



PARLIAMENTARY DEBATES

DEWAN NEGARA (SENATE)

OFFICIAL REPORT

CONTENTS

MESSAGE FROM THE HOUSE OF REPRESENTATIVES
[Col. 235]

BUSINESS OF THE SENATE [Col. 237]

MOTIONS:

Appointment of the Honourable Engku Muhsein bin Abdul Kadir,
J.M.N., P.J.K., to the Court of University of Malaya [Col. 238]
Amendment to Standing Orders (Dewan Negara) (Paper No. DN.
2 of 1962) [Col. 238]

BILLS:

The Stamp (Unnumbered Shares) Bill [Col. 240]
The Assignment of Revenue (Export Duty on Iron Ore) Bill
[Col. 241]
The Pensions (Public Authorities) Bill [Col. 244]
The Municipal Bill [Col. 246]
The Malayan Estates Staff Provident Fund (Burma) Bill [Col. 253]
The Malayan Planters' Provident Fund (Burma) Bill [Col. 255]
The Degrees and Diplomas Bill [Col. 256]

ADJOURNMENT *SINE DIE* [Col. 260]

FEDERATION OF MALAYA
DEWAN NEGARA (SENATE)
Official Report

Vol. IV

Fourth Session of the First Dewan Negara

No. 2

Monday, 2nd July, 1962

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

PRESENT:

- The Honourable Mr. President (DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASSIN), S.P.M.J., P.I.S., J.P. (Johore).
- „ the Minister of Justice (TUN LEONG YEW KOH, S.M.N.) (Appointed).
- „ TUAN HAJI ABBAS BIN HAJI MOHAMED (Trengganu).
- „ ENCHE' ABDUL HAMID BIN MAHMUD, J.M.N. (Appointed).
- „ ENCHE' AHMAD BIN SAID, A.M.N. (Perak).
- „ ENCHE' A. M. ABU BAKAR, J.M.N. (Appointed).
- „ ENCHE' ABDULLAH BIN ISHAK (Perlis).
- „ ENCHE' ABDUL WAHAB BIN IDUS, P.J.K. (Negri Sembilan).
- „ ENCHE' AMALUDDIN BIN DARUS (Kelantan).
- „ ENCHE' CHAN KWONG HON, A.M.N., J.P. (Selangor).
- „ ENCHE' CHEAH SENG KHIM, J.P. (Penang).
- „ DATO' DR. CHEAH TOON LOK, J.M.N., J.P., Dato' Maha Kurnia (Appointed).
- „ DATO' J. E. S. CRAWFORD, J.M.N., J.P., Dato' Kurnia Indera (Appointed).
- „ ENCHE' HASHIM BIN AWANG, J.P. (Penang).
- „ ENCHE' KOH KIM LENG (Malacca).
- „ DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan).
- „ ENCHE' LIM HEE HONG, A.M.N. (Appointed).
- „ ENCHE' MOHD. SALLEH BIN MOHAMED ARIFF (Malacca).
- „ ENCHE' MOHD. ZAHIR BIN HAJI ISMAIL (Kedah).
- „ ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N., P.J.K. (Appointed).
- „ ENCHE' ATHI NAHAPPAN (Appointed).
- „ ENCHE' S. P. S. NATHAN (Appointed).
- „ NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).
- „ TUAN HAJI NIK MOHD. ADEEB BIN HAJI NIK MOHAMED (Kelantan).
- „ TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).
- „ RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
- „ DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P. (Johore).

The Honourable DATO' G. SHELLEY, P.M.N., J.P. (Appointed).

" TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N. (Kedah).

" ENCHE' T. H. TAN, J.M.N. (Appointed).

" ENCHE' S. O. K. UBAIDULLA, J.M.N. (Appointed).

" WAN AHMAD BIN WAN DAUD, J.M.N., P.J.K., J.P. (Perlis).

" DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K., Orang Kaya Indera Maharaja Purba Jelai (Pahang).

" ENCHE' YAP KHEN VAN, A.M.N., J.P. (Pahang).

ABSENT:

The Honourable ENCHE' CHOO KOK LEONG (Appointed).

" ENCHE' DA ABDUL JALIL BIN HAJI AWANG (Trengganu).

" DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Appointed).

" ENCHE' YEOH KIAN TECK (Perak).

IN ATTENDANCE:

The Honourable the Minister of Commerce and Industry, and Minister of Health and Social Welfare, ENCHE' MOHAMED KHIR JOHARI (Kedah Tengah).

" the Assistant Minister of Education, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).

PRAYERS

(Mr. President *in the Chair*)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Mr. President: Ahli² Yang Berhormat, saya suka hendak mema'lumkan pada Majlis ini ia-itu saya telah terima satu keputusan daripada Dewan Ra'ayat. Sekarang saya jemput Setia-Usaha Majlis membachakan keputusan itu.

(*The Clerk reads the Message*)

"Mr. President,

The House of Representatives has passed the following Bills—

- (1) to amend the Municipal Ordinance;
- (2) to limit the membership of the Malayan Planters' Provident Fund, to provide for the withdrawal from the Fund of members engaged in the plantation industry in Burma and to confer upon the Malayan Planters' Provident Fund Board the power to borrow;

(3) to limit the membership of the Malayan Estates Staff Provident Fund, to provide for the withdrawal from the Fund of members engaged in the plantation industry in Burma and to confer upon the Malayan Estates Staff Provident Fund Board the power to borrow;

(4) to make degrees or diplomas of the University of Malaya or the University of Singapore equivalent, for the purposes of existing written law, to the corresponding degrees or diplomas of the former University of Malaya;

(5) to provide that in respect of transfers of unnumbered shares the provisions of section 46 of the Stamp Ordinance, 1949, shall not apply;

(6) to provide for the assignment to States of export duty on iron ore and to restrict the levying of royalties and like payments in respect of iron ore;

(7) to regulate and ensure uniformity in the granting of pensions, gratuities and other allowances to

officers in the public service of the Federation who are transferred to the service of certain public authorities, and transmits them to the Senate for its concurrence.

