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Monday
16th August, 1965

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DEWAN NEGARA (SENATE)

OFFICIAL REPORT

(SECOND SESSION OF THE SECOND DEWAN NEGARA)

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MALAYSIA

DEWAN NEGARA (SENATE)

Official Report

Vol. II | Second Session of the Second Dewan Negara | No. 6

Monday, 16th August, 1966

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

PRESENT:

The Honourable Mr President, DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASIN, S.P.M.J., P.I.S., J.P. (Johore).

" ENCHE' A. ARUNASALAM, A.M.N. (Appointed).

" ENCHE' ABDUL RAHMAN BIN AHMAD (Perlis).

" ENCHE' ABDUL SAMAD BIN OSMAN (Appointed).

" ENCHE' ABDUL WAHAB BIN IDUS, P.J.K. (Negeri Sembilan).

" TUAN HAJI AHMAD BIN HAJI ABDULLAH, A.M.N. (Penang).

" CHE' BIBI AISHA BINTI HAMID DON, A.M.N. (Appointed).

" ENCHE' AMALUDDIN BIN DARUS (Kelantan).

" DATU JOSEPH AUGUSTINE ANGIAN ANDULAG, P.D.K. (Sabah).

" ENCHE' AWANG DAUD MATUSIN (Appointed).

" DATU TUANKU BUJANG BIN TUANKU HAJI OTHMAN (Sarawak).

" ENCHE' CHAN KWONG-HON, J.M.N., S.M.S., J.P. (Selangor).

" ENCHE' CHEAH SENG KHIM, J.P. (Penang).

" DATO' DR CHEAH TOON LOK, D.P.M.K., D.M.K., J.M.N., J.P. (Appointed).

" ENCHE' CHOO KOK LEONG (Appointed).

" DATO' J. E. S. CRAWFORD, J.M.N., J.P., Dato' Kurnia Indera (Appointed).

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

" ENCHE' D. S. DORAI RAJ (Appointed).

" DATO' FOO SEE MOI, D.P.M.K., J.P. (Appointed).

" ENCHE' GAN TECK YEOW, J.M.N. (Appointed).

" ENCHE' HOH CHEE CHEONG, A.M.N., J.P. (Pahang).

" ENCHE' HONG TECK GUAN (Appointed).

" ENCHE' C. D. ISMAIL, J.M.N., J.P. (Appointed).

" ENCHE' ANDREW JIKA LANDAU (Appointed).

" DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negri Sembilan).

" DATO' Y. T. LEE, D.P.M.S., J.M.N., P.J.K., J.P. (Appointed).

" ENCHE' LIM HEE HONG, J.M.N. (Appointed).

" ENCHE' MOHAMAD ADIB BIN OMAR (Trengganu).

The Honourable DATO' HAJI MOHAMED NOAH BIN OMAR, P.M.N., S.P.M.J., D.P.M.B., P.I.S., J.P. (Appointed).
" TUAN HAJI MOHAMED SAID BIN HAJI ABU BAKAR (Appointed).
" ENCHE' MOHAMED SALLEH BIN MOHAMED ARIFF (Malacca).
" ENCHE' ATHI NAHAPPAN (Appointed).
" ENCHE' S. P. S. NATHAN (Appointed).
" NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Appointed).
" TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Appointed).
" ENCHE' SAIDON BIN KECHUT, A.M.N. (Appointed).
" DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P. (Johore).
" DATO' G. SHELLEY, P.M.N., J.P. (Appointed).
" TUAN SYED AHMAD BIN SYED MAHMUD SHAHABUDIN, J.M.N. (Kedah).
" ENCHE' WILLIAM TAN (Appointed).
" DATO' T. H. TAN, P.M.N. (Appointed).
" DATO' E. E. C. THURAISINGHAM, D.P.M.J., J.P. (Appointed).
" ENCHE' S. O. K. UBAIDULLA, J.M.N. (Appointed).
" DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K., Orang Kaya Indera Maharaja Purba Jelai (Pahang).
" WAN MUSTAPHA BIN HAJI WAN ALI, S.M.K. (Kelantan).
" WAN SULAIMAN BIN WAN TAM, P.J.K. (Kedah).
" ENCHE' YAHYA BIN HAJI AHMAD (Perak).
" ENCHE' YEOH KIAN TEIK (Perak).

ABSENT:

The Honourable the Minister without Portfolio, DATO' ONG YOKE LIN, P.M.N. (Appointed).
" CHE' AISHAH BINTE HAJI ABDUL GHANI (Appointed).
" ENCHE' KHOO TECK PUAT (Appointed).
" ENCHE' KOH KIM LENG (Malacca).
" DATU PENGIRAN MOHAMED DIGADONG GALPAM, P.D.K. (Sabah).
" TEMENGGONG OYONG LAWAI JAU (Sarawak).
" RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
" DATO' TEH SIEW ENG, D.P.M.P., J.M.N., P.J.K., J.P. (Appointed).
" WAN AHMAD BIN WAN DAUD, J.M.N., P.J.K., J.P. (Perlis).

