chiptaan ini mengikut undang² yang di-buat di-negeri-nya. Mithal-nya saya bukan warganegara Malaysia, saya duduk di-sini dan saya sa-orang pengarang dan saya boleh memberi satu chiptaan. Di-negeri saya Undang² Hak Chipta ini menyebut bahawa kalau orang itu bukan warganegara tempoh² yang di-beri-nya 15 tahun maka kita pun membuat mengikut negeri yang pengarang itu berada, kita di-sini. Kita mengambil tindakan balas yang sama atau pun reciprocal action dalam perkara ini, ini tidak di-sebutkan di-sini.

Yang ketiga, Tuan Yang di-Pertua, dan terakhir sa-kali saya lebih suka kalau-lah Kerajaan ini mahu bertolak ansor. Saya hormat penoh undang² ini, tetapi saya suka kalau kita serahkan kepada Select Committee, sebab, Tuan Yang di-Pertua, ini satu perkara yang baharu yang kita kemukakan dalam Dewan ini tentu-lah kita tidak boleh fikir dalam masa sa-bulan, atau pun dua bulan, atau pun dengan melalui surat khabar sa-mata² patut-nya Rang Undang² yang sa-macam ini satu tahun di-beri supaya ahli² yang minat di-dalam sastera dan begitu bagini dapat memberi fikiran-nya sa-kurang²-

nya satu tahun kita membahathkan dalam surat khabar, membuat chera-mah² dan di-masa itu baharu-lah kita mengubal Rang Undang² yang kita kemukakan dalam Dewan ini, bukan macham kita minta Supplementary Supply untuk hendak membelanja jalan rural development begitu bagini. Ini kena mengena watak dan, Tuan Yang di-Pertua, Rang Undang² ini banyak orang tidak mahu berchakap, saya rasa, tetapi kalau Rang Undang² mempotograpkan Member² Parlimen pagi tadi, tidak ada siapa yang ada absent sa-kali pun, semua orang masok, dan ini, Tuan Yang di-Pertua, apabila Kerajaan kita mengemukakan dengan tidak memberi tempoh yang chukup, saya rasa Rang Undang² ini akan kita menghadapi pindaan² yang lebih banyak daripada kita mengadakan pindaan daripada satu masa ka-satu masa apabila kita tersua dengan kesilapan, lebih baik kita bagi tempoh yang chukup.

Tuan Yang di-Pertua, saya bukan-lah sa-orang ahli sastra dan sa-orang pengarang, tetapi kalau saya maseh panjang umur lagi saya tidak mati sama ada saya menjadi Ahli dalam Dewan ini atau pun tidak saya akan turut sama membincangkan Rang Undang² ini supaya kita dapat satu Rang Undang² yang elok.

Tuan Yang di-Pertua, walau atas apa hal sa-kali pun saya menguchapkan ribuan terima kaseh bagi pehak diri saya sendiri dan bagi pehak pengarang² yang pernah berkawan dengan saya oleh kerana sudah 10 tahun kami menunggu Hak Chipta ini tidak pun di-buatkan undang²-nya dan saya harap perkara² yang mengenai hak asasi manusia ini dapat kita kemukakan sabagaimana Social Security Act yang akan datang. Ini kesemua-nya menambah lagi negara kita baik, walau pun di-bawa oleh Kerajaan Perikatan, Kerajaan parti lawan saya, tetapi benda yang baik itu, kita kata baik, dan benda yang burok tidak payah di-sebut sebab mereka itu terlampau banyak sangat burok.

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, saya bangun untuk menyokong Rang

Undang² Hak Cipta² ini dan saya menguchapkan sa-tinggi² tahniah kepada Yang Berhormat Menteri dengan daya usaha-nya untuk membentangkan satu Rang Undang² yang di-tunggu² dan saya perchaya manakala Rang Undang² ini di-luluskan maka di-sambut dengan baik-nya oleh pehak² yang berkenaan.

Saya ingin menarek perhatian Yang Berhormat Menteri berkenaan dengan Hak Cipta ini chuma di-tentukan kapada beberapa bahagian sahaja ia-itu yang mengenai muzik, seni wayang gambar, rakaman bunyi dan juga siaran². Saya berharap untuk hendak memberi galakan kapada bakat² baharu dengan usaha tenaga mereka itu boleh mengeluarkan karya² yang bermutu pehak Kerajaan patut-lah mengeluarkan hadiah khas kapada penchipta² yang telah pun berjaya menchiptakan satu² karya² yang menarek atau yang bermutu, yang bernilai. Dengan chara yang sa-macham ini saya perchaya banyak lagi kita boleh dapati di-antara orang² kita yang berkebolehan supaya mereka ini berusaha dalam lapangan yang di-tentukan di-sini.

Lagi satu perkara, Tuan Yang di-Pertua, manakala Rang Undang² ini di-luluskan saya berharap kapada Yang Berhormat Menteri supaya membentangkan satu Rang Undang² lagi yang saya perchaya boleh mendatangkan lebeh berfaedah dan berguna kapada negara kita ia-itu satu Rang Undang² hak pereka atau pun invented copyright. Jadi, dalam negara kita ini sunggo pun maseh muda kita ada beberapa orang yang berkebolehan ia-itu di-antara-nya ahli² sains, ahli² kimia, doktor dan ahli² pakar pertanian dan sa-kira-nya kita ada satu Rang Undang² Inventers Act in atau copyright, maka dapat di-beri galakan kapada ahli² untuk membuat rekaan di-atas apa yang mereka fikir boleh mendatangkan faedah kapada negara dan boleh di-gunakan dengan sa-luas-nya oleh warganegara kita dan dapat benda itu kita buat di-sini dan kita boleh export ka-luar negeri sa-lain daripada kita gunakan dalam negara ini.

Saya perchaya banyak bahan² dalam negara kita ini yang boleh di-antara

orang² yang berkebolehan itu membuat rekaan supaya boleh jadi satu barang yang berguna kapada kita. Saya mithalkan satu benda ia-itu batang getah. Baharu² ini kita dapat tahu batang getah boleh di-jadikan kayu arang dan saya bacha dalam surat khabar satu perbuatan yang telah pun dapat di-buat ia-itu boleh di-jadikan kertas yang bermutu yang mana batang getah ini sudah pun di-export ka-negeri Jepun dengan kapal, ahli² sains di-Jepun telah pun membuat rekaan dengan batang getah ini dan mereka telah dapati ia-itu boleh di-jadikan kertas yang baik. Jadi, dengan chontoh yang sa-macham ini dapat-lah ahli² sains kita dan orang² yang berkebolehan—yang berminat, berusaha bagi membuat rekaan² mithalnya minyak kelapa sawit boleh jadi minyak pelichin jentera atau minyak apa² yang boleh berguna dalam negara kita ini. Dengan chara yang sa-macham ini boleh kita dapat beberapa orang yang boleh buat rekaan sendiri. Kita sangat miskin berkenaan dengan pereka² di-dalam negara kita daripada warganegara kita sendiri jikalau kita bandingkan dengan orang² di-negara² di-barat yang mana negeri-nya sejak mereka tiga bulan tidak keluar daripada rumah, mereka membuat rekaan² yang boleh mendatangkan kegunaan yang besar.

Di-samping itu saya mengeshorkan untuk hendak menggalakkan yang lebeh lagi di-adakan satu foundation yang mana boleh-lah pehak Kerajaan mengeluarkan sa-ringgit dan merayu kapada pehak orang ramai menderma saringgit ka-saringgit—dollar to dollar dan daripada wang kumpulan ini kita boleh keluarkan hadiah² yang istimewa kapada orang² yang berjaya membuat satu² rekaaan yang boleh memberi faedah kapada manusia. Jadi, sa-chara macham ini saya perchaya membangkitkan semangat dan memberikan galakan khas-nya kapada ahli² sains kita yang muda yang berharap sangat hendak menchari nama mereka akan berusaha dalam lapangan ini mendapat satu chiptaan atau satu rekaan yang boleh menolong manusia pada masa yang ke hadapan. Sekian-lah sahaja, Tuan Yang di-Pertua.

Tuan Ahmad bin Arshad (Muar Utara): Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² Hak Cipta yang di-kemukakan oleh Menteri yang berkenaan. Saya nampak Rang Undang² ini sama juga sa-bagaimana yang telah di-katakan oleh sahabat² saya tadi lambat sangat di-ujudkan kerana sa-lama ini kita telah dapat tahu bahawa karya² daripada ahli sastra kita di-chedok oleh orang lain di-jadikan hak-nya. Kita dapat mengikuti sa-buah pertubuhan PENAM dalam negeri ini telah mengalami beberapa masaalah berhubung dengan hak² ini telah di-chedok oleh orang lain. Jadi dengan ada-nya Undang² ini menjadi satu galakan, menjadi satu hak jaminan kepada ahli² sastera kita di-negeri ini.

Tuan Yang di-Pertua, sambil saya berchakap dalam masaalah ini, gemar saya menarek perhatian Menteri yang berkenaan ia-itu patut Rang Undang² yang sa-umpama ini di-wujudkan ia-itu yang di-namakan Rang Undang² Hak Cipta Lagu dan Senikata dirakamkan di-piring hitam. Saya kurang faham, Tuan Yang di-Pertua, ada-kah Rang Undang² ini boleh meliputi chipta lagu dan senikata. Kalau kira-nya boleh alang-kah senang-nya ahli² penchipta lagu dan senikata kita dalam negeri ini. Kira-nya tidak dapat di-kawal, Tuan Yang di-Pertua, dan diperlindungan lagu² dan senikata penyanyi² kita, maka hampa-lah kenekmatan yang patut di-hakki-nya yang boleh mendatangkan hasil kepada ahli² senisuaru kita dan pengubah senikata itu dan lagi menambah ketinggian mutu piring hitam yang keluar dalam negeri kita ini. Tuan Yang di-Pertua, sebab saya bangkitkan masaalah ini banyak piring² hitam tiruan yang di-jual di-pasar² dalam negeri ini yang di-churi oleh manusia yang tidak bertanggung-jawab yang diambil daripada chiptaan lagu² asli yang di-buat oleh saudagar² dalam negeri ini.