(Sd.) DATO' HAJI MOHAMED NOAH BIN OMAR,

Speaker".

BUSINESS OF THE SENATE

Mr. President: Ahli² Yang Berhormat, di-dalam perutusan dari Dewan Ra'ayat kepada Dewan Negara ini semua-nya ada 7 Rang Undang². Tiga Rang Undang² Kewangan dan empat Rang Undang² yang tidak ada kena-mengena dengan kewangan. Peratoran Meshuarat 66 (2) mensharatkan ia-itu Rang Undang² yang tidak ada kena-mengena dengan kewangan boleh-lah di-bachakan kali yang kedua sa-telah 5 hari atau lebeh daripada tarikh di-keluarkan pemberitahu akan tarikh bagi di-bachakan kali yang kedua. Bagaimana pun sharat Peratoran Meshuarat 66 (2) itu menyatakan, "Yang di-Pertua, jika puas hati atas permohonan sa-saorang Menteri menyatakan oleh sebab kepentingan awam berkehendakkan sa-suatu Rang Undang² ini di-bachakan kali yang kedua dengan serta-merta, maka boleh juga Yang di-Pertua membenarkan sa-barang jenis Rang Undang² di-bacha kali yang kedua dengan tidak berkehendakkan tempoh lima hari saperti yang di-kehendaki itu." Yang Berhormat Menteri Keadilan telah meminta kebenaran saya, menurut sharat ini, membenarkan 4 Rang Undang² yang tidak ada kena-mengena dengan kewangan yang terkandung dalam perutusan ini, di-bachakan kali yang kedua dengan tidak di-kenakan tempoh lima hari itu. Saya telah membenarkan permintaan-nya itu.

The Minister of Justice (Tun Leong Yew Koh): Mr. President, Sir, I beg to give notice that I shall move the second and third readings of the following Bills today:

The Stamp (Unnumbered Shares) Bill.

The Assignment of Revenue (Export Duty on Iron Ore) Bill.

The Pensions (Public Authorities) Bill.

The Municipal Bill.

The Malayan Estates Staff Provident Fund (Burma) Bill.

The Malayan Planters' Provident Fund (Burma) Bill.

The Degrees and Diplomas Bill.

MOTIONS

APPOINTMENT OF THE HONOUR- ABLE ENKGU MUHSEIN BIN ABDUL KADIR, J.M.N., P.J.K., TO THE COURT OF THE UNIVER- SITY OF MALAYA

The Minister of Justice (Tun Leong Yew Koh): Mr. President, Sir, I beg to move—

That in accordance with the provisions of Statute II made pursuant to sub-section (m) of section 13 of the Schedule to the University of Malaya Act, 1961, this Senate appoints the Honourable Engku Muhsein bin Abdul Kadir, J.M.N., P.J.K., to be its representative on the Court of the University of Malaya.

Enche' T. H. Tan: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That in accordance with the provisions of Statute II made pursuant to sub-section (m) of section 13 of the Schedule to the University of Malaya Act, 1961, this Senate appoints the Honourable Engku Muhsein bin Abdul Kadir, J.M.N., P.J.K., to be its representative on the Court of the University of Malaya.

AMENDMENT TO STANDING ORDERS (DEWAN NEGARA)

(Paper No. DN. 2 of 1962)

The Minister of Justice (Tun Leong Yew Koh): Mr. President, Sir, I beg to move—

That the First Report of the Standing Orders Committee (Fourth Session), which has been presented to the House as Paper No. DN. 2 of 1962, be adopted with effect from the date of coming into force of section 16 of the Constitution (Amendment) Act, 1962.

The House will not, I feel sure, expect a long speech from me on this motion. The Report which I am inviting Honourable Senators to adopt is self-explanatory. If there are any questions to answer, I will do my best to answer them at the end of the debate; for the present, I will confine myself to a short general description of our proposals.

But first, Mr. President, I would express my thanks to you and my other colleagues on the Standing Orders Committee for producing the Report. Our Standing Orders are essential for the smooth and efficient dispatch of the business of this House; and it is a very wise and useful arrangement under which we review them from time to time and put forward such improvements as experience suggests.

Turning to the substance of the Report, I can assure the House that it does not propose any revolutionary changes. Of the two dozen amendments suggested, six are concerned only with drafting or clarification. Another half dozen bring the Standing Orders into line with existing law or practice; in particular we suggest the necessary alterations to conform with a recent amendment of the financial provisions of the Constitution. The rest will, I hope and believe, contribute to improving our procedure; some by getting rid of unnecessary formalities; others by avoiding duplication of debate. There is a useful proposal to secure proper notice of amendments—I refer to the amendment to Standing Order 56 (2)—and another to enable us to deal more expeditiously with Bills coming up from the Dewan Ra'ayat.

But I see that I am in danger of doing that which I promised the House not to do, and beginning to go into too much detail. Let me therefore finish by commending the Report as a whole to the House. Honourable Senators will be aware that the House of Representatives has recently approved a similar Report from the Standing Orders Committee of that House. So far as is consistent with the constitutional differences between

the two Houses, it is clearly desirable that the two codes of Standing Orders should be in line. I am glad to be able to assure Honourable Senators that the present Report will achieve that result.