IN ATTENDANCE:

The Honourable the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Melaka Tengah).
" the Minister of Health, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).

The Honourable the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).

" the Minister of Labour, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).

" the Minister of Lands and Mines, ENCHE' ABDUL-RAHMAN BIN YA'KUB (Sarawak).

" the Assistant Minister of National and Rural Development, ENCHE' SULAIMAN BIN BULON, P.J.K. (Bagan Datoh).

" the Assistant Minister of Finance, DR NG KAM POH, J.P. (Telok Anson).

PRAYERS

(Mr President *in the Chair*)

ADMINISTRATION OF OATH

The following Senator made and subscribed the affirmation required by Law:

Wan Mustapha bin Haji Wan Ali.

Mr President: Saya bagi pehak Majlis Meshuarat ini memberi selamat datang kapada Ahli Yang Berhormat mudah²an kita dapat sumbangan yang baik dalam perbahathan kita.

ANNOUNCEMENTS BY MR PRESIDENT

THE YANG DI-PERTUAN AGONG'S REPLY TO ADDRESS OF THANKS

Mr President: Ahli² Yang Berhormat, saya telah menerima perutusan bertarikh 14 haribulan Jun, 1965, daripada Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong. Saya bachakan perutusan itu:

"Warakatul-ikhlas walmuhibbah ia-itu daripada Beta Syed Putera ibni Almarhum Syed Hassan Jamalullail, Yang di-Pertuan Agong, Malaysia. Mudah-mudahan barang di-wasalkan oleh Rabbul 'alamin ka-majlis Yang Berhormat Dato' Haji Abdul Rahman bin Mohamed Yasin, S.P.M.J., P.I.S., J.P., Yang di-Pertua Dewan Negara, Malaysia, yang ada beristirahatul-khair pada masa ini di-bandar Kuala Lumpur dengan beberapa selamat dan kesejahteraan-nya.

Wa ba'adah, ahwal Beta sangat² sukachita menerima warkah Dato' yang bertarikh 7 haribulan Jun, 1965 kerana menyampaikan ketetapan Uchapan Terima Kaseh Majlis Dewan Negara Malaysia, kerana Titah Uchapan Beta pada masa membuka Penggal Yang Kedua Parlimen Yang Kedua. Beta meminta kelapangan Dato' apa-lah jua kira-nya Dato' menyampaikan terima kaseh Beta kapada sakalian Ahli² Majlis Dewan Negara Malaysia kerana membuat ketetapan yang tersebut. Dan jua di-atas perasaan yang tulus ikhlas yang telah di-tunjokkan kapada Beta itu akan di-kandongkan di-dalam ingatan Beta sa-lama²-nya.

Demikian-lah sahaja Beta ma'alum-kan di-sudahi dengan salam ta'adzim jua, ada-nya.

Termaktub pada 14 haribulan Jun tahun 1965".

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Mr President: Ahli² Yang Berhormat, saya suka hendak mema'alumkan pada Majlis Dewan Negara ini ia-itu saya telah menerima satu perutusan daripada Majlis Dewan Ra'ayat. Sekarang saya minta Setia-usaha Majlis membachakan perutusan itu.

(*The Clerk reads the Message*)

"Mr President,

The House of Representatives has passed the following Bills—

(1) to consolidate and amend the law relating to companies.

(2) to amend and consolidate the laws relating to land and land tenure, the registration of title to land and of dealings therewith and the collection of revenue therefrom within the States of Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Trengganu, and for purposes connected therewith.

(3) to repeal certain Enactments of the State of Johore relating to matters on the Federal List.

(4) to repeal certain Enactments of the State of Kedah relating to matters on the Federal List.

(5) to repeal certain Enactments of the State of Kelantan relating to matters on the Federal List.

(6) to repeal certain laws of the State of Perak relating to matters on the Federal List.

(7) to repeal certain Enactments of the State of Perlis relating to matters on the Federal List.

(8) to repeal an Enactment of the State of Selangor relating to a matter on the Federal List.

(9) to repeal certain laws of the State of Sabah relating to matters on the Federal List.

(10) to repeal certain laws on matters on the Federal List enacted by the legislature of the former Federated Malay States.

(11) to repeal certain Ordinances of the former Straits Settlements.

(12) to provide for the Repeal of Proclamations of the British Military Administration in force in Malaysia relating to matters on the Federal List.

(13) to repeal certain laws on matters on the Federal List enacted by the legislature of the former Malayan Union.

(14) to repeal certain Ordinances of the Federation of Malaya.

(15) to repeal certain Acts of Parliament which have had their effect.

(16) to repeal certain laws on Financial and connected matters which have become spent or redundant.