Saya gemar memberi satu contoh, Tuan Yang di-Pertua, sa-orang saudagar bumiputra di-daerah saya di-Muar telah mengadakan satu perusahaan piring hitam di-bidang lagu² Melayu asli dan ghazal yang pernah kita dengar di-udara pada masa ini,

tetapi pada masa sekarang telah merusut, menempoh banyak kerugian ialah dengan sebab piring hitam tiruan di-jual dengan harga yang lebeh murah. Dan mereka pernah hendak bawa kamahkamah atas masaalah ini, walau pun perniagaan-nya ada menggunakan hak chap yang tertentu, tetapi tidak boleh di-majukan kerana Rang Undang² melindungi dan memelihara hak chipta lagu ini, hak chipta senikata ini, tidak ada dalam negeri ini. Itu-lah sahaja, Tuan Yang di-Pertua.

Tan Sri Dr Lim Swee Aun (dengan izin): Mr Speaker, Sir, may I take this opportunity to thank all Members of Parliament for supporting the introduction of this Bill to the House.

I would like to take up the point raised by the Honourable Member for Bachok and several others that this Bill has been long overdue. I must admit, Sir, that I myself am very conscious of this fact, but I would like to remind the House that it was in 1967 that I first presented this Bill for its first reading. Sir, at that time most of the copyright laws in the world were based on the experiences of developed countries and, as a result of that, I invited views, comments and representations from Malaysians as to how the proposed Bill would affect their interests, and it took us nearly two years to review and reconsider and present again this new Bill, which is totally different in many aspects from the original Bill of 1967.

Sir, the Committee responsible for preparing this Bill based its work mainly on several laws, taking as its model the Nigerian Copyright Bill which was specially drawn up for a developing country. The Committee also made use of materials, study papers and working papers that were presented at the Asian Seminar on Copyright held in New Delhi in January, 1967 and the Protocol for developing countries introduced at the Revision Conference of the Berne Convention held in Stockholm in June, 1967. Sir, as a result of this, the present Bill is designed to meet the needs of Malaysia rather than the needs of a developed country. It gives copyright

to Malaysian citizens or permanent residents or companies in Malaysia who produce their work in Malaysia.

The Honourable Member for Bachok, although he gave full support to this Bill, suggested that this should be referred to a Select Committee, but this rather defeats the purpose originally stated by him that we should have this Bill as quickly as possible. I can assure him that we have taken considerable time in producing this Bill and all interested parties including authors, producers, people who would be involved, or who would benefit, or who would use copyright in this country, have been fully consulted, including the Dewan Bahasa dan Pustaka and the Writers' Association in this country; and they have given full support to this Bill because they are satisfied that all their interests have been covered so far. Therefore, I feel that there would be no need to go to a Select Committee. This Bill was, in fact, published early in December so as to give adequate time for those who want to make representations to the Government, and we have received, in fact, several representations.

Sir, on the point raised by the Honourable Member for Bachok that the time period of copyright protection for literary work appears to him much too short and, in fact, he would like to see it extended to fifty years or more, may I say, Sir, this has been carefully looked into, and this period of twenty-five years after the death of the author is considered the most acceptable one by everybody.

On the question of infringement, the Honourable Member did suggest that there are other people who are as clever as the authors who could modify the original work and claim copyright on the new work. That would then come under an infringement, and there is provision in section 14 of this Bill, where the case can be brought up to the High Court in Malaysia. There is adequate protection against infringement or alleged infringement.

The third point raised by the Honourable Member for Bachok is that we should give copyright protec-

tion to non-citizens but permanent residents in this country to cover the period of time which exists in their own country. Sir, we have looked into this one, and I would assure the Honourable Member that protection is given not only to a citizen but also to a permanent resident in Malaysia who is not a citizen, but the period of coverage of copyright would be the same in both cases. However, I would like to point out that this Copyright Bill does not give protection to works done outside Malaysia unless, under section 20, there is a reciprocal agreement between the Malaysian Government and another country or reciprocal treatment of privilege is offered, should Malaysia choose to join the International Convention. So far, Malaysia has not yet joined the International Convention.

The Honourable Member for Seberang Utara has made several suggestions how we can stimulate or how we can give incentives for our young authors, our young scientists, to produce more original works in the form of offering of prizes and even by creating a fund. Sir, this can be looked into, but I can assure him where writers, authors and the producers of music are concerned, perhaps, the biggest incentive for our local geniuses would be this Copyright Bill.

The Honourable Member for Muar Utara wants to know whether this Copyright Bill covers songs, tunes and the words of these songs if they are produced in Malaysia. The answer is definitely, "Yes". Up till today, we have no satisfactory law; that is why the urgency and the need for the production of this Bill. Thank you very much.

Usul di-kemuka bagi di-putuskan, 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 (Timbalan) Yang di-Pertua
mempengerusikan Jawatan-kuasa)

Fasal 1 hingga 7—

Wan Abdul Kadir bin Ismail: Tuan Pengerusi, dalam Sekshen 5 ada dinyatakan bahawa hak cipta ini berlaku sa-lepas daripada 25 tahun daripada akhir tahun yang pengarang sa-suatu karya sastera itu mati atau sa-lepas 25 tahun daripada filem itu di-keluarkan.

Tuan Pengerusi, saya merasa bahawa masa tempoh yang di-beri atau di-hadkan oleh Undang² sa-lama 25 tahun itu dan sa-lepas itu tidak ada lagi Hak-chipta yang boleh di-da'awa oleh pengarang atau penchipta sa-suatu karya sastera, atau muzik, atau filem itu ada-lah masa yang sangat pendek. Saya harap supaya di-timbangkan samula, kerana mungkin sa-suatu karya sastera akan terus di-gunakan oleh kaum manusia bukan daripada 25 tahun tetapi sa-hingga 50 tahun, 100 tahun atau 200 tahun, ada kemungkinan barangkali pada satu masa akan timbul sa-orang sasterawan atau pujangga yang besar sa-bagai Tolstoy di-Russia yang mengeluarkan sa-buah novel sa-bagai "War and Peace" yang akan di-gunakan bukan sahaja sa-lepas 25 tahun, tetapi oleh beberapa lama, beratus tahun sa-lepas itu. Maka ada-lah menjadi hak kepada pengarang-nya atau pun warith² pengarang setelah dia mati mendapat Hakchipta daripada kerja yang di-buat itu. Maka saya merasa tempoh 25 tahun yang di-hadkan dalam Undang² ini patut-lah di-timbang sa-mula supaya tidak menjadikan sa-suatu sastera, karya sastera atau pun sastera seni tidak menjadi hak milek bagi penchipta-nya lagi atau warith² penchipta-nya sa-lepas 25 tahun dan ini merupakan suatu kerugian kepada hasil chiptaan yang tinggi dan besar mutu-nya kalau umpama-nya sa-suatu hasil sastera atau hasil karya seni sa-bagai itu akan timbul. Sebab itu, saya meminta supaya di-timbangkan sa-mula tentang tempoh di-berikan dalam Undang² ini salama 25 tahun sa-lepas daripada pengarang-nya meninggal atau sa-lepas daripada satu² karya-nya itu di-chiptakan.

Tan Sri Dr Lim Swee Aun: Mr Chairman, this matter of time period has been considered very carefully and international practice has been taken into consideration. It may be true that there may be an author here who produces a literary work which can become a classic and could be used for more than fifty years, but I am sure it will be a great honour to the author, and even to his relatives, if 25 years after his death, or during the period when the copyright still avails during which period the revenue accruing to the family would have been considerable, the relations would be quite happy to allow such a wonderful work to be freely distributed for use by not only Malaysia but the whole world.

Fasal 1 hingga 7 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 8 hingga 12—

Tan Sri Dr Lim Swee Aun: Mr Chairman, Sir, I rise to move an amendment according to the amendment sheet that has been circulated to all Honourable Members as follows:

"*Clause 8 (1):* delete the words 'of any literary work' appearing in line 4, and insert a comma after the word 'broadcasting' appearing in line 5."

"*Clause 12 (3) (c):* Substitute 'Minister' for 'minister'."

Pindaan di-kemuka bagi di-putuskan, dan di-setujukan.

Fasal 8 hingga 12 sa-bagai yang di-pinda, di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Fasal 13 hingga 23 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

THE COMPANIES (AMENDMENT) BILL, 1969

Bachaaan Kali Yang Kedua dan Ketiga

Tan Sri Dr Lim Swee Aun (*dengan izin*): Mr Speaker, Sir, I beg to move that the Bill, the Companies (Amendment) Bill, 1969, be now read a second time.

Honourable Members will recall that the House, in its August Session in 1965, passed the Companies Act, 1965 which came into force on 15th April, 1966. As it is a highly sophisticated, complex and extensive Act, it was decided to review the progress made in the implementation of the Act and determine any weaknesses or deficiencies in the Act. A leading authority on Company Law, Professor L. C. B. Gower, was invited to review the Act in the light of practical experience gained since the Act came into force.

Professor Gower visited Malaysia in April 1967. After meeting members of the various professions—lawyers, accountants, company secretaries—and representatives of commerce and industry and discussing with them their representations, he submitted his report to Government. Professor Gower described the Companies Act, 1965 “as an admirable one—one of the best in the world—of which Malaysia should be proud”. He, therefore, confined himself to amendments necessary to correct such flaws and obscurities as have come to light. He was of the view that no serious difficulties have arisen in complying with the requirements of the Act. He attributed this to the way in which the legislation was prepared and being implemented by the Companies Registry. He was “greatly impressed both by the care and skill of the draftsman, Mr Finemore, and by the meticulous consideration given to his draft by the Company Law Revision Committee”, and commented that the whole operation seems to him to have been a model of how legislative reform in this field should be handled.