Sir, I beg to move.

Enche' T. H. Tan: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That the First Report of the Standing Orders Committee (Fourth Session), which has been presented to the House as Paper No. DN. 2 of 1962, be adopted with effect from the date of coming into force of section 16 of the Constitution (Amendment) Act, 1962.

BILLS

THE STAMP (UNNUMBERED SHARES) BILL

Second Reading

Tun Leong Yew Koh: Sir, I beg to move that a Bill intituled "an Act to provide that in respect of transfers of unnumbered shares the provisions of section 46 of the Stamp Ordinance, 1949, shall not apply" be read a second time.

Enche' T. H. Tan: Sir, I beg to second the motion.

Enche' Mohamed Khir bin Johari: Mr. President, Sir, the purpose of the Bill is clearly set out in the Explanatory Statement, but I should like to take this opportunity of explaining why the Bill has been introduced at the present time.

The Government is anxious to encourage companies registered overseas but whose shares are quoted on the Malayan Stock Exchange to open Branch Share Registers in the Federation. The establishment of such domestic registers should promote the interest of Malaysians in investment in the shares of such companies and thus assist the development of the Malayan Stock Exchange. In many cases foreign companies, as permitted by their own legislation, have issued unnumbered shares. Section 46 of the Stamp Ordinance, 1949, unless amended, will

prevent such companies from establishing domestic share registers as this section prohibits the stamping of shares transfers unless the numbers of the shares transferred have been inserted. It is considered that section 46 imposes an unnecessary requirement on companies which have lawfully issued unnumbered shares. This Bill has, therefore, been introduced in order to remove this obstacle to the opening of domestic share registers by such foreign registered companies.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

Clauses 1 and 2 ordered to stand part of the Bill.

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

THE ASSIGNMENT OF REVENUE (EXPORT DUTY ON IRON ORE) BILL

Second Reading

The Minister of Justice (Tun Leong Yew Koh): Sir, I beg to move that the Assignment of Revenue (Export Duty on Iron Ore) Bill be read a second time.

Engku Muhsein: Tuan Yang di-Pertua, saya sokong.

The Minister of Commerce and Industry (Enche' Mohamed Khir Johari): Mr. President, Sir, when introducing the Constitution (Amendment) Act, 1962, in the Dewan Ra'ayat my Hon'ble Colleague, the Deputy Prime Minister, informed that House that it had been the practice of the Federation Government to assign to the States a proportion of the revenue derived from the export duty on iron ore equivalent to 10 per cent *ad valorem* and that the Federal Government proposed to introduce as soon as practicable legislation authorising such assignment to be made. Clause 2 (1) of the Bill provides for

such an assignment. I wish to emphasise that State Governments will receive the equivalent of 10 per cent *ad valorem* on all exports of iron ore except in one or two cases where the ore is produced from mines, which have received concessions in the past, with the agreement of the State Government concerned, whereby the rate of export duty payable by them will be less than 10 per cent *ad valorem* after 30th September, 1962. In such cases the States will be assigned the total revenue collected as export duty.

At the present time the majority of iron ore mines pay both royalty which is State revenue, and export duty which is Federal revenue. The rates of royalty which have been imposed by individual State Governments have varied and, in order to maintain a measure of uniformity of taxation between one mine and another, export duty has been levied at varying rates by means of partial exemption orders issued under the Customs Ordinance in such a manner that royalty plus export duty is equivalent to 15 per cent *ad valorem*. The need to adjust export duty in the light of the rate of royalty has involved in some instances a substantial sacrifice of Federal revenue. In view of the different treatment now meted out to iron ore mines, it is considered necessary to provide for an interim period during which existing rates of royalty and export duty will continue to be levied. The interim period will expire on the relevant date, that is 30th September, 1962, and thereafter mines will pay 15 per cent *ad valorem* export duty only, except in those cases where existing concessions relating to the rate of export duty are continued in force. Clause 2 (2) enables the Minister of Finance to continue the existing arrangements during the period from the coming into force of this Act until 30th September, 1962.

Clause 2 (3) provides that the proportion of the export duty which may be assigned to the States may be varied by order subject to approval by resolution of Dewan Ra'ayat. It is possible that in the future the rate of export duty on iron ore may be increased although I hasten to add that

there is no immediate intention of imposing such an increase, but should such an increase be imposed the Federal Government has given an assurance that it will assign part of such increase to the State Governments concerned subject to the agreement of this House.

It is essential to the orderly development of the iron ore mining industry in this country that mines should be subject to uniform rates of taxation and this is only practicable, without undue sacrifice of Federal revenue, if there is only one taxing authority. In the past, it has been impossible to maintain uniformity of taxation owing to the different rates of royalty imposed by the individual State Governments. Clause 3 of the Bill, therefore, provides for all royalty provisions in existing iron ore mining leases to lapse from the relevant date and prohibits royalty provisions in future leases, unless such provisions are approved by the Minister. Approval for the imposition of royalty will only be given in exceptional circumstances, for instance, if the iron ore is used by a domestic iron or steel industry, rather than exported.

I appreciate that this prohibition on the imposition of royalty without the Federation Government's consent constitutes a restriction on the revenue which may be derived by State Governments from land. It is in recognition of this fact that the Federal Government has agreed to assign no less than two-thirds of the current revenue derived from the export duty on iron ore to the States, and I am sure that Hon'ble Members will agree that this represents a very fair settlement between the interests of the States and the Federal Government on this matter.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President in the Chair)

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

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

THE PENSIONS (PUBLIC AUTHORITIES) BILL

Second Reading

Tan Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled "an Act to regulate and ensure uniformity in the granting of pensions, gratuities and other allowances to officers in the public service of the Federation who are transferred to the service of certain public authorities", be read a second time.