(17) to amend the Reprint of Federal Laws Act, 1965.

(18) to make certain general provisions in relation to the Statute Law Revision of Federal Laws and to repeal certain obsolete existing legislation on that subject.

(19) to repeal certain laws relating to aliens and to make provision regarding the obligation of keepers of residential accommodation in respect of the registration of their guests and for matters connected therewith and ancillary thereto.

(20) to make provision for the payment of unclaimed moneys into the Federal Consolidated Fund.

(21) to further amend the laws relating to income tax of Sabah, Sarawak and the States of Malaysia.

(22) to amend the laws relating to estate duty of Sabah and the States of Malaya.

(23) to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of December, 1966.

(24) to enable the Government of the Federation to carry out housing schemes.

(25) to amend the National Land Code (Penang and Malacca Titles) Act, 1963.

(26) to make better provision for the Penang and Province Wellesley Silver Jubilee Fund.

(27) to make further provision with respect to the law relating to trade unions.

(28) to amend the Industrial Courts Ordinance, 1948.

(29) to amend the Muslim Pilgrims Ordinance, 1951.

(30) to amend the Social and Welfare Services Lotteries Board Ordinance, 1950, and the Social and Welfare Services Lotteries Board Act, 1962.

(31) to amend the Rubber Industry (Replanting) Fund Ordinance, 1952.

(32) to further amend the Malaysia Act.

(33) to amend the Electricity Ordinance, 1949.

(sd.) Dato' Chik Mohamed Yusof bin Abdul Rahman

Mr Speaker"

ORAL ANSWERS TO QUESTIONS

PERJANJIAN PERTAHANAN MALAYSIA-BRITISH

1. **Enche' Saidon bin Kechut** bertanya kapada Menteri Pertahanan ada-kah Kerajaan berchadang hendak mengkaji sa-mula Perjanjian Pertahanan Malaysia-British dengan tujuan hendak mengurangkan pasokan² Tentera British dalam negeri ini dan akhir-nya menggantikan-nya sama sa-kali dengan Pasokan Tentera Malaysia.

The Minister of Lands and Mines (Enche' Abdul-Rahman bin Ya'kub): Tuan Yang di-Pertua, sa-bagaimana yang telah di-nyatakan oleh Yang Berhormat Menteri Pertahanan dalam bulan Mei yang lalu, Perjanjian Pertahanan di-antara Malaysia dengan Kerajaan British boleh di-kaji sa-mula pada bila² masa jua pun. Hendak-lah kita ingat bahawa Pasokan² Tentera British yang ada di-Malaysia pada masa ini ada-lah sa-mata²-nya untok mempertahankan negara kita daripada pencherobohan dari luar negeri.

Tuan Yang di-Pertua, kita pada masa ini sedang membesar dan meluaskan lagi tentera² kita supaya akhir-nya kelak kita dapat mempertahankan negara kita dengan kekuatan kita sendiri.

Dato' Haji Mohamed Noah bin Omar: Dato' Yang di-Pertua, soalan tambahan. Dengan perpisahan Singapura, atau pencheraian dengan talak satu dengan Malaysia baharu² ini, saya hendak bertanya, ada-kah pehak Kerajaan berfikir patut di-kaji sa-mula Perjanjian Pertahanan dengan British itu dengan sa-berapa segera-nya; jikalau ada, bila masa-nya?

Enche' Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, pengeluaran Singapura daripada Malaysia tidak memaksa kita menghendaki bahawa tentera² British mesti keluar daripada tanah ayer kita pada masa ini. Sa-bagaimana yang saya telah nyatakan tadi, mereka itu berada di-dalam negeri kita untok mempertahankan negeri kita, menjaga negeri kita daripada pencherobohan daripada luar negeri. Pencherobohan itu maseh ada lagi daripada Indonesia, dan dengan hal yang demikian di-tingkat ini, kita belum lagi mengkaji soalan itu dengan tujuan supaya tentera² British keluar daripada negeri ini. Kita maseh lagi menghendaki mereka itu bagi membantu kita, tetapi sunggoh pun demikian, kita sedar bahawa kita tidak boleh sa-mata²-nya berharap kapada negara yang lain untok mempertahankan kita. Dengan hal yang demikian, Kerajaan pada masa ini, sa-bagaimana yang saya telah nyatakan tadi, sedang membesar dan memperluaskan lagi tentera² kita.

Enche' Saidon bin Kechut: Soalan tambahan. Ada-kah Kerajaan berfikir bahawa dengan ada-nya tentera² British di-Singapura ada-lah sa-benar-nya menjadi puncha ketegangan yang menyebabkan Singapura terpisah daripada Malaysia?

Enche' Abdul-Rahman bin Ya'kub: Tidak.