Professor Gower's Report was studied by a Committee of Officials under the Chairmanship of Raja Tan Sri Mohar bin Raja Badiozaman, Per-

manent Secretary of my Ministry. In the course of the study the Committee also considered other necessary amendments which were not specifically covered by Professor Gower's Report. The amendments contained in the Bill, now before the House, are based on the advice of the Committee.

The intentions behind each amendment is briefly set out in the Explanatory Statement of the Bill. However, for better appreciation of the proposed amendments, I shall endeavour to explain them more fully.

Clause 2—

Should be read with Clauses 3 and 9 of the Bill. Under Section 4 of the Act, a private company, provided it has not more than 20 shareholders and none of whom must be in a corporation, is exempted from filing its accounts and balance sheets with the Registry. Such a company is called an exempted private company. However, due to a flaw in Section 4 (a) a Corporation may become a member of the private company without the private company losing its exempted status. Clauses 2, 3 and 9 of this Bill seeks to correct this by providing that a Corporation or any person acting on behalf of a Corporation is statutorily required to give notice to the Registrar and to the private company concerned if that Corporation or person has a beneficial interest in the share of the private company either directly or indirectly.

Clause 4—

Section 10 of the Act lays down the disqualifications of a person to act as a liquidator of a company, but this does not apply to a member's voluntary winding up. However in the case of a creditor's voluntary winding up, there are doubts as to the application of this exemption. The amendment makes it clear that in a creditor's winding up, these disqualifications do not apply if the resolution is carried by a majority of the creditors in number and value present, in person or by proxy and voting at a meeting of which 7 days' notice has been given to every creditor stating the object of the meeting.

Clauses 5, 11 and 13—

Clause 5 should be read together with Clauses 11 and 13. Sections 125 and 130 of the Act prohibit undischarged bankrupts from directly or indirectly taking part in the management of a company without leave of the Court, and prevent persons convicted of certain crimes from becoming *Directors, Promoters*, or taking part in the management of a company without leave of the Court. As an additional safeguard, this amendment requires a person before being appointed as a Director to lodge a Statutory Declaration that he will not be acting in contravention of Sections 125 and 130. Further, under Clause 13, these provisions are extended to cover foreign companies in Malaysia.

Clause 6—

Clause 6 seeks to correct administrative difficulties by requiring Corporations to request for search and reservation of name, prior to registration.

Clause 7—

Section 38 of the Act requires a Corporation inviting the public to deposit or lend them money to issue a prospectus. It has been argued by some companies that they did not invite the public, but the public voluntarily came to deposit money with them and, therefore, the provisions of this Section did not apply. The amendment makes it mandatory for such companies to issue prospectuses if there are more than ten depositors.

Clause 8—

This is to correct a typographical error. The word "loans" appearing in Section 57 (3) should be "loss".

Clause 10—

This amendment prevents Directors resident outside Malaysia from circumventing the requirement of Section 122 (1) of having two locally resident Directors by appointing two locally resident alternates or substitutes.

Clause 12—

Whilst Section 128 provides sufficient time for a director against whom proceedings or removal are being taken,

Article 69 of Table A of the Fourth Schedule to the Act, also dealing with power to remove a director, is silent as to the safeguard. The amendment seeks to ensure this.

Clause 14—

Section 135 of the Act provides that a natural person and a Corporate person who owns 5% or more of the shares in a company to be deemed a Director and to disclose matters which a Director is required by the Act to disclose. This is necessary to safeguard the shareholders against abuse of what is called "insider trading" to tighten the provisions of this Section. The amendment deems any person whether natural or Corporate *beneficially entitled* to 5% or more of the issued equity of a company to be a "Director". This further enables the company and the other shareholders to ascertain the identity of any substantial holder of the company's shares especially when there is reason to suppose that someone may be in the process of buying for control.

Clause 15—

The amendment is to remedy the present defect in Section 124 where no provision is made for a director who changes his name or her name to notify the Registrar.

Clause 16—

The object of the new Section 145A is to prevent locally incorporated companies from holding their meetings outside the Federation, thereby protecting the interests of members resident in Malaysia. In point of fact, a company did actually hold its Annual General Meeting in Singapore.

Clause 17—

Section 167 does not stipulate the time limit to the making of entries in accounting records. The amendment will compel companies to make appropriate accounting entries within sixty days of the transactions to which they relate, as in the Income Tax Act, 1967.

Clause 18—

It is considered more appropriate for a director or person responsible for

the accounting records, and the financial management of the company rather than the secretary of the company, to swear to the accuracy of a company's accounts. The amendment to Section 169 provides for this.

Clause 19—

This is to correct a typographical error. The words "to shares" in the definition of "offeree corporation" in Section 179 should be "the shares".

Clause 20—

This is an editorial correction. The words "committed by him" in Section 200 (6) should be deleted as they are redundant.

Clause 21—

The reference to Singapore in Section 249 (4) is no longer appropriate and the word "judge" in the last line should be changed to "President of a Sessions Court".

Clause 22—

The reference to Singapore in Section 290 is no longer appropriate.

Clause 23—

This is again a correction of typographical error. The word "shares" in Section 322 (2) should be "issues".

Clause 24—

The purpose of the new Section 332 (a) is to enable the Registrar to ascertain from foreign companies every year such information as the dates of their Annual General Meeting or any changes in their capital or registered offices, so as to ensure that they comply with the requirements of the Act.

Clause 25—

Under Section 332, a foreign company, on registration, must lodge with the Registrar either a memorandum of appointment or power of attorney of its agents in Malaysia. The amendment to Section 333 is to provide the same option when the foreign company appoints a new agent.

Clause 26—

The amendment will rectify the present defects in Section 335. Foreign companies will now have to lodge particulars of change or alteration in the names and addresses of their directors or agents and of a change of director or agent. As in the case of local companies, fees would be charged for the registrations of such change or alteration.

Clause 27—

Under Section 336, foreign companies are required to file not only global accounts but also accounts showing their operations in Malaysia. Whilst the Section prescribes that the global accounts must be authenticated by statutory declaration, it does not require similar authentication of the Malaysian accounts. As this may raise difficulty in regard to their admissibility in Court, the amendment seeks to correct this and further requires the local agents to authenticate the documents.

Clause 28—

At present foreign companies are not required to keep detailed accounting records of their operations in Malaysia although they are required to file annual accounts. The introduction of the new section 336A seeks to set this right so that their Malaysian accounts could be conveniently and properly audited.

Clause 29—

This is a correction of punctuation.

Clause 30—

These are amendments to the Table of Fees. The amendments provide for a fee of \$50, as applicable to a local company, to be charged for the registration of a change in the name of a foreign company and secondly for corporations without share capital such as State-owned airlines, which engage in trade, commerce, industry and transportation to be charged one-half of the maximum fee of \$35,000 applicable to companies with a share capital.

Clause 31 (Fourth Schedule)—

This is consequential to the amendment to Section 128. The provision for removal of a director in Article 69 of Table A in the Fourth Schedule to the Act shall be subject to the provision of Section 128.

Clause 32 (Eighth Schedule)—

This is an amendment to the Eighth Schedule to the Act. Under the Eighth Schedule, an exempt private company when submitting annual return relating to the company need not attach its profit and loss accounts and balance sheets. In lieu, it must submit a certificate, amongst other things, to say that the accounts and balance sheets have been laid before its Annual General Meeting. The amendment is to enable the Registrar to ascertain forthwith the dates of such accounts and whether they have been made up to a date not more than six months before the date of the Annual General Meeting.

Clause 33—

These are amendments to the Ninth Schedule to the Act. As the profits and loss accounts and balance sheets of locally incorporated subsidiaries are already separately filed with the Registrar, it is not considered necessary therefore for a holding company to attach to its own accounts and balance sheets separate accounts and balance sheets of each of its subsidiary. However, as accounts and balance sheets of subsidiaries incorporated outside Malaysia are not available to the Registrar, a holding company must attach separate accounts and balance sheets of each of such subsidiaries. The amendments seek to give effect to these considerations.

Mr Speaker, Sir, as the amendments are designed to improve the Companies Act by the introduction of new provisions and correcting ambiguities and flaws in existing provisions, I hope Honourable Members would give it their full support. Thank you.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya menyokong.

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, saya hendak berchakap sedikit sahaja di-bawah Rang Undang² Sharikat ini atau pun Companies Act, 1965 (Pindaan) yang ada di-hadapan kita. Apa yang saya hendak sebutkan ia-lah berkenaan dengan sharikat persendirian yang mendapat perkecualian ia-itu exempted private company. Nampak-nya Undang² berkenaan dengan sharikat² di-negeri kita ini telah mendapat perhatian dan pujian daripada pakar² Undang² berkenaan dengan sharikat² sa-bagai yang di-sebutkan oleh Menteri ini, tetapi ada satu perkara saya tidak dapat hendak menchabab pendapat pakar itu, tetapi duduk dalam Dewan ini kita kena-lah beri pendapat kita, moga² barangkali apa yang tidak nampak oleh orang lain, Menteri kita akan nampak, ia-itu kita memberi status atau pun taraf private company dengan kechualian, exempted private company mengikut angka ahli-nya ia-itu tidak lebeh daripada 20 orang. Saya lebeh suka taraf ini di-beri mengikut modal, bukan mengikut angka orang. Boleh jadi kalau sharikat itu modal-nya \$500 maka 500 orang pun tidak menjadi kachau, kerana benda yang hendak dipertikaikan ini terlampau kecil. Kita memberi kechualian di-sini supaya dia tidak payah menunjukkan ekaun-nya dan menunjukkan kira²-nya sa-bagai mana kompeni² lain terpaksa menunjukkan mengikut undang². Mithal-nya kata-lah kita dapati satu private kompeni yang ahli²-nya mengikut undang² ia-itu kurang daripada 20 tetapi modal-nya itu ia-lah \$20 million. Dengan demikian kita menggalakkan wujud-nya—existence of capitalists—ia-itu kita menggalakkan wujud-nya puak² kapitalis di-dalam negara kita ini yang mereka itu boleh membuat sharikat dengan mendapat taraf exempted private company. Kalau lima enam kompeni bersendirian—private company bagini ada dalam negeri kita, saya rasa ini ada lebeh lagi besar bahaya-nya bagi ra'ayat negeri ini. Kalau begitu, kalau negara kita ini sudah di-pandang mempunyai undang² yang elok, apa salah-nya kalau kita bawa perkara baharu ia-itu boleh jadi di-terima di-mana dunia, angka ahli itu kurang daripada

20, tetapi kita ubah kepada banyak-nya modal, mithal-nya kita hadkan kepada sa-puloh ribu-kah, lima belas ribu-kah dan ahli itu kita tidak hadkan. Saya rasa itu ada-lah lagi lebih baik daripada kita menghadkan-nya kepada angka ahli.