Engku Muhsein bin Abdul Kadir: Tuan Yang di-Pertua, saya menyokong.

The Minister of Commerce and Industry (Enche' Mohamed Khir Johari): Mr. President, Sir, the Bill before the House is designed to protect the rights relating to pension, gratuities and other allowances of officers in the service of the Government who are transferred to the service of any public authority referred to in the Schedule to the Bill.

At present there are a number of Government officers seconded to public authorities such as the Commissioner of the Federal Capital, Kuala Lumpur. Secondment for long periods is satisfactory neither to Government, the public authority, nor the officers concerned, and it is intended to permit officers, whose services are required by the authorities on a long term basis, to transfer outright to the service of the authority with whom they are working. As Government servants, however, these officers have had an expectation of receiving on their retirement a pension, allowance or gratuity in accordance with pensions legislation, and it would not be right to deprive them of these expectations. The public authorities themselves do not normally provide pensions for their employees and it is necessary, therefore, to make special arrangements if the pension rights of ex-Government officers are to be preserved, and the purpose of this Bill is to achieve that goal.

Clauses 3, 4 and 5 of the Bill provide that an officer, who transfers to the service of a public authority, will

retain the same rights to a pension, allowance or gratuity as he had as a Government servant. Clause 6 of the Bill prescribes the amount of contribution to be made by the Government—in brief Government's contribution will be limited to the amount which it would have paid if the officer had retired at the date of his transfer. As far as the officer is concerned, however, he will obtain the same retiring benefits as he would have done had he remained with the Government, except that his retiring benefits will be based on the salary he receives from the public authority which may be more than the one which he would have been drawing at the time of his retirement if he had remained with the Government.

At present the only public authority included in the Schedule is the Commissioner of the Federal Capital, Kuala Lumpur. Clause 12 of the Bill provides for the addition of other authorities to the Schedule, but it will only be possible to include other authorities, such as Town Councils, where it is reasonably certain that they will be in a position to meet the financial commitment of paying a pension at some future date to those officers who transfer to their service. No public authority will be added to the Schedule without the consent of the Ministry or State Government concerned.

Finally, I should perhaps add that no officer would be compelled to transfer to the service of a public authority if he does not want to do so. If an officer is unwilling to accept a transfer he will normally be re-absorbed into Government service.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

Clauses 1 to 12 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE MUNICIPAL BILL

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that a Bill intituled "an Act to amend the Municipal Ordinance", be read a second time.

Sir, in the light of experience gained in the administration of the Federal Capital, it is considered necessary to amend sections 58 and 376 (1) of the Municipal Ordinance. The purpose of this Bill is: (a) to enable proper control to be exercised over massage establishments, barber-shops and hair-dressing saloons; and (b) to enable the Minister, in certain cases, to extend the period of payment of expenses and costs recoverable from property owners, under the terms of the Ordinance, to a period not exceeding ten years.

The first amendment enables by-laws to be made to control massage establishments, barber-shops and hair-dressing saloons to ensure that certain standards of hygiene are maintained to safeguard public health. Another important aspect of this amendment is to ensure that massage establishments are properly and suitably located in commercial areas. I am aware that there are several massage parlours at present carrying on trade in residential areas. This is certainly injurious to the peace and tranquility of the people living in these residential area.

Sir, in respect of sub-section (2) of Clause 2, there is a provision to provide by-laws for the keeping of registers to contain particulars of clients treated in the massage premises. Let me assure this House that the intention is to use this by-law only whenever necessary. It is merely intended to ensure effective control and proper management of the business.

A proposal for the licensing of barber-shops and hairwaving saloons was first made by the Kuala Lumpur Municipal Council in October, 1957, when the possibility of enacting uniform legislation throughout the

country was considered. This suggestion was however abandoned as it transpired that several States already possessed legislation on the subject, and it was therefore left for each State to deal with the matter accordingly. As a result of the assumption of responsibility for Kuala Lumpur by the Federal Government, the Selangor State Government has requested that the necessary legislation in this regard be enacted by the Federal Government.

The second amendment has been proposed to enable the poorer classes of the community to repay the Municipality for services provided in a longer period than that of five years prescribed under section 376 (1) of the Municipal Ordinance. The need for amending legislation of this nature has been raised in connection with the affairs of the Malay Agricultural Settlement, Kampong Bahru, whose Secretary has pointed out that the residents of the area (after holding a public meeting) intimated that they were unable to meet the new rates of payment, in the matter of sewerage houses, within the period of five years stipulated.

Sir, I beg to move.

Enche' T. H. Tan: Sir, I beg to second the motion.

Enche' Lim Hee Hong: Mr. President, Sir, I rise to support this Bill in principle only. In my view, I think this legislation—or certain parts of its covering the massage parlours—is necessary. I will deal with the legislation later in more detail.

Before I proceed any further, I would like to make my position very clear to this House. I am not a client or customer of these massage parlours (*Laughter*); neither am I interested directly or indirectly in any one of them. I am speaking on this Bill purely from the humanitarian point of view and also as a city father. What I mean by "city father" is that I have been elected to the Municipal Council for the last six/seven years. I have served on that body and now today I am still a member of the Advisory Board of the Federal Capital. Therefore, I can

claim some knowledge of these matters pertaining to the town of Kuala Lumpur.