Enche' Abdul Samad bin Osman: Soalan tambahan. Sa-kira-nya jikalau Malaysia membuat satu treaty dengan Singapura yang kita baharu cheraikan ini, ada-kah Malaysia kena berunding dengan Kerajaan British berkenaan dengan perkara treaty itu dan berkenaan dengan pertahanan negeri? Ada-kah terpaksa kena berunding pula kalau kita buat satu treaty dengan Singapura kerana Singapura pada masa ini telah bercherai?

Enche' Abdul-Rahman bin Ya'kub: Kalau soalan Yang Berhormat itu, Tuan Yang di-Pertua, bermaksud sama ada Singapura menghendaki persetujuan daripada British sa-belum membuat perjanjian dengan Malaysia, jawab saya, tidak perlu. Singapura ada-lah sa-buah negara yang merdeka saperti kita juga; ada-lah menjadi hak mutlak sa-sabuah negara yang merdeka membuat perjanjian dengan sa-sabuah negara yang lain dengan sa-suka²-nya.

Enche' Saidon bin Kechut: Kenapakah sa-orang soldadu biasa British lebeh mendapat penghormatan daripada sa-orang Pegawai Tentera daripada putera Malaysia sendiri di-Sabah dan Sarawak?

Enche' Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, sa-betul-nya soalan ini tidak ada kena-mengena dengan soalan asal-nya. Bagaimana pun tudohan ini ada-lah satu tudohan yang serious. Dengan hal yang demikian jikalau ahli itu, Yang Berhormat Senator itu, boleh menerangkan perkara yang tertentu, kita akan selideki perkara itu.

Enche' Athi Nahappan: Mr President, Sir, as I understand the question, it asks "whether Government intends to review the Malaysian-British Defence Agreement with a view to reducing British Military Forces in this country and eventually their complete replacement by Malaysian Military Forces". We certainly do understand that the Government has got the power under the Treaty to revise from time to time the Treaty itself; but the question, as I understand it, is whether the Government at present intends to review it. The answer, perhaps, could be "Yes" or "No". I would appreciate, if the Minister could answer that.

Enche' Abdul-Rahman bin Ya'kub: Mr President, Sir, perhaps the intention of the question is whether we will review the Defence Agreement in the very near future in the hope that the number of British Forces in Malaysia will be reduced. That is not so, because circumstances are such today that we cannot defend our country with our own Armed Forces. Therefore, we still have got to rely on the Commonwealth Forces. But, as I have said earlier, it is our intention eventually to defend our own country without relying on other countries as much as possible. It is for that reason that we are now enlarging our Armed Forces, and once we have reached a stage where we feel we can defend our own country, we will say, "All right, we no longer require your services".

Enche' Athi Nahappan: May I take it that the Government does not intend to review the Treaty right now?

Enche' Abdul-Rahman bin Ya'kub: We cannot do it at the moment.

Dato' Foo See Moi: Mr President, Sir, I would like a little clarification from the Government side. As I understand it, the British Military Forces are here at our request. Will the Government confirm it?

Enche' Abdul-Rahman bin Ya'kub: According to the Treaty Agreement, they can only be here with our permission—that means, if we want them to be here; but if we do not want them to be here, they have to go.

Dato' E. E. C. Thuraisingham: Mr President, Sir, it looks more like a debate (*Laughter*). I think there is insufficient time.

Enche' Saidon bin Kechut: Ada-kah benar alat² pertahanan British yang ada di-Malaysia ini sa-mata² untok kepentingan capitalist British?

Enche' Abdul-Rahman bin Ya'kub: Sa-mata² untok kepentingan capitalist British—tidak!

Enche' Saidon bin Kechut: Tuan Yang di-Pertua, mengikut jawapan daripada Yang Berhormat Menteri tadi mengatakan oleh kerana Kerajaan Singapura sa-bagai satu Kerajaan yang berdaulat dan yang telah mendapat kemerdekaan, bebas Kerajaan Singapura itu membuat treaty dengan sa-siapa pun tetapi mengikut penjelasan dan berita² yang kita tengok di-surat²

khabar, hendak-lah Kerajaan Singapura itu berunding dengan Kerajaan Malaysia terlebeh dahulu. Saya minta penjelasan daripada Menteri Yang Berhormat.

Enche' Abdul-Rahman bin Ya'kub: Soalan tadi ada-lah berkaitan dengan perjanjian di-antara Kerajaan British dengan Singapura, maka jawapan saya, sa-bagai negara yang merdeka dan British tidak di-anggap sa-bagai satu negara yang akan mendatangkan merbahaya kapada Malaysia, maka kedua negeri ini boleh membuat perjanjian.

PENJUALAN ALAT² PENTING KAPADA INDONESIA OLEH AMERIKA SHARIKAT

2. **Enche' Saidon bin Kechut** bertanya kapada Menteri Pertahanan ada-kah langkah Amerika Sharikat menjual peralatan² penting kapada Indonesia baharu² ini akan melibatkan keadaan Malaysia sa-chara langsong.