Chontoh lagi satu, Tuan Yang di-Pertua, satu sharikat yang lebih ahli-nya daripada 20 sampai 100 atau 200 tetapi modal-nya satu juta ringgit, dia terpaksa menunjokkan kira², dan terpaksa mematohi beberapa syarat kalau tidak kompeni itu atau sharikat itu terpaksa di-kenakan tindakan. Tetapi sa-buah kompeni lagi yang di-namakan private company modal-nya \$5 juta. Jadi untok menjaga keselamatan masha-rakat kita, Kerajaan tentu-lah lebih suka hendak melihat perjalanan sa-buah sharikat yang modal-nya \$5 juta. Di-situ-lah yang akan timbul kachau bilau-nya semakin banyak wang, semakin banyak kachau-nya. Empat orang taukeh yang mempunyai wang banyak dalam satu pakatan boleh bergaduh, bertembak bawa ka-mahkamah, tetapi lima ribu orang pergi tengok lawan bola dengan tidak mempunyai interest wang di-situ, tak ada satu pun yang bergaduh. Jadi kalau kita hendak menjaga masyarakat kita, saya rasa bukan angka ahli yang menjadi ukuran, tetapi angka modal yang menjadi ukuran. Dengan demikian saya minta Menteri ini menjawab fikiran saya itu sama ada dapat di-terima atau pun tidak.

Tan Sri Dr Lim Swee Aun (*dengan izin*): Mr Speaker, Sir, I am afraid the Honourable Member for Bachok is rather confused on this issue. There is a difference between a private company and a public company. The Act provides that a private company should not have more than 50 shareholders, where there are more than 50 shareholders, it shall be a public company, and an "exempt company" can only apply to a private company.

Sir, the reason why there are private companies is that usually the members of a private company are either relatives of a family or very close friends. They are investing their own money by purporting as a company. So it is not the size of the capital but rather the nature of the members of the company.

A public company usually means that the Board of Directors is using money invested by other people and, therefore, the responsibility to the other shareholders is very much greater, not that it is not important in a private company—it is equally important. That is the reason why private companies only are allowed exemption from the production of their Profit and Loss and Balance Sheets to the Registry. However, we have tightened the law here to prevent a corporation from becoming a member of a private company—all these members of a private company must be private individuals and not corporations. As I said here, "Under Section 4 of the Act, a private company provided it has not more than 20 shareholders and none of whom must be in a corporation"—that means to say, another company coming in, they must be individuals—that is how they get this exemption.

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, saya minta penjelasan. Bagaimana-kah melalui Undang² ini, through this law kita hendak dapat tahu bahawa ahli² itu adek beradek—relative begitu bagini. Kalau orang yang bukan adek beradek bukan warith dia bukan satu family 20 orang dapat juga membuat "exempt" private company. Di-sini tidak di-sebut relative, di-sebut angka sahaja.

Tan Sri Dr Lim Swee Aun: Sir, I never said that all private companies are all relatives. I said the tendency is there. That does not prevent the Member for Bachok and me opening a private company as long as I trust him and he trusts me.

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, perchaya mem-perchaya² ini, ini perkara yang relative, perkara yang tidak boleh di-pegang. Apabila kita buat law bagi faham saya mesti-lah benda itu concrete dapat di-pegang mengikut letter of the law. Kalau hendak pakai spirit of the law, tidak payah kita buat macham ini, kita boleh mengatakan buat satu sharikat sama² ikhlas, sama² sincere, itu bukan undang², itu etiquette, not law.

Tan Sri Dr Lim Swee Aun: That is why we have the Companies Act, Sir.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

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

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangkan dalam Jawatan-kuasa.

(Tuan Yang di-Pertua *mempengerusi-kan Jawatan-kuasa*)

Fasal 1 hingga 33 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

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

THE EMPLOYEES' SOCIAL SECURITY BILL, 1969

Bachaaan Kali Yang Kedua dan Ketiga

Menteri Buroh (Tuan V. Manickavasagam) (*dengan izin*): Mr Speaker, Sir, the House will recall that in December, 1965, I had expressed confidence in this House that with the work of the present expert, a sound blueprint for a Social Security Scheme in Malaysia will be prepared. It is a matter of great personal pride and pleasure for me to have been privileged to introduce this Social Security Bill, as it is a fulfilment of a long cherished ambition of the Alliance Government.

The expert, Mr A. N. Ambo, presented his Report on Social Security for Malaysia to the Chairman of the Cabinet Committee on Social Security—the Honourable Minister of Finance—in December, 1967. This was studied by the Cabinet, which accepted all the recommendations made by the expert in his Report and considered it as “excellent”. The Report was also studied by the Standing Committee of the National Joint Labour Advisory Council, and I am happy to state that

they too accepted all the 82 recommendations unanimously. In paying tributes to the expert, employers called his Report as “excellent and lucid”, and employees called it as a “very able report”. This unanimous acceptance of the Ambo Report is indeed a rare achievement in the world of Social Security for which Malaysia can be justly proud. While the expert in his Report has attributed this success to “the typical Malaysian spirit of mutual understanding and co-operation displayed by employers, employees, medical profession and the Government”, I should like to put on record that this has been achieved due to the sincerity of purpose, spirit of fair play and tireless zeal and enthusiasm displayed by Mr Ambo.

Sir, the proposed scheme as embodied in the Bill will be applicable to all industries employing five and above employees drawing up to \$500 a month. Thus, workers engaged on non-manual work and earning between \$400 and \$500 a month who are at present not covered under the Workmen's Compensation Ordinance will also be covered and derive benefit under the proposed scheme. To start with, the Scheme will cover the contingencies of employment injury, occupational diseases and invalidity.

As regards employment injury, the Workmen's Compensation Ordinance, 1952, has its own defects. There is a direct connection between the amount of compensation and liability of employers and this can arouse temptation for evasion on the part of some employers. The advantage of an employment injury insurance scheme lies in the fact that it provides the full range of benefits in kind and cash, is based on pooled financing and provides for the establishment of adequate channels and procedures for the processing of all claims, the award and payment of benefits. So far as employers are concerned, it relieves them of all financial liability under the Workmen's Compensation Ordinance and will remove any cause of friction between the employer and employees on a matter relating to employment injury. The bulk of the cost in the proposed scheme will

arise under permanent disability and death, and in so far as employees are concerned it has been estimated by the Actuary that "this Scheme is worth about twice as much as Workmen's Compensation".

Some of the distinct advantages under the proposed Social Security Scheme *vis-a-vis* the present Workmen's Compensation Ordinance will be as follows:

- (i) The Workmen's Compensation Ordinance restricts the period of temporary disablement benefit to five years. As against this, there will be no limitation under the proposed Scheme and the individual will be entitled to temporary disablement benefit as long as the disablement lasts.
- (ii) Under the Workmen's Compensation Ordinance, if the temporary disablement turns into permanent disablement or partial disablement, the amount paid towards temporary disablement in excess of six months is recovered from the lump sum amount. This acts harshly on the injured worker. As against this, under the proposed Social Security Scheme, an individual will be entitled to temporary disablement benefit for as long as the disablement lasts; and when the temporary disablement ceases and permanent disability starts, the new rate for permanent or partial disablement will commence and there will be no deduction in respect of the payment which has been paid in the past which invariably is at a higher rate.
- (iii) In terms of the actuarial value, the total value of the benefit under the proposed Scheme in case of permanently disabled persons, will be approximately double of what would have been admissible to them under the Workmen's Compensation Ordinance. Similar is the case in respect of dependants' benefit in case of the death of the breadwinner as a result of employment injury.

- (iv) Under the proviso to Section 8 (a) of the Workmen's Compensation Ordinance, the lump sum payment to survivors is dependent on the degree of dependency of the deceased at the time of his death. The Commissioner has the power to fix the rate for the dependants taking into consideration the extent of the dependency. Thus in actual practice the dependants sometimes get less than the total benefit admissible. Under the proposed Social Security Scheme there is no restriction and the widow and minor children will be entitled to full pension. This will be a great financial boon to the survivors of the breadwinner.
- (v) There is no provision for grant of funeral benefit under the Workmen's Compensation Ordinance. All that the Workmen's Compensation Ordinance does in this regard is to underwrite the return of an amount up to \$100 advanced by any party for the expenses of the funeral. But under the proposed Social Security Scheme, funeral grant (\$100 for the present in lump sum) will be admissible to survivors as an additional benefit, if an individual dies as a result of an employment injury. This will avoid hardship generally caused to survivors of a worker on such occasions.
- (vi) The procedure involved in the employer's liability scheme, i.e., Workmen's Compensation Ordinance, is quite cumbersome with the result that persons who are permanently disabled and survivors of breadwinners get their first payment after a considerable time. Under the proposed Social Security Scheme, the payments will be speeded up as they will have to be paid directly by the Social Security Organisation. The inconvenience caused to the workers at present in running between the employer and the Labour Office will be curtailed,

as they will be entitled to the payment direct from an independent party, i.e., the Social Security Organisation.