Sir, personally I think massage is a very old profession (*Laughter*); a branch of the medical line—where medicine has failed, massage has succeeded (*Laughter*). I believe this is really a blessing for the elderly people (*Laughter*). I myself have not come to that stage yet—I think I am still young, strong and healthy and I don't need massage. I think for young sportsmen also it is really a blessing for them when they sprain their leg or things like that. Even stomach upsets, I am told, can be cured by massage—how far it is true, I am not really in a position to say. I really do not understand why registers should be kept in massage parlours when it is not done in clinics, hospitals or dispensaries. I think keeping a register will deter people, especially the older people, from going there (*Laughter*). I don't know what sort of details they want, but personally I think it is really very unfair to enforce this provision. I would ask the Ministry concerned that this part of the law should be relaxed. If you look at anything from the darker angle, you can imagine all sorts of prejudices, suspicion and you will entertain the wrong views. But if you look at it from the right angle, you will think it is a good thing for the people. Now, I would like to tell you something from my own experience during my visit to Tokyo, Japan (*Laughter*). Tokyo, as you know, has a population of 10 million, which is almost one-and-a-half times more than our entire population in this country. There if you stay in one of the highly respectable hotels, you cannot entertain female visitors in your room—even if she is a princess. But if a man after a late night feels that he should have a massage, he can just phone up—I did not do it myself (*Laughter*)—and say that he wants a masseur—a female one—and he will get her in two minutes. Massage in Japan I think is a highly organised and legal thing; even in highly respectable hotels you can get it. As I said, it all depends on how you look

at it. For instance, if you think you don't like a man, you may think he is a rogue, criminal and so on. On the other hand, if you like him, you will have a different opinion of him. It is all a matter of opinion, and I think that that part of the law about registration should be relaxed.

The next thing I come to is zoning. Having served in the Municipal Council for six years, I can claim a good knowledge of this matter pertaining to zoning. Probably most of you know that in Kuala Lumpur certain parts of the town are zoned for commercial purposes—that means you can only have shops and commercial houses there; certain other parts are zoned as residential areas and you can have only residences there. In other parts where they are zoned for factory sites, you can only have factories. There are open areas and you can apply to the authorities for re-zoning for any purpose you want, subject to the condition that there is no objection from your neighbours. But as it is now, Sir, as far as I know about these zonings, most of these massage parlours are situated in residential areas. I am sure you will agree that it is not easy for any person—you and I—to get a commercial house in the town of Kuala Lumpur because Kuala Lumpur's business area is concentrated in a very small area—I think I can say probably about two square miles, or even less. To get a shop in the town to run a business is not possible. To begin with, the Rent Control Ordinance does not allow owners to chase the tenants out of the houses or eject the tenants.

For that reason, Sir, even if the owner of a massage parlour has a house in the town, he or she cannot eject the tenant of that house. Failing that, Sir, one has got to pay a very high premium in order to get a house. What I am talking now is on the hardship that will be caused to owners of massage parlours. I will give a concrete example. I bought a house about three years ago, known as No. 12 Rodger Street, and I paid \$60,000 for it. I had intended to start a business office there, but I was not able to get rid of the tenant. I even tried to buy

him out (*Laughter*), but the law is protecting him. So, recently, I bought another house, known as No. 14 Rodger Street, which is next door to the one I bought earlier, and I paid \$160,000. It means that I have got to pay \$160,000 extra for vacant possession. So you can see, Sir, that it is difficult to get a shop to operate as a massage parlour. If the law is enforced strictly, Sir, you will force these massage parlours out of business overnight, because it is just impossible for them to get shops in the business areas in the town. I quite appreciate that people in the residential areas are objecting to massage parlours operating in their area, but if they look at it from a brighter side—that is, they look at it from the point of view of people going there for treatment—they will think otherwise. So, Mr. President, Sir, I would like the Ministry of the Interior to take these matters into serious consideration so that something could be done to relax this law, if not for all time at least until such time when these people can get a place elsewhere. Thank you.

Dato' J. E. S. Crawford: Mr. President, Sir, I rise to support the Bill, but I do not intend to speak on it at any length, Sir, because I feel I have not got the same experience as my Honourable friend Enche' Lim Hee Hong. What I really rise for is on a question of clarification, for in Clause 1 it says: "This Act may be cited as the Municipal Act, 1962, and shall come into force on the first day of June, 1962." This mystifies me, Sir, because it only comes before this Honourable House on 2nd July, 1962. I feel sure there is some explanation, Sir, but I cannot see it. Thank you, Sir.

Enche' Cheah Seng Khim: Mr. President, Sir, I rise to support my Honourable friend Enche' Lim Hee Hong. I must confess that I have been to most of the massage houses in Penang (*Laughter*) and it is true that every time one gets his massage, one feels fresh—you feel you can do anything after that. (*Laughter*). Therefore, Sir, I support him in this sense: that if you keep a register, you will stop people like my friend, who has not

been to a massage house although he is speaking about it, from going there. We already have registers in hotels and if we treat massage houses like hotels, it will be unfair to the people who operate these massage houses. Thank you, Sir.

Dato' Sheikh Abu Bakar: Tuan Yang di-Pertua, saya mengambil kesempatan mengucapkan terima kasih saya kepada Yang Berhormat Menteri dan Kementerian yang berkenaan yang telah memasukkan Rang Undang-Undang Rumah Urut ini ka-dalam Dewan Negara. Saya menuntut ma'af jua ia itu sunggoh pun demikian pada fikiran saya ada-lah kemasokan itu sudah terlewat sedikit oleh kerana di-dalam negeri saya—negeri Johor Majlis Mesuarat Bandaran Johor Bahru ya'ani Town Council Johore Bahru telah pun mengishtiharkan atoran peratoran² (By-Laws) yang berkenaan dengan Rumah Urut ini, lebeh kurang kira² 14 bulan dahulu. Tetapi sa-balek-nya pula seperti kata bidalan Melayu: "Terlebeh baik lewat daripada ta' ada lalu" atau pun dalam bahasa Inggeris-nya "Better late than never".