Enche' Abdul-Rahman bin Ya'kub: Kerajaan Malaysia telah memberi tahu Amerika Sharikat dalam perkara ini bahawa kita tidak bersetuju, sa-balek-nya, menentang Amerika Sharikat menjual alat² tersebut yang boleh di-gunakan oleh tentera dalam gerakan peperangan oleh kerana alat² itu sudah tentu akan menguatkan kebolehan mereka menjalankan gerakan konfrantasi mereka terhadap Malaysia.

Dato' Haji Mohd. Noah: Mengikut jawapan-nya tadi, Kerajaan telah menerangkan kapada Kerajaan Amerika tidak bersetuju. Itu-lah langkah yang di-ambil oleh Kerajaan. Saya hendak tahu apa-kah jawapan yang telah di-terima oleh Kerajaan Malaysia daripada Kerajaan Amerika Sharikat dengan sebab tidak bersetuju itu tadi. Jikalau jawapan itu tidak bersetuju, apa-kah langkah yang lain pula yang patut di-ambil oleh Kerajaan Malaysia berkenaan dengan perkara ini.

Enche' Abdul-Rahman bin Ya'kub: Pada soalan yang pertama, tingkat yang di-ketahui pada masa ini, ada pendapat tidak sama. Pendapat daripada pehak Amerika berkata alat ini tidak boleh di-gunakan untok menguatkan lagi konfrantasi Indonesia terhadap kita. Kita tidak bersetuju dengan pendapat ini jadi di-tingkat ini kita sedang mengkaji lagi apa langkah yang lain yang boleh memberi kesan untok meregisterkan protest kita itu.

Enche' Saidon bin Kechut: Dengan telatah Amerika Sharikat hendak membekalkan alat² penting kapada Republic Indonesia, ada-kah Kerajaan sedar bahawa sa-benar-nya negara² barat ini ada-lah pengkhianat kapada negara² yang baharu merdeka?

Enche' Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, ini dalam bahasa Inggeris-nya mengikut lojik-nya 'over generalisation' (*Ketawa*).

Enche' Abdul Samad bin Osman: Ada-kah kita tahu sa-benar² bahawa alat² yang hendak di-jual itu boleh di-gunakan untok peperangan? Ada-kah benar² kita tahu alat² yang Amerika hendak jual itu kapada Indonesia boleh di-gunakan untok peperangan?

Enche' Abdul-Rahman bin Ya'kub: Pehak Amerika tidak berfikir bagitu. Pehak kita berfikir bagitu, jadi ada pertentangan fikiran dalam soal ini, Tuan Yang di-Pertua.

Enche' Saidon bin Kechut: Ada-kah Kerajaan berkeyakinan penoh dengan dasar Amerika yang selalu membuat selogan hendak menolong negara² yang baharu bebas.

Mr President: Saya fikir itu tidak masok dalam soal ini (*Ketawa*).

Enche' Abdul Samad bin Osman: Ada-kah Kerajaan Malaysia ini perchaya sunggoh² bahawa alat² yang hendak di-jual itu boleh di-gunakan untok peperangan jikalau Sukarno hendak gunakan? Ada-kah kita perchaya? Ada-kah ada proof barang² ini boleh di-gunakan untok perang?

Enche' Abdul-Rahman bin Ya'kub: Kalau kita tidak perchaya, kita tidak boleh protest (*Ketawa*).

JAWATAN PENGURUS PELAWAT

3. Enche' Saidon bin Kechut bertanya kapada Menteri Pembangunan Negara dan Luar Bandar berapa-kah bilangan orang² British yang bekerja sa-bagai Pengurus Pelawat dalam Lembaga Kemajuan Tanah Persekutuan pada masa sekarang.

The Assistant Minister of National and Rural Development (Enche' Sulaiman bin Bulon): Tuan Yang di-Pertua, pada masa ini Lembaga Kemajuan Tanah Persekutuan ada 5 jawatan sa-bagai Pengurus Pelawat. Jawatan² ini tidak ada di-pegangi oleh orang² British. 5 jawatan ini ada-lah di-pegangi oleh pegawai² saperti berikut:

2 bangsa Melayu

1 bangsa China

1 di-pegangi oleh wakil pelawat

1 bangsa China yang di-bayar elaun

1 kosong, tetapi di-pangku oleh sa-orang Eropah warga-negara Malaysia, Enche' D. R. E. Wimah, *alias* Safie bin Abdullah.

Daripada keterangan yang di-atas ini maka dapat-lah di-perhatikan bahawa semua pegawai yang memegang jawatan sa-bagai Pengurus Pelawat ada-lah warga-negara Malaysia.