- (vii) Under Workmen's Compensation Ordinance, the employer is liable to pay charges towards the provision of artificial limbs. In actual practice, it is observed that it is taking a very long time before the insured person is fitted with artificial limbs. Secondly, there is no provision for replacement of artificial limbs. Under the proposed Social Security Scheme, artificial limbs will be provided free of charge by the Social Security Organisation and there will be also a provision for replacement of artificial limbs.
- (viii) An insured person who is so severely disabled as to require the constant attendance of another person will be granted supplementary pension at the rate of 30% of the permanent disablement pension till his death which will be generally more beneficial than the compensation of 25% for the purpose under the Workmen's Compensation Ordinance.

Sir, as regards invalidity due to disease or injury from whatever cause, an invalid today depends more on charity than on any organised welfare scheme, except that an employee who is covered under the Employees Provident Fund Ordinance, 1951, is entitled to withdraw money standing to his credit provided he is "physically or mentally incapacitated from engaging in any further employment". Employees Provident Fund, though useful in its own way for old age benefit, does not provide an adequate answer to the economic insecurity of an invalid. Benefits under the Invalidity Pension Scheme will however be better equated to the need of beneficiaries and will now be better adjusted to meet the need of economic security throughout the contingency.

Some of the salient features of the Invalidity Pension Scheme are enumerated below:

- (i) Invalidity Benefit will be granted by way of a "pension" every month throughout the period of invalidity till the death of the insured person.
- (ii) As against "total invalidity" as required under E.P.F., the term "invalidity" is intended to be liberalised so as to give benefit to more persons; they will be entitled to the benefit if the invalidity is 66 2/3% and more subject to other qualifying conditions.
- (iii) The insured person will not have to incur any expenditure to get himself declared as "invalid" by the Medical Board. All expenditure in this connection will be borne by the Social Security Organisation.
- (iv) Where necessary, he will be afforded all opportunities of training for rehabilitation. They will be provided facilities of physical and vocational rehabilitation.
- (v) Once a person is declared "invalid", he will be provided if required, and replaced if necessary, with artificial limbs free of charge by the Social Security Organisation.
- (vi) Invalids who need constant attendance will be granted a supplementary pension at the rate of 30% of the invalidity pension.

Sir, the Social Security Bill is based on certain fundamental principles internationally accepted and generally followed in other countries, viz. it should be fair to employers as well as to employees and should avoid hardship to persons of small means. No contribution should be paid by employees in case of employment injury insurance scheme, as it only replaces employer's liability under the Workmen's Compensation Ordinance. The contribution of employees for invalidity pension scheme should not exceed 50% of the total contribution. The Scheme must be economical in its

administration, actuarially balanced and financially sound, and it must be modest and should adhere to well defined objectives in the beginning to avoid any "clots" and possible pitfalls. While the expert has made fullest use of the experiences of other countries, no attempt has been made to tie it to the experience of a particular country. Every possible effort has been made to pick up all possible good threads from the texture of Social Security Schemes of the world including Asian and to weave them into the "Malaysian design" of Social Security, so as to conform with the local conditions and resources.

Sir, this achievement of the Alliance Government in bringing Malaysia on the map of Social Security of the world is an international event and its significance will be appreciated more when it is noted that several other countries in the region, though trying for the past several years, are still in the initial stages of study and survey.

The Bill which lays the foundations of the Social Security Scheme in the country is only the first phase of the proposed programme. In due course, other contingencies including sickness and maternity may also be covered. The proposed contingencies in the first phase have been placed at the top in the list of priorities taking into consideration the resources of the country—human and financial. It need hardly be emphasized that no developing country can afford to embark on an ambitious scheme in the initial stage and as already said earlier in the House, zeal should not be allowed to outrun discretion. It is in appreciation of this fact that we are following the generally accepted principle of "walk before you run". This is in keeping with the universal expert advice of phased programming, particularly for developing countries.

Sir, now that the Social Security Scheme is ready, the Alliance Government is most keen to implement the Scheme as early as possible. To this end, necessary draft regulations are also being prepared so that beneficiaries can derive the benefit soon by coming

under its protective shade. To start with, about 150,000 employees are likely to benefit from the employment injury insurance scheme in the proposed pilot centres—Penang, Kuala Lumpur, Petaling Jaya, Ipoh and Johore Bahru. The invalidity pension scheme will benefit over 800,000 persons all over the country.

For the purpose of launching the Scheme, the Government will bear the initial administrative costs. This Bill also covers the workers in the Government service but before its extension to them some matters will have to be finalised.

The Bill before the House has also been discussed with the Standing Committee of the National Joint Labour Advisory Council and I am pleased to report that the Bill is acceptable to them.

Sir, finally, I hope and pray that the proposed Scheme of Social Security will prove to be an harbinger of prosperity and progress for workers and provide an added incentive to industrialisation and greater productivity for Malaysia. I also hope and pray that the seed of Social Security which the Alliance Government is sowing today in Malaysia will in due course take good shape and give a better life to all people in this country.

Sir, I would also like to pay tribute to the expert Mr A. N. Ambo for his excellent work, and to the Government of India for having loaned him to us.

Sir, I beg to move.

Tuan Haji Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya menyokong.

Dr Lim Chong Eu (Tanjong) (*dengan izin*): Mr Speaker, Sir, the Honourable Minister in moving this Bill has clearly indicated all the qualifications for our approach to the Bill in that he has stated clearly that this is only the first phase and the first step towards securing full social security for the employees of the Nation. Sir, our comment is, first, on the question of the timing of this Bill. It would have been

to our mind much happier if we had the chance to debate the Bill much earlier in this session of the House, or if this Bill were given a greater coverage by, say, the incoming Parliament, where it could probably bring in fresh ideas and it would have had a longer time to study this very voluminous Bill. However, Sir, qualified as it has been by the Honourable Minister, that this is only the first phase and that as practical experience goes the Government will be willing to consider changes and amendments of the Bill, we have to take the Bill on its principles and the merit of the principles. On this ground, Sir, we must say that the introduction of this Bill is a good step forward towards the social development of our country. However, Sir, I would like immediately to take up the concept of "invalid" and the concept of the Employees Provident Fund Ordinance. I think the matter is raised and touched upon in the Explanatory Statement, paragraph 3.

Sir, it is quite clear from this Explanatory Statement that the Government feels and understand, and I quote here, Sir, that, "The Employees Provident Fund, though useful in its own way for old age benefit, does not provide an adequate answer to the economic insecurity of an invalid". Sir, from that point of view, this particular Bill makes an interesting step forward in our concept of what we mean by physically or mentally incapacitated from engaging in any further employment. It is interesting, Sir, from that point of view to study the Schedules, particularly the Second and the Third Schedules of the Bill, because in the First Schedule we notice that certain categories of injury are classified as 100 per cent or total loss of earning capacity. However, Sir, the classification of these total injuries would obviously come into conflict with an interpretation in the strict sense of the word of physically incapacitated from engaging in further employment, and I do suggest to the Government that it should look into this matter a little bit more thoroughly from the point of view of two conflicting opinions—one provided by this new Bill and the other as laid down by the Employees Provi-

dent Fund Ordinance, 1951. Sir, if we are to take this Bill on its face value and assuming that we take the reasoning of the First Schedule, then, Sir, it is quite possible for us to argue purely from the medical point of view, and now from the legal point of view, that a person who comes under Part I of the Second Schedule and those who come probably to within 90% of the loss of earning capacity might be classified under the Employees Provident Fund as persons who are now physically incapacitated from engaging in any further employment. But this is not true, Sir. It is quite clear, because the Honourable Minister has indicated that one of the purposes of the Bill is the question of rehabilitation of persons who are injured. We hope the Government will pursue this matter energetically because today, Sir, under the modern facilities, it is quite possible for a person to have lost both hands or have had amputation at higher sides and still be provided with the prosthetic equipment whereby we can make the person really capable of taking further employment. So, Sir, the classification then as a hundred per cent incapacity from wage earning is a matter which could be debated, a matter which could be looked into with greater care.

Sir, in referring to this question of prosthesis and Government's determination and expressed desire of helping those who are invalidated to rehabilitate themselves, may I urge the Honourable Minister to look into the whole question of the Central Prosthetics Department, because it is generally wellknown that the people who are treated through the hospitals in our country find that it takes a much longer time to get prosthetic equipment from the Central Department and sometimes it is cheaper for them to purchase the equipment, particularly much more sophisticated equipment, and I hope that the Social Security Bill will enable persons to get prosthetic help not only from Government sources but from outside sources if the local sources are not adequate.

Sir, the other aspect, again in relation to the Employees Provident Fund

and the question being incapacitated from engaging in further employment, is the question of the list of occupational diseases listed in the Fifth Schedule of the Bill. Sir, it is quite clear that the listing of these occupational diseases *per se* have not been correlated with the Second Schedule, because the Second Schedule deals practically entirely with injuries which require surgical treatment and which require surgical operations. Some of these occupational diseases as listed under the Fifth Schedule can render a person completely incapable of work and it might be useful, Sir, if the Ministry could obtain further assistance in trying to assess the degree of wage-earning capacity in relation to the occupational diseases so related.

Apart from these general comments, Sir, I feel that the Bill deserves merit and this being a very thorough and a very long Bill, we will reserve our further comments on the application of the Bill as the time comes, and I am quite sure the Honourable Minister appreciates that we are prepared to see how the Bill goes into operation and he will, I hope, take recommendations from us from time to time, if and when we see that the Bill cannot fulfil the same hopes and aspirations, which he naturally puts at this time of pre-elections.