Tuan Yang di-Pertua, di-sini juga saya mengambil kesempatan menyatakan ia-itu Rumah Urut itu telah lari masuk merasok ka-dalam Johor Bahru apabila sahaja tampok Kerajaan Singapura itu telah di-pegang oleh Kerajaan Petir atau PAP itu. Kemasokan Rumah Urut ka-dalam Johor Bahru itu telah menyebabkan beberapa kesusahan yang di-tanggung oleh penduduk² yang berdekatan dengan-nya; di-sebabkan oleh kebisingan-nya dan juga dalam rumah itu penoh sesak dengan pelachor² yang datang dari Singapura. Lalu dengan desakan² penduduk², maka Majlis Mesuarat Bandaran Johor Bahru telah mengadakan peratoran² di-atas orang yang memegang lesen rumah itu. Maka sekarang nampak-nya pula rumah itu telah lari ka-Kuala Lumpur ini. Tuan Yang di-Pertua, saya menumpang menyatakan di-sini sedikit daripada sharat² Rumah Urut yang di-ishtiharkan oleh Majlis Mesuarat Bandaran Johor Bahru itu, ia-itu;

(a) Hendak-lah orang² yang bekerja dalam Rumah Urut itu di-siasat

oleh Jabatan Police terlebih dahulu-nya ya'ani di-screenkan oleh police.

(b) Hendak-lah orang yang mendapat lesen itu meamanahkan wang sa-banyak \$5,000 ya'ani deposit kerana kelakuan baik-nya.

(c) Hendak-lah orang² perempuan yang sakit itu di-urut oleh pengurut perempuan dan laki² oleh pengurut laki².

Dan lain² peratoran² juga, Tuan Yang di-Pertua, saya berpendapat jika sa-kira-nya dapat di-adakan peratoran² seperti yang saya butirkan di-sini neschaya selamat-lah Rumah Urut itu daripada pelachoran² dan segala kesulitan yang di-ragu²kan di-dalam Dewan Ra'ayat itu dapat-lah dihapuskan.

Tun Leong Yew Koh: Mr. President, Sir, with regard to the question of zoning, there are certain reasons. The Commissioner of the Federal Capital has received numerous complaints from people living in residential areas regarding the presence of massage establishments in those areas. The presence of massage establishments in residential areas is an eye-sore; people with families object strongly to this type of business being carried out in residential areas. Massage establishments can be effectively controlled if they are properly and suitably located in commercial areas; hygienic and sanitary conditions can be assured and properly maintained; and public health can be easily safeguarded.

With regard to the keeping of registers in massage premises, here are the following purposes:

To ensure a certain measure of control and proper management of the day to day business of massage establishments;

To prevent to a certain degree that the business of massage parlours does not go out of hand.

This particular by-law, namely, the keeping of registers, is self-enforcing and will act as a deterrent to thugs, gangsters and prostitutes. It will at the same time act as a measure of defence and support for the genuine and law-abiding massage parlour owner or operator to refuse admission to persons who will not give details of their names.

Present indications show that if undesirable persons are not duly prevented, they will make use of massage parlours as their meeting places or haunts. If that particular by-law is deleted, namely, the keeping of registers, it would appear to give the "green light" for massage parlours to operate as they like—allow them to become the haunts of gangsters and thugs. Singapore, Johore Bahru, Bandar Maharani, Bandar Penggaram, Segamat, Kluang, Pontian, Kota Tinggi and Mersing have similar by-laws and it is strongly recommended that there be uniformity of laws throughout the Federation. It will not help Johore or Singapore if Kuala Lumpur deletes this particular by-law.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

Clauses 1 to 3—

Dato' J. E. S. Crawford: Mr. President, Sir, regarding Clause 1, I have not yet been told why it is the first day of June, 1962; otherwise it becomes law before this House actually passes it.

Tun Leong Yew Koh: I think this Bill is back-dated in order to legalise certain actions which may have been taken by the Municipality.

Clauses 1 to 3 inclusive ordered to stand part of the Bill.

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

THE MALAYAN ESTATES STAFF PROVIDENT FUND (BURMA) BILL

Second Reading

Tun Leong Yew Koh: Mr. President Sir, I beg to move that the Malayan Estates Staff Provident Fund (Burma) Bill be read a second time.

Enche' T. H. Tan: Sir, I beg to second the motion.

Enche' Mohamed Khir Johari: Mr. President, Sir, as Honourable Members are aware, a high percentage of our working population are employed in estates throughout the country. It was for the welfare of these employees in the estates that the Malayan Estates Staff Provident Fund Enactment No. 32/1947 was enacted. The Enactment provided for the establishment of a Provident Fund for the benefit of employees of persons and bodies corporate engaged in the business of growing and producing tropical agricultural products in Malaya. This Provident Fund is managed and controlled by a Board of Trustees comprising not less than five and not more than seven persons ordinarily resident in Malaya and nominated by the Council of the Rubber Growers' Association.