Enche' Abdul Samad bin Osman: Oleh sebab nampak-nya orang² kita jadi Pengurus Pelawat, sadikit, boleh-kah di-beritahu kapada saya apa-kah qualification yang sa-saorang itu boleh jadi Pengurus Pelawat?

The Minister of Lands and Mines (Enche' Abdul-Rahman bin Ya'kub): Qualification yang penting sa-kali ia-lah pengalaman di-dalam soalan dan perkara yang tertentu itu. Jadi sa-bagaimana yang saya telah nyatakan beberapa bulan di-Dewan Ra'ayat dalam perkara ini juga menjawab soalan daripada, kalau saya tidak salah, sa-orang Ahli Yang Berhormat dari Kelantan, kita telah berusaha dengan sa-berapa daya-upaya menchari orang² Malaysia dalam perkara ini. Usaha kita itu belum berjaya lagi. Jadi pada masa ini kita sedang melateh beberapa orang di-tengkat junior level supaya di-masa akan datang mereka itu akan sampai ka-tengkat yang atas itu.

Enche' Abdul Samad bin Osman: Soalan saya berkenaan dengan qualification itu tidak jawab juga.

Enche' Abdul-Rahman bin Ya'kub: Sudah jawab ia-itu pengalaman yang besar, kalau pengalaman yang besar tidak ada, qualification tidak perlu.

Enche' Abdul Samad bin Osman: Ta' hendak B.A.-kah?

Enche' Abdul-Rahman bin Ya'kub: Ta' perlu hendak dapat B.A., B.Sc. dan lain².

Dato' J. E. S. Crawford: Mr President, Sir, on a point of clarification. I heard the Assistant Minister say "Satu orang Eropah warga-negara", by which, I think, he actually means a Malayan citizen of western descent, Sir—not a European.

Enche' Abdul-Rahman bin Ya'kub: That is very true.

PERTANIAN ANEKA JENIS

4. Enche' Abdul Samad bin Osman bertanya kapada Menteri Pertanian dan Sharikat Kerjasama sa-takat mana kemajuan yang telah terchapai dalam memperbagaikan tanaman di-Malaysia sampai sekarang.

The Minister of Agriculture and Co-operatives (Enche' Mohamed Ghazali bin Haji Jawi): Tuan Yang di-Pertua, pertanian aneka jenis di-dalam erti yang sa-luas-nya, bukan-lah satu peroses yang senang untok menyesuaikan ekonomi pertanian supaya ra'ayat kurang bergantong kapada getah dan bijeh, malahan ia-lah satu peroses jangka panjang yang terus-menerus, yang memerlukan penyelidekan mengenai kemungkinan² ekonomi dan teknik berbagai jenis tanaman yang boleh mengambil tempat getah dalam keadaan sa-keliling kita serta usaha² yang terus-menerus bagi meninggikan pengeluaran perikanan, ternakan dan perhutanan. Di-dalam erti-nya yang sempit, pertanian aneka jenis atau menggunakan perkataan

yang lebeh tepat lagi, tanaman aneka jenis, memerlukan penyelidekan yang lebeh teliti untok meninggikan hasil dan pengeluaran tanaman² jenis yang ada dan menchari kemungkinan² bagi tanaman² baharu yang boleh mengeluarkan hasil² yang sa-padan bagi-nya.

Sa-bagai langkah permulaan ka-arah tanaman aneka jenis, usaha² yang chergas telah di-jalankan oleh Kerajaan bagi menggalakkan perkembangan tanaman² biasa yang subor dan maju dalam keadaan² di-Malaysia, dan di-dalam hal ini satu chontoh yang jelas mengenaï perkembangan yang telah berlaku ia-lah kelapa sawit. Hari ini sa-luas 172,000 ekar tanah yang di-tanam dengan kelapa sawit di-bandingkan dengan 135,000 ekar dalam tahun 1960.

Berkenaan dengan Ranchangan Tanaman Getah Sa-mula bagi ladang² dan kebun² kechil, usaha² sedang di-jalankan menggalakkan kebun² getah yang tidak economic lagi itu supaya di-tanam dengan jenis² tanaman yang lebeh beruntong mengikut pendapatan dan kesesuaian keadaan² yang tersebut. Bagitu juga berkenaan dengan Ranchangan Tanaman dan Pemulehan Sa-Mula Kelapa. Tanaman selingan saperti nanas, kopi, pisang dan sa-bagai-nya di-atas kebun² kelapa yang telah di-tanam sa-mula ada-lah di-galakkan. Kemajuan² sedang di-chapai di-dalam Ranchangan Tanaman dan Pemulehan Sa-Mula Kebun² Buah²an. Tidak kurang dari 638,000 pokok² buah²an yang baik, chukup bagi tanaman sa-luas 12,600 ekar, telah di-bahagi²kan kapada pekebun² kechil buah²an dalam masa Ranchangan Lima Tahun yang Kedua. Sa-bagai tambahan kapada langkah² biasa meninggikan hasil pengeluaran tanaman² biasa, langkah² jangka panjang ada-lah di-jalankan juga termasok penyelidekan mengenaï tanaman² yang baik untok tanaman aneka jenis saperti tebu, pisang, jagong dan rumbia. Hasil-nya tidak mungkin di-perolehi dalam masa yang sengkat kerana kerja² penyelidekan itu akan memakan masa yang panjang sa-belum pendapatan-nya dapat di-nilaikan. Bagaimana pun mengikut kajian² baharu mungkin tanaman² ini mempunyaï harapan yang baik dan memerlukan usaha² terus-menerus memajukan-nya sa-chara besar²an sa-bagai sa-bahagian daripada Ranchangan Tanaman Aneka Jenis jangka panjang.