Tuan Musa bin Hitam (Segamat Utara): Tuan Yang di-Pertua, saya bangun mengucapkan tahniah kepada Kementerian Buroh yang telah menchapai kejayaan bagi membentangkan Rang Undang² Employees' Social Security untuk kepentingan pekerja² di-dalam negara kita ini. Saya sedar bahawa Rang Undang² ini memang-lah satu daripada Rang Undang² yang di-tunggu² oleh pehak pekerja, terutama sa-kali. Sunggoh pun saya sedar juga bahawa di-dalam kalangan pehak pekerja mereka sa-betul-nya tidak sangka² yang Kerajaan kita ini—Kerajaan Perikatan ini—boleh dan berani menerima satu Rang Undang² yang bagini rupa-nya yang lengkap dan, kalau di-kaji dari segi jangka panjang, yang betul² akan menjaga keselamatan dan juga kedudukan pekerja² di-dalam

negara kita ini. Dan saya berasa bangga juga oleh sebab di-dalam kawasan negara² tetangga kita juga tidak ada undang² sa-bagini yang begitu luas, habis² kuat yang ada di-dalam negara ini ia-lah apa yang telah pun ada di-dalam negara kita sendiri, Workmen's Compensation. Saya dapat tahu negara Indonesia tidak ada, di-Philipina tidak ada, di-Singapura pun belum lagi ada dan maseh di-dalam kajian. Jadi, kita semua agak-nya ra'ayat jelata tidak begitu sedar bahawa Rang Undang² ini ia-lah besar ma'ana-nya terutama sa-kali dari segi kerjasama dan sa-fahaman di-antara pehak majikan dengan pehak kaum buroh dan juga dari pehak Kerajaan sendiri. Saya menegaskan kejayaan yang telah di-chapai oleh Kerajaan ini di-sebabkan oleh kerjasama ketiga² pehak ini ia-lah oleh sebab pada masa ini, pada masa zaman pembangunan di-dalam negara kita ini, memang sudah beberapa kali di-tegaskan bagaimana mustahak-nya sa-belum kita menchapai apa² kejayaan dari segi pembangunan mustahak-nya ketiga² pehak, terutama sa-kali dari majikan dan buroh, bekerjasama dan sentiasa menchapai sa-fahaman di-dalam segala lapangan kerjasama dalam soal² berkaitan dengan buroh.

Tuan Yang di-Pertua, di-dalam ucapan Menteri Buroh tadi dia sudah menyebutkan bahawa Rang Undang² yang di-minta di-luluskan ini ia-lah sa-betul-nya perengkat pertama sahaja dan akan di-kaji dari sa-masa ka-samasa. Sunggoh pun begitu, saya ada dua tiga pandangan sahaja dan shor sahaja yang saya suka membentangkan kepada pehak Kementerian Buroh untuk kajian mereka supaya apabila masa-nya tiba nanti di-harap pehak Kementerian ini akan menimbangkan soal ini dan jangan-lah pehak² yang berkenaan ini ketinggalan. Saya sedar bahawa saya telah menyebutkan soal ini di-dalam perbahathan 'am di-bawah Kementerian Buroh, tetapi saya suka menyebutkan sa-kali lagi.

Yang pertama-nya, Tuan Yang di-Pertua, pehak Kementerian telah menyebutkan bahawa untuk permulaan ada lima pusat sahaja di-mana Rang Undang² ini akan dapat di-laksanakan.

Pusat² itu, kalau saya tidak salah, ia-lah Kuala Lumpur, Petaling Jaya, Johor Bahru, Ipoh dan Pulau Pinang di-kawasan ini, dan pada masa yang akan datang saya suka menegaskan sa-kali jangan-lah kita lupakan kaum pekerja di-luar bandar, terutama sa-kali pehak kaum pekerja yang bertugas di-dalam ladang² getah dan di-dalam lombong² di-luar bandar. Saya menyebutkan akan peranan peri mustahak-nya Rang Undang² ini di-laksanakan di-kalangan mereka oleh sebab kita tentu-lah sedar bahawa pada pandangan saya sa-betul-nya mereka ini-lah, pekerja² ini-lah yang sedang memainkan peranan yang sa-bagitu tegas dan bagitu besar di-dalam segi pembangunan negara kita.

Kalau saya tahu dahulu yang pehak Kementerian hendak mengadakan Rang Undang² ini hendak memulakan-nya di-dalam bandar, saya suka mengshor-kan di-mulakan di-luar bandar dahulu agak-nya lebih senang, lepas itu baharu datang ka-bandar. Tetapi tidak apa-lah kita boleh-lah menerima akan dasar ini dan kalau dapat di-ambil perhatian oleh Menteri Buroh saya fikir tentu-lah pekerja² akan sangat bersuka hati.

Yang kedua-nya ia-lah bahawa saya menengok, saya nampak Rang Undang² ini akan meliputi employment, injury, invalidity dan occupational diseases. Dan saya mengalu²kan kenyataan yang di-buat oleh pehak Menteri Buroh tadi bahawa pada masa akan datang akan di-pertimbangkan soal² atau pun yang berkaitan dengan penyakit biasa (sickness) apa yang di-kenal sa-bagai sickness dan juga maternity kepada pekerja² kaum ibu yang mengandung.

Yang ketiga, Tuan Yang di-Pertua, perhatian saya ia-lah bahawa kerap kali di-dalam negara kita ini kita memang ada undang² yang baik yang boleh di-puji, terutama sa-kali dari segi kaum buroh dan juga undang² dari segi 'am dalam beberapa lapangan, tetapi malang-nya kerap kali pula undang² ini apabila hendak di-laksanakan selalu-nya pehak kaum buroh mithal-nya kalau kita cheritakan kesah Rang Undang² berkaitan dengan buroh, pehak kaum buroh kerap kali menjadi mangsa. Mangsa apa, Tuan Yang di-Pertua? Mangsa lambat bayar, mangsa kadang²

tidak terbayar langsung. Orang² ini kaum² pekerja yang putus kaki mithal-nya terbiar dan terlantar sahaja dan tidak ada langsung pehak² yang dapat menolong mereka mendapatkan kemudahan² atau pun keuntungan² yang telah pun di-sebutkan di-dalam undang². Walau pun di-dalam Workmen Compensation mithal-nya ada mengatakan kalau kita putus kaki-kah dapat-lah compensation atau pun saguhati untuk pekerja itu. Tetapi, mithal-nya, dalam kawasan saya baharu² ini saya berjumpa dengan sa-orang yang kaki-nya kudong dua² belah, dia kata dia sudah terlantar beberapa tahun terbiar, kerja tidak dapat, hendak minta kaki artificial limb pun tidak dapat, susah, di-mana mereka hendak pergi? Saya tanya apa fasal tidak dapat. Dia kata hendak meminta tolong pun dia tidak tahu, tolong pun di-dalam soal² yang lain juga yang saya hadapi apabila hendak di-tolong pun pehak majikan pula ada pula bayar-nya, ada mengatakan itu sa-betul-nya bukan salah dia dan sa-bagai-nya. Jadi pehak kaum buroh ini ma'alum-lah kaum yang kecil yang gaji-nya kecil tidak mampu hendak mengadakan loyar sendiri kalau ada pun loyar sendiri apabila dia dapat duit sudah habis-lah di-sapu oleh pehak loyar, atau pun orang² yang mengaku diri hendak membela mereka.

Jadi saya berharap bahawa apabila di-laksanakan oleh pehak Kerajaan walau pun melalui Social Security Organisation atau Pertubuhan Social Security yang di-chadangkan di-bawah Rang Undang² ini di-harap dapat-lah pehak Kerajaan membuat peratoran² untuk Social Security Organisation ini di-mana apabila terjadi hal² ini terus dengan chara senang sahaja dapat pehak pekerja ini mendapatkan sagu hati dan sa-bagai-nya yang di-kehendaki dan saya tengok molek benar di-sini di-sebutkan, kalau jadi kematian dapat outright grant \$100. Ini saya fikir sangat menggalakkan oleh sebab di-bawah Workmen Compensation pun memang tidak ada. Jadi kalau di-sebutkan di-sini, kalau jadi kematian dapat \$100 saya perchaya-lah bahawa apabila orang itu mati terus dia dapat \$100 dapat belanja mengkebumikan orang itu, jangan-lah hendak²-nya nanti

sudah apabila kebumi entah 100 hari baharu hendak dapat duit, jadi itu tidak ada berma'ana. Jadi ini soal² berkaitan dengan ini yang saya harap pehak Menteri Buroh akan dapat mengkajinya dan mengawasi-nya terutama sekali apabila pehak Kementerian merangka akan peratoran² berhubung dengan Social Security Organisation ini yang akan melaksanakan Rang Undang² ini sendiri.

Dan saya perchaya juga-lah saperti yang di-sebutkan oleh Ahli Yang Berhormat dari Tanjong tadi bahawa Rang Undang² sendiri, saperti di-sebutkan oleh pehak Menteri Buroh tadi, ada-lah hasil daripada perbincangan dan persetujuan oleh pehak pekerja², pehak majikan dan pehak Kerajaan saperti yang saya sebutkan tadi. Jadi dalam hal ini saya bukan hendak menegor tetapi menguchapkan tahniah kepada pehak Menteri oleh sebab selalu-nya complaint atau pun tegoran dari pehak pekerja ia-lah kalau ada undang² macham ini tidak ada memberi tahu, aleh² timbul sahaja dengan tidak berbincang. Jadi saya fikir Dewan Ra'ayat ini tidak begitu menjadi satu tempat perbincangan yang utama, yang utamanya ia-lah daripada pehak pekerja dan pehak majikan sendiri dan mereka nampak-nya telah menerima dan saya menguchapkan tahniah kepada pehak majikan juga dan bersetuju untuk memberi wang terutama sa-kali yang agak-nya pada pandangan mereka tentu-lah lebih, tetapi pada pandangan pekerja tentu-lah kurang tetapi walau macham mana pun mereka telah mendapat kejayaan dari segi ini.