This Enactment not only catered for the needs of employees resident in Malaya but also enabled employees engaged in the business of growing and producing tropical agricultural products in Burma to become members of the Malayan Estates Staff Provident Fund. The Government of Burma has, however, indicated that it is not prepared to permit members of the Fund resident in Burma to remit to Malaya contributions due to the Fund. It is, therefore, necessary to exclude Burma from the operations of the Enactment, and it is for this purpose that the Malayan Estates Staff Provident Fund (Burma) Bill, 1962, is brought before the House. Clause 2 of this Bill seeks to rectify the position arising from the Burmese Government's decision and to release employees in Burma from their liability to contribute to the Fund. At the same time, it will enable employees resident in Burma to withdraw their contributions.

Clause 3 of the Bill will enable the Board to borrow money. This power will enable the Board to pay retiring members the contributions due to them and to meet withdrawals which have taken place and are now pending without making it necessary for the Board to sell securities at a heavy loss.

The Board of Trustees of the Fund has been consulted and is in agreement with the terms of the Bill.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

THE MALAYAN PLANTERS' PROVIDENT FUND (BURMA) BILL

Second Reading

Tun Leong Yew Koh: Sir, I beg to move that a Bill intituled "an Act to limit the membership of the Malayan Planters' Provident Fund, to provide for the withdrawal from the Fund of members engaged in the plantation industry in Burma and to confer upon the Malayan Planters' Provident Fund Board the power to borrow" be read a second time.

Engku Muhsein bin Abdul Kadir: Tuan Yang di-Pertua, saya menyokong.

Enche' Mohamed Khir Johari: Mr. President, Sir, as Honourable Members will no doubt note, the Malayan Planters' Provident Fund Enactment (F.M.S. Cap. 107) is similar and identical in purpose to the Malayan Estates Staff Provident Fund Ordinance No. 32/1947. Earlier, when I introduced the Malayan Estates Staff Provident Fund (Burma) Bill, 1962, I explained the reasons for the amendment of that Ordinance. The Malayan Planters' Provident Fund (Burma) Bill, 1962, is now brought before the House to amend the Malayan Planters' Provident Fund Enactment in the same way and for the same reasons.

The Board of Trustees of the Fund has been consulted and is in agreement with the terms of the Bill.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. President *in the Chair*)

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

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

THE DEGREES AND DIPLOMAS BILL

Second Reading

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that the Degrees and Diplomas Bill be read a second time. The University of Malaya constituted under the University of Malaya Ordinance, 1949, was situated in Singapore. With the establishment of separate Universities for Singapore and the Federation of Malaya, the University of Malaya as incorporated under the University of Malaya Act, 1961, is now in Kuala Lumpur. Therefore, the degrees and diplomas of the University of Malaya mentioned in certain laws, passed or made prior to 1962, must be construed to refer only to degrees and diplomas conferred by the former University of Malaya at Singapore. As a result such degrees as law degrees mentioned in Act 35 of 1961, amending the Advocates and Solicitors Ordinance, would not include those conferred by the new University of Singapore, which is a separate body from the old University of Malaya in Singapore.

The object of this Bill is merely to regularise the position by providing that when the possession of any degree or diploma of the University of Malaya constituted under the University of Malaya Ordinance of 1949 conferred any qualification right under any written law passed or made prior to 1962, the same qualification right shall be conferred by the possession of a degree or diploma of the University of Malaya, Kuala Lumpur, or the University of Singapore.

Sir, I beg to move.

Engku Muhsein bin Abdul Kadir: Tuan Yang di-Pertua, saya menyokong.

Enche' Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, saya menyokong Undang² bagi mengakui Universiti Persekutuan Tanah Melayu. Dalam menyokong Undang² ini, saya rasa telah sampai-lah masa-nya bagi Kerajaan Persekutuan Tanah Melayu mengambil satu timbangan yang chermat dan sudah-lah sampai masa-nya mengkaji, bukan sahaja mengakui degree Universiti Persekutuan Tanah Melayu, tetapi juga mengakui degree universiti dari luar negeri seperti Universiti² Cairo, Amerika dan di-mana² juga yang penuntut Tanah Melayu ada menuntut; dan apabila mereka ini lulus akan balek ka-Tanah Melayu untuk berkhidmat dengan Kerajaan Persekutuan Tanah Melayu ini.

Banyak penuntut ugama mithal-nya dan penuntut dalam ilmu yang lain yang sedang menuntut di-Indonesia, Cairo dan Amerika, mereka ini sa-telah lulus daripada pelajaran-nya akan menerima degree yang tidak ada beza-nya dengan degree yang di-keluarkan oleh Persekutuan Tanah Melayu ini. Dengan satu kajian yang chermat kepada kelulusan mereka itu dan mana² universiti yang patut di-aku² degree-nya itu, maka akan bertambah-lah penuntut² Malaya ini boleh berkhidmat kepada Kerajaan Persekutuan Tanah Melayu.

Saya tidak hendak berchakap panjang, tetapi saya rasa perlu satu kajian yang chermat di-buat kepada universiti² yang saya sebutkan itu.

The Assistant Minister of Education (Tuan Haji Abdul Hamid Khan bin Haji Sakhawat Ali Khan: Tuan Yang di-Pertua, saya telah mendengar Ahli Yang Berhormat yang baharu berchakap tadi meminta supaya ijazah (degree) yang di-keluarkan oleh universiti² sa-lain daripada yang di-keluarkan oleh universiti dalam Commonwealth supaya di-timbangan dan di-aku². Di-atas soal dan masaalah ini pada masa sekarang ini kita memang tidak mengakui mana² ijazah (degree) yang di-keluarkan oleh universiti sa-lain daripada yang di-keluarkan oleh universiti dalam Commonwealth. Akan tetapi, sa-kira-nya pepereksaan untuk mendapat ijazah yang di-keluarkan oleh sa-suatu universiti itu sa-imbang

dan sa-rupa dengan pepereksaan untuk mendapat ijazah universiti dalam Commonwealth yang kita aku², ijazah-nya itu dapat-lah di-timbangan, dan Kementerian boleh-lah mengambil perhatian pada satu masa yang di-fikirkan perlu.