Enche' Abdul Samad bin Osman: Tuan Yang di-Pertua, nampak-nya Menteri tidak menjawab soalan saya, dia cherita sahaja.

Mr President: Dia sudah jawab.

Enche' Abdul Samad bin Osman: Saya suka membuat soalan tambahan. Berapa jenis tanaman-kah sampai sekarang ini yang telah di-diversify-kan?

Enche' Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, di-dalam soal ini tidak di-sebut berapa jenis tanaman. Soal yang di-buat ini ia-lah sa-takat mana-kah tanaman aneka jenis yang telah dapat di-jayakan. Jadi, kalau hendak di-terangkan sa-takat mana, maka itu-lah saya terpaksa terangkan kelapa sawit lebeh kurang sa-kian, getah lebeh kurang sa-kian. Kalau sa-kira-nya Ahli Yang Berhormat itu bertanya berapa jenis tanaman ada di-dalam Tanah Melayu ini barangkali saya terpaksa-lah mengatakan lebeh daripada 100 atau 200 atau 300 jenis tanaman terpaksa membilang satu² jenis tanaman dalam negeri ini.

Enche' Abdul Samad bin Osman: Nampak-nya Menteri tidak faham pertanyaan saya. Saya bertanya berapa jenis yang telah di-diversifykan—how many crops have been diversified? Bukan 1,000 barangkali 5 atau 6 sahaja sa-lain daripada rubber. Kita ma'anakan dari segi diversification of crops, kita hendak ambil alternative other than rubber, copra, cocoa, all sort of things. Jadi berapa ada daripada 12 yang kita telah jumpa boleh dan elok di-tanam boleh menggantikan getah?

Enche' Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, saya berharap Ahli Yang Berhormat itu membuat soalan yang lebeh tegas lain

kali, berapa jenis tanaman yang di-jalankan di-bawah Ranchangan Aneka Pertanian atau tanaman aneka jenis baharu-lah dapat barangkali saya jawab dengan tepat bagaimana yang di-kehendaki. Walau pun demikian, saya dapat-lah menerangkan kapada-nya ia-itu jenis² tanaman yang di-ranchangkan atau di-chadangkan untok menjadi tanaman² bagi di-tanam di-dalam negeri ini ia-lah kelapa sawit, tebu, kopi, tea, cocoa dan lain² lagi.

Dato' Haji Mohamed Noah bin Omar: Tuan Yang di-Pertua, saya sudah mendengar jawapan panjang lebar tadi, tetapi ada satu kemushkilan saya berkenaan dengan kalimah aneka jenis, ada-kah getah itu masok dalam aneka jenis atau tidak?

Enche' Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, getah juga termasok dalam aneka jenis, tetapi kita berkehendakkan sa-lain daripada menumpukan kapada getah, kita menumpukan kapada tanaman² yang lain. Jadi, berma'ana-lah getah itu ada-lah satu daripada-nya, kerana walau pun getah di-bawah urusan R.R.I. atau Kementerian yang lain, tetapi dalam masaalah tanaman pada awal-nya dahulu ada-lah di-dorong-kan oleh Kementerian Pertanian dan Sharikat Kerjasama juga.

Dato' Haji Mohamed Noah bin Omar: Soalan yang ada di-hadapan ini, kalau tidak salah pada fahaman saya, Yang Berhormat Enche' Abdul Samad hendak tahu ma'ana aneka jenis yang lain daripada yang ada pada hari ini, ma'ana-nya getah itu tidak termasok. Jadi, ada-kah jenis² yang lain yang di-galakkan oleh Kerajaan supaya kita tidak bergantong sangat kapada getah. Saya rasa itu dia punya fahaman-nya.

Mr President: Jadi saya rasa itu jadi perbahathan.

Dato' Haji Mohamed Noah bin Omar: Soalan saya bagaimana dia boleh menerangkan getah itu boleh masok dalam aneka jenis.

Mr President: Soalan itu tidak bersambong dengan perkara ini, Dato', dia menyebutkan sambil lalu sahaja.