Dan akhir sa-kali, Tuan Yang di-Pertua, saya sangat-lah berharap bahawa lambang kejayaan, kerjasama dan dengan fahaman daripada pehak majikan, buroh dan Kerajaan ini akan dapat berkekalan oleh sebab² yang saya sebutkan tadi, oleh sebab negara kita sedang menghadapi soal² pembangunan dan saya menegaskan sa-kali lagi, kalau dapat kerjasama dan fahaman ini di-kekalkan dan di-jalankan dari sa-masa ka-samasa, insha' Allah saya fikir, dari segi pembangunan kita akan terus menchapai kejayaan. Dan kalau dapat di-lanjutkan pula bukan

sahaja dalam soal social security, didalam segala soal² berkaitan dengan majikan dan buroh kalau dapat-lah diambil, saya mengshorkan di-sini kepada kedua² pehak, majikan dan buroh, bukan sahaja di-dalam Kerajaan didalam segala lapangan perusahaan mereka sentiasa dapat, katakan sa-tahun sa-kali mengadakan seminar, seminar biar-lah tertutup kalau mereka tidak hendak di-besar²kan kepada ra'ayat, tetapi seminar di-mana pehak pekerja dan pehak majikan dapat duduk bincangkan soal² berkaitan dengan perindasterian, perusahaan dan buroh di-dalam negara kita ini. Kalau dapat ini di-kekalkan dan di-lanjutkan bukan sahaja kepada Rang Undang² ini, tetapi kepada segala soal² berkaitan dengan ini, saya fikir dalam negara kita ini tidak payah-lah, Tuan Yang di-Pertua, kita gunakan kuasa kita ini hendak menindas kaum buroh, tidak payah kita gunakan paksa, tidak payah kita gunakan apa² kuasa juga malahan dengan kita teruskan polisi atau pun dasar Kerajaan Perikatan ia-itu dasarnya yang selalu persuasion, atau pun kita memujuk kepada kedua² pehak. Itu-lah sahaja, terima kaseh.

Tuan (Timbalan) Yang di-Pertua: Meshuarat ini di-tanggohkan sa-lama 15 minit.

Persidangan di-tempohkan pada pukul 5.45 petang.

Persidangan di-sambong sa-mula pada pukul 6.00 petang.

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Meshuarat*)

WAKTU MESHUARAT DAN URUSAN YANG DI-BEBASKAN DARIPADA PERATORAN MESHUARAT (USUL)

Tuan V. Manickavasagam: Mr Speaker, Sir, I beg to move,

That notwithstanding the resolution relating to the time of sitting of this House passed on Monday, 10th February, 1969, by this House, at 6.30 p.m. today this House shall stand adjourned until 10.00 a.m. tomorrow, Wednesday, 12th February, 1969.

Dato' Ganie Gilong: Tuan Yang di-Pertua, saya menyokong.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Di-putuskan,

That notwithstanding the resolution relating to the time of sitting of this House passed on Monday, 10th February, 1969, by this House, at 6.30 p.m. today this House shall stand adjourned until 10.00 a.m. tomorrow, Wednesday, 12th February, 1969.

THE EMPLOYEES' SOCIAL SECURITY BILL

Bachaaan Kali Yang Kedua dan Ketiga

Perbahathan di-sambong sa-mula.

Dr Tan Chee Khoo (*dengan izin*): Mr Speaker, Sir, the Employees Social Security Bill, 1969, now before the House indeed marks a milestone in the life of this country. While I wish to congratulate the Alliance Government, and in particular the Minister of Labour and Mr Ambo, for bringing this Bill to fruition, I must also make the observation that perhaps it is the advent of the coming General Elections that has something to do with this Social Security Bill being rushed to this House at this stage, because I do remember that many experts have been invited to this country many moons ago and that the workers of this country had pressed the former Ministers of Labour and the Alliance Government to establish social security in this country. I myself in this House have on many occasions spoken on this subject but, unfortunately, at that time, the time was not pressing—now time is pressing with the Elections around the corner.

Mr Speaker, Sir, I wish particularly to congratulate Mr Ambo who, I believe, is the author of this Bill because of the way he has gone about in doing his work. He has held exhaustive consultations with employers, with employees and with the medical profession and also with all those connected with the implementation of this Bill. As such, he has brought a Bill, and while there may be little flaws in it here and there, which I shall comment on a little later, one can truly say that as far as it is humanly possible the Bill before this

House is one that will meet the hopes and aspirations of the workers of this country and no doubt of the employers as well. And like the Members for Segamat Utara and Tanjong, I wish to commend to the Minister of Labour that if at a later date, in the light of experience gained, if we are returned to this House after the Elections, and we bring to his attention the need for making amendments, he will, I hope, bring amendments for the better working of this Bill.

Mr Speaker, Sir, like the Member for Segamat Utara, I too, am not particularly happy that the Bill covers only five areas—all of them urban, namely, Kuala Lumpur, Petaling Jaya, Johore Bahru, Ipoh and Penang. I hope that as soon as reasonable experience is gained in the implementation of this Bill, the benefits under the Social Security Scheme would be extended to the rural areas. There is no reason, Mr Speaker, Sir, why the humble farmer in the rice field or the rubber tapper in the hulu or the fisherman earning his living way out in the sea should not be covered by the benefits of this Bill and I have no doubt that, if the Minister does not extend the coverage of this Bill to the rural areas to cover rural folks as well, the Member for Segamat Utara, if he is returned, and I, if I am returned, both of us will press him to extend the benefits to the rural areas as well.

Mr Speaker, Sir, the Bill seeks to cover only two areas of welfare, that is, an invalidity pension scheme and a social security employment scheme. I am glad that the Minister in his speech has pointed out that these are but the beginning and that in time to come he will extend the coverage to maternity sickness as well. Now, Mr Speaker, Sir, while it is easy to cover invalidity and employment, I wish to remind the the Minister that maternity also is fairly easy to cover because under the labour laws in this country, maternity benefits are given to the women workers and as such it should not be too difficult to extend maternity benefits to those who are covered by this Social Security Bill. I do hope that as soon as a little experience is gained these maternity

benefits should be given to the women workers of this country and followed soon after, we hope, by the sickness benefits.

Mr Speaker, Sir, I notice that the Government has not chipped in very much in this. The Government is only bearing the weight of the cost of administration. Now, in other countries, the Government bears a great deal of the cost of social security. I would hope that not only at the beginning but at a later stage, the Government would, instead of trying to see that this is a scheme that will bear its own cost, should not shirk its duty. After all, the Government keeps on taxing us. This morning we heard the Minister of Finance extending the net to garner in the timber merchants "minting" money in Sabah and Sarawak and no doubt, as I have pointed out that before many times in this session of the House, after the elections the Government will increase taxes. Certainly, next year the Government will increase taxes. All these taxes go towards the cost of administration of Government and I postulate that the Social Security Bill is a very important aspect of the Government administration, that if you implement the invalidity, employment, maternity, sickness benefits, it may, in the long run, bring down the cost of administration of Government because as you provide more and more benefits, as you cover more and more people under the Social Security Scheme, it stands to reason that less and less people will be attending the Government hospitals and, therefore, the cost to the Ministry of Health presumably will come down as this other scheme grows into greater and bigger proportions. Thus, I would hope that the Government instead of just merely bearing the weight of the cost of administration, will undertake to bear a greater weight of the cost not of the administration but of the Social Security Scheme as well.

Mr Speaker, Sir, on page 29, I notice that there is this top level Social Security Council and I am particularly glad that the medical profession, as represented by the Malayan Medical Association, although it is not written

here, will have a chance to put forward a nominee to be nominated by the Minister in consultation with the organisation. I do hope that, if in the light of experience gained, you find that this top level Social Security Council is too heavily loaded with officials, something will be done—one can see the Secretary to the Ministry of Labour who is *ex-officio* chairman. Now, he has got so many duties that I do not see how he can chair this Social Security Council with efficiency. Then, there are officials representing the Ministries of Finance, Health and Welfare Services—in other words, you have already four *ex-officio* members. Then there are two members representing the employers, two members representing the employees, one from the medical profession and the Director-General of the Social Security Organisation.

I would hope that if, in the light of experience gained, one finds that this is too heavily loaded with officialdom, then the Government should try and tap persons from the private sector who can, I am sure, give dedicated service to the work of this Social Security Council. I notice that under Clause 60 (2), "The Minister may appoint, in addition two non-officials (one of whom shall be a woman) to be members of the Council". I am particularly glad that women are also included, because, if we extend maternity benefits to this Scheme, then it is important that the female point of view should be looked into as well.

Mr Speaker, Sir, I now come to the Medical Board and the Appellate Medical Board. I do hope that in the constitution of these Boards the medical profession, as represented by the Malayan Medical Association, will be consulted. I may be wrong, but as I looked through the whole Bill I could not find any reference to the composition of the Medical Board or the Appellate Medical Board. But if the Bill itself is any criterion, I have no doubt that these Boards will be properly constituted and that the medical profession will be fully consulted in the formation of both of these two Boards.

I am particularly happy, Mr Speaker, Sir, on the definition of "incapacity". I notice in page 4 that "permanent total disablement" means such disablement of a permanent nature, as disables an employee for all work which he was capable of performing at the time of the accident resulting in such disablement". The Minister of Labour knows that under the E.P.F. laws if a person loses both of his hands or if a person loses both of his legs, he still cannot be under the definition of 'loss of earning capacity'; he still cannot be labelled as a person who is 'totally incapacitated'. Even if he loses both of his eyes while at work, he still, in the eyes of the law, can learn how to type, can learn basket work and therefore cannot be totally disabled and doctors up and down the country have torn their hair with rage at this inflexible definition of 'incapacity' under the E.P.F. laws. Here, I am glad that 'incapacity' means that he is disabled for all work which he was capable of performing at the time of the accident relating to such a disablement. Therefore, if he were a typist and he loses two or three fingers, obviously he cannot type any more and therefore under this definition he is totally and permanently disabled and therefore entitled to benefits as laid down in the Schedules. This is, from the workers point of view and from the medical point of view, a marked advance in giving the workers the benefits that they are entitled to.

Mr Speaker, Sir, if I may, I would like to read Clause 71, page 32,

"71. Subject to the provisions of this Act and of any rules or regulations made thereunder, the Social Security Invalidity Pension Fund and the Social Security Employment Injury Fund shall be expended only for the following purposes, namely—

- (i) payment of benefits and invalidity grant and provision of medical treatment and attendance to insured persons or to their dependants, as the case may be;

and this is where it is relevant, if I may bring it to the attention of the Minister

- (ii) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons;

- (iii) payment of contributions to the Government, local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons including the cost of any building and equipment, in accordance with any agreement entered into by the Organisation".