Enche' Wan Ahmad bin Wan Daud: Tuan Yang di-Pertua, ugama Islam ia-lah ugama rasmi Persekutuan Tanah Melayu, dan dalam universiti telah ada pelajaran ugama Islam. Semua orang Islam bersetuju mengatakan ugama Islam itu tinggi dan mulia, dan orang yang berugama Islam hidup bersatu-padu dan tidak berpechah-belah, tetapi umat Islam jika di-perhatikan ada juga yang berpechah-belah dan tidak bersatu-padu. Dan orang² Islam kita yang memegang jawatan yang bersangkutan dengan ugama Islam seperti Mufti, Kadzi dan guru², dalam perhatian saya mereka yang telah mendapat shahadah (degree) dalam tiap² satu masaalah, jika kita minta petua atau di-adakan majlis muzakarah, saya dapati jarang kita dapat fatwa yang sa-kata. Dalam perhatian dan kajian saya tatkala berlainan faham di-atas ibadat, dalam perelisehan suami isteri, maka fatwa siapa-kah yang kita hendak pakai? Kemudian saya ada baca satu pendapat daripada ulama besar di-Masir mengatakan tiap² penuntut kita walau dalam universiti atau Kolej di-mana² negeri sa-kali pun baik di-Masir, Mekah, Iraq mahu pun Persekutuan Tanah Melayu jangan-lah di-beri shahadah jika di-kata ia lulus dalam ugama Islam atau pun dalam apa² ilmu ugama. Sa-lagi tiap² satu hukum yang ia bagi jawab di-dalam masaalah yang kita pinta petua itu dia kata ini haram ini halal—ia lulus, ini wajib, melainkan ia berkata ini firman Allah yang menghukumkan masaalah ini bagini atau bagian² atau hadith. Rasullullah s.a.w. menghukumkan begitu dan bagini. Orang ini kata haram bagini bagini dengan tidak di-bachakan dalil daripada Allah atau Rasul-nya di-pakai ia tidak pas, dengan sebab ugama Islam ugama Allah di-lahirkan ka-dalam dunia ini di-atas lidah Rasul-nya. Kita ketahu² dalam sejarah Islam, Nabi orang Islam ia-lah Muhammad bin Abdullah, di-lantek

oleh Allah Subhanahu Wataala menjadi pesuruh-nya yang di-katakan Muhammad Rasullullah, Muhammad pesuruh Allah masa beliau berumur 40 tahun.

Firman Allah yang di-turunkan mula² sa-kali ia-lah: Ikra' bismirab-bikal lazi khalaz, kemudian di-turunkan berikut² sa-lama 23 tahun, dan wahi Ilahi yang akhir sa-kali ia-lah Al-yauma akmaltu lakum dinakum waat-mamtu alaikum nikmati waradzitu lakumul Islama dina, maksud-nya: Kata Allah: Pada hari ini telah aku sempurna agama kamu dan telah aku chukupkan segala nekmata-ku (bagi kehidupan orang² Islam bagi dunia dan akhirat) dan aku redza kamu mengambil dia menjadi agama kamu. Ini kita boleh mengambil faham jika kita mengambil hukum dari tempat lain daripada Al-Kur'an, maka Tuhan tidak redza. Ini-lah yang ulama² Islam berkata agama Islam mengikut Kur'an dan hadith atau agama Islam mengikut Kur'an dan sunnah. Kita mengikut sunnah Rasullullah atau hadith dengan pengakuan Allah di-dalam Al-Kur'an yang bererti: barang siapa yang mengikut Rasullullah bererti ia mengikut Allah. Manusia yang lain daripada Rasullullah, tiada ada di-dalam rukun iman kita ya'ani yang Allah atau Rasul-nya suroh ikut. Oleh sebab itu-lah maka umat Islam kita tidak bersatu-padu dan rendah kehidupan kita. Kemudian dalam Kur'an telah menegaskan: Ikut-lah kamu apa² yang Tuhan kamu telah turunkan kapada kamu dan jangan kamu ikut ketua² yang lain ya'ani yang tiada ada tersebut di-dalam Al-Kur'an. Saya minta perhatian Kerajaan yang telah merasmikan

agama Islam, tiap² shahadah yang kita hendak beri kapada siapa² daripada universiti mana² pun hendak-lah daripada yang tahu menunjukkan firman Allah atau sunnah Rasul-nya di-dalam apa² masaalah pun. Jangan kita haramkan ini, halalkan itu, mithal-nya berkenaan dengan bank, insurance nyawa dan lain² dengan tiada menyebutkan dalil Allah atau Rasul-nya, hanya di-kungkum dengan fikiran-nya ia-itu mengikut iman itu dan iman ini: Orang² Islam sa-boleh²-nya hendakkan bersatu-padu.

Mr. President: Itu sudah lari terkeluar daripada usul yang ada ini. (*Ketawa*).

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(*Mr. President in the Chair*)

Clauses 1 to 2 inclusive ordered to stand part of the Bill.

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

ADJOURNMENT SINE DIE

Tun Leong Yew Koh: Mr. President, Sir, I beg to move that the House do now adjourn *sine die*.

Enche' T. H. Tan: Sir, I beg to second the motion.

Adjourned at 11.30 a.m.