Mr Speaker, Sir, this is what I meant earlier on when I said that as the Social Security Scheme provides its own facilities for the treatment of people who are disabled and people who need maternity benefits and sickness benefits, it stands to reason that as this rises the attendance at the Government hospitals and the cost of maintenance of Government hospitals at the tax payers' expense will come down. As such, I can visualise the day when the Social Security Scheme can build its own hospitals, as indeed I am told in India it has, from a very small beginning, started to build many hospitals all over India, and I would like to see the day when the Social Security Organisation in this country starts building its own hospitals and helps the other people thinking of providing such facilities in this country. This is also where I see a ray of hope for the extension of these services to the rural areas because the Social Security Scheme, unlike the Government which is so bound by the Ministry of Finance and the red tape there, if it finds that there is need for such facilities in the rural areas, it can start on its own, it can help private practitioners to go to the rural areas and therefore bring modern medical facilities to the rural areas much faster than the Ministry of Health can bring such benefits to the down-trodden masses in the rural areas.

Mr Speaker, Sir, the Member for Segamat Utara, said that the Scheme as provided for in this Bill is an excellent one. He is a little anxious about its implementation, and I share his views. It is all very well to have a well thought of Scheme if in the process of implementation it is fouled out by bureaucracy and people who love and indulge in red tapes. Take the matter of payment of benefits to the insured person. The Member for Segamat

Utara has pointed out that when a person is killed, he wants benefits quick, he wants money to pay burial expenses quick. Likewise, as I see it, the success or failure of this Scheme particularly in its initial stages depends on how the officials of this Social Security Organisation deals with the claims from the insured persons. If the officials dilly-dally and take their own sweet time over the handing out of benefits, then I am certain that there will be such hue and cry from not only the workers but also from the employers, who may well be disturbed by the workers not getting benefits that are due to them under this Scheme.

Mr Speaker, Sir, Clause 10 on page 8, talks about the method of payment of contributions. In Clause 10 it is all laid down, but I do hope that the people who will be in charge of this Social Security Organisation and, in particular, in charge of this payment of contributions, which is the just due to the workers of this country, will see to it that there is no delay whatsoever in connection with the payments of contributions to the insured person.

Here I wish to take up what my colleague, the Member for Tanjong has pointed out. He has obviously a great grouse where the Government Rehabilitation Centres are concerned, in particular, with Artificial Limb Centres. Sir, it has been pointed out by the Member for Segamat Utara, that a person gets both of his hands crushed in the course of his work and then he finds that he is without prosthesis or artificial limbs and he goes and begs the Welfare Department. The Welfare Department says, "So sorry, we can't, you go to the Artificial Limb Centre", and the Artificial Limb Centre says, "No, you give me the money and we will make it for you". I do hope that under the Social Security Organisation, they will build their own Rehabilitation Centre and there is no reason why they should not build a Rehabilitation Centre which will be far better than that provided by the Ministry of Health since it has more funds coming in, so that those in need of prosthesis or artificial limbs need

not have to wait such a long time because as soon as they are provided with the artificial limbs and then they are re-trained in the Rehabilitation Centres, they can be useful members of society and not be a drag on society. This is a matter, Mr Speaker, Sir, I commend to the Minister of Health that the ancillary services that go with Social Security, with traumatic surgery, should be well thought out and provided as soon as possible so that the workers who are injured in accidents need not have to wait a long time, that they have to wait now for artificial aids as provided for by the Artificial Limb Centres of the Ministry of Health.

Now Mr Speaker, Sir, I like to commend to the Minister of Labour of a tie up between the Social Security and the E.P.F. We know, as I have pointed out before, that under the E.P.F., unless one is at death's door, no medical practitioner in this country can certify a person as being permanently physically incapacitated or medically incapacitated from doing his work. Under the enlightened definition of 'permanent disability', it means that if you are incapacitated from doing the work that you were doing at the time of the accident, then you can enjoy all the benefits of this Social Security Scheme. I notice under the Schedule how it is spelled out sixty per cent of loss of earning due to the various categories of injury, and I wish to commend to the Minister of Labour that if you tie this up with the E.P.F., in other words, under the Social Security laws you say a person has lost sixty per cent of his earning capacity and relate it to the E.P.F., then the E.P.F. laws should be amended to enable the person who is so disabled to withdraw part of his E.P.F. savings so as to enable him maybe to set up a new career. After all, under the Social Security Scheme, he can only enjoy sixty per cent of benefits provided for here and that presumably will not be enough, but if part of his savings under the E.P.F. is given to him, then he can have a new start in life. Mr. Speaker, Sir, although this is not provided for in this Employees Social Security

Bill, I wish to commend this aspect of the tie-up between the Social Security and the E.P.F. to the Honourable the Minister of Labour.

Mr Speaker, Sir, the other question is the period of disablement. This is a matter that the medical profession has in the past, under the E.P.F. laws, found very difficult to define and to get the E.P.F. to accept. I do hope that under the Social Security Scheme, when the Social Security Organisation is set up and you have a Medical Board and the Medical Appellate Board, the period of disablement should be clearly defined and where you have doubts, the worker should be given the benefit of the doubt so as to enable him to get more benefits.

Mr Speaker, Sir, the Minister of Labour in his concluding remarks on this Bill has pointed out how the Alliance Government has boldly embarked on this welfare scheme. I only need to remind him that none other than the Prime Minister has stated in this House itself, when a Backbencher asked him about the provision of welfare services, and this is reported in the Hansard, that this country is too poor to implement any welfare schemes. Now, I am not asking that the workers of this country should be provided for from the womb to the tomb. I am not even asking that they should be provided for from the cradle to the grave, but I do hope that as soon as the Social Security Organisation has got over its teething troubles, the benefits of maternity and sickness benefits will be extended to all the workers of this country, so that, Mr Speaker, Sir, the workers of this country can look forward to a fuller and richer life in this country. Thank you.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, dengan sa-berapa rengkas saya hendak berchakap berkenaan dengan Act Keselamatan Social Pekerja². Tuan Yang di-Pertua, saya juga turut menguchapkan tahniah kepada Kerajaan kerana mengemukakan satu Rang Undang² yang amat baik tujuan-nya walau pun ada beberapa perkara lagi yang mesti kita fikir dan

kita tileki. Tuan Yang di-Pertua, Rang Undang² yang sa-macam ini sa-patut-nya sudah lama kita kemukakan ia-itu kita mengenangkan hak asasi manusia yang tersebut dalam Piagam Bangsa² Bersatu berbunyi. Tuan Yang di-Pertua, saya bachakan sa-bahagian daripadanya dengan sa-berapa rengkas yang berbunyi:

"Sa-tiap orang yang berhak akan sa-suatu dasar penghidupan chukup bagi penjagaan, kesihatan dan keselamatan-nya sendiri dan keluarga-nya termasuk makanan, pakaian, rumah tempat tinggal dan penjagaan kedokteran dan pertolongan² social yang mustahak serta hak untuk mendapat jaminan dalam waktu penganggoran jika sakit lumpoh, kalau ia menjadi janda, sudah tua atau dalam lain² keadaan yang kehilangan alat² kehidupan kerana keadaan yang di-luar kehendak-nya sendiri".

Tuan Yang di-Pertua, saya telah membacha Rang Undang² ini dan saya kaitkan dengan beberapa undang² yang lain yang ada di-dalam negeri kita ini. Satu daripadanya ia-lah Undang² E.P.F. ada lagi satu undang² Workmen's Compensation kalau tak salah saya, saya dapati banyak perkara² peruntokan² di-dalam undang² E.P.F. dan bagitu juga di-dalam undang² Workmen's Compensation ada di-dalam Rang Undang² ini. Kalau bagitu, Tuan Yang di-Pertua, saya mengshorkan supaya pada satu masa yang lain di-salaraskan kesemua Rang Undang² ini dan jika perlu E.P.F. di-pinda dan saya dapati undang² Workmen's Compensation itu dengan ada-nya Rang Undang² ini kalau di-luluskan, yang itu boleh dibuangkan sama sa-kali tidak apa, oleh kerana kita tidak mustahak mengadakan banyak Rang Undang² yang di-dalam terdapat beberapa kechachatan (defect) kemudian kita hendak tutup dengan Rang Undang² lain.

Tuan Yang di-Pertua, walau bagaimana pun saya menginsafi keadaan ia-itu saya terkejut juga pada mula-nya saya fikir Rang Undang² ini akan mempunyai nama ia-itu Undang² Act Keselamatan Social atau pun masharakat bagi negara ini rupa²-nya satu sekshen yang kechil sahaja, ia-itu employees sa-mata². Jadi nampak-nya Kementerian ini memikirkan satu yang kena-mengena dengan Kementerian Buroh lebeh banyak daripada hajat

masyarakat di-negara kita ini. Mithal-nya, Tuan Yang di-Pertua, benar saya mengaku bahawa kalau orang² yang bukan pekerja yang bukan organised workers tentu-lah payah kita hendak membuat peratoran, tetapi kesusahan hidup tidak sahaja akan menimpa organised workers, malahan akan menimpa juga mithal-nya orang² yang bekerja dalam FLDA yang kita tahu menebang kayu dan membajak tanah dan terkadang² itu ada ular, ada lipan yang mereka terdedah penyakit² yang lebih dahshat daripada apa yang kita

dapat di-dalam perkara² yang tersebut di-dalam Rang Undang² ini. Oleh itu, Tuan Yang di-Pertua, pada satu masa yang lain saya rasa Rang Undang² ini bila di-jalankan dapat kita perluaskan lagi kepada orang² atau pun pekerja² yang bukan organised workers, yang bukan employees

Tuan (Timbalan) Yang di-Pertua: Masa sudah chukup. Meshuarat ini di-tanggohkan hingga pukul 10 pagi esok.

Dewan di-tanggohkan pada pukul 6.30 petang.