PENGELUARAN BERAS TEMPATAN

5. Enche' Abdul Samad bin Osman bertanya kapada Menteri Pertanian dan Sharikat Kerjasama berapa peratus ra'ayat Malaysia yang chukup keperluan-nya dengan hasil tempatan hingga akhir tahun 1964.

Enche' Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, angka² bagi tahun 1964 tiada di-dapati. Keterangan² yang terakhir di-dapati ia-lah saperti berikut: Dalam musim padi tahun 1963-64 sa-banyak 60% daripada keperluan negeri² di-Tanah Melayu ada-lah di-bekali dengan beras keluaran tempatan hanya menchukupi bagi 48% sahaja daripada keluaran kedua² wilayah itu. Dalam tahun 1963 negeri Sabah telah mengeluarkan beras sa-banyak 57% daripada keperluan negeri itu. Dalam tahun 1962, negeri Sarawak telah mengeluarkan beras sa-banyak 54% untok keperluan-nya.

Enche' Abdul Samad bin Osman: Soalan tambahan. Boleh-kah Menteri beri-tahu kalau kita jalankan ranchangan sa-bagai yang kita jalankan sekarang ini berapa tahun lagi-kah boleh pengeluaran padi ini menchukupi bagi ra'ayat Malaysia?

Enche' Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, masaalah ini telah pun saya kajikan dengan Pegawai² Kementerian dan Jabatan² di-bawah Kementerian Pertanian dan Sharikat Kerjasama. Di-dalam pandangan atau kiraan kami kalau sa-kira-nya ranchangan River Muda di-Kedah untok memberi ayer kapada negeri Kedah dan Selatan Perlis itu berjaya, yang akan di-siapkan di-dalam tahun 1968, insha Allah kita akan mempunyai beras yang chukup bagi negeri ini dalam tahun 1970. (*Tepok*).

KAWASAN PADI

6. Enche' Abdul Samad bin Osman bertanya kapada Menteri Pertanian dan Sharikat Kerjasama ada-kah menjadi dasar Kerajaan memperelokkan kawasan padi yang ada sekarang supaya dapat di-tanam padi sa-tahun

dua kali, atau ada-kah dasar Kerajaan hendak membuka tanah baharu untok di-tanam padi.

Enche' Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, ada-lah menjadi dasar Kerajaan meninggikan pengeluaran padi dengan, yang pertama sa-kali, memajukan tanah² sawah yang ada sekarang di-mana² yang boleh dan sesuai supaya di-tanami dengan padi dua kali sa-tahun dan juga membuka tanah² sawah baharu di-mana² yang boleh dan sesuai.

Enche' Abdul Samad bin Osman: Soalan tambahan. Tuan Yang di-Pertua, memandang tadi Soalan 6 bersangkut dengan Soalan 5 kerana kita hendakkan padi lebeh dan chepat, saya nampak tidak boleh-kah Kementerian Pertanian membuka chepat tanah baharu yang lebeh banyak di-Sabah dan Sarawak supaya kita boleh dapat padi lebeh, daripada kita tumpukan segala²-nya di-Malaya. Kita ini memperelokkan tanah yang ada sekarang ini, kerana dengan membuka tanah baharu barangkali chepat mendapat hasil dan lebeh orang mendapat kerja.

Enche' Mohamed Ghazali bin Haji Jawi: Tuan Yang di-Pertua, insha Allah saya akan mengkajikan-nya.

Tuan Syed Ahmad bin Syed Mahmud Shahabuddin: Soalan tambahan. Berhubong dengan dasar menanam padi sa-tahun 2 kali, saya dengar tadi Yang Berhormat Menteri ada menerangkan berhubong dengan ranchangan River Muda, Kedah, saya suka mendapat penjelasan, ada-kah chadangan Kerajaan hendak meminjam wang daripada Bank Dunia itu berhasil atau tidak.

Mr President: Ini saya fikir pembahathan juga, tidak kena-mengena dengan Soalan No. 6.

BUSINESS OF THE SENATE

Dato' T. H. Tan: Mr President, Sir, I beg to give notice that I shall move the second and third readings of the following Bills at this meeting of the Senate—

(1) The Malaysia Act (Amendment) Bill.

(2) The Registration of Guests Bill.

(3) The Penang and Province Wellesley Jubilee Fund Bill.

(4) The Federal Statute Law Revision (Johore) Bill.

(5) The Federal Statute Law Revision (Kedah) Bill.

(6) The Federal Statute Law Revision (Kelantan) Bill.

(7) The Federal Statute Law Revision (Perak) Bill.

(8) The Federal Statute Law Revision (Perlis) Bill.

(9) The Federal Statute Law Revision (Selangor) Bill.

(10) The Federal Statute Law Revision (Sabah) Bill.

(11) The Federal Statute Law Revision (former Federated Malay States) Bill.

(12) The Federal Statute Law Revision (former Straits Settlements) Bill.

(13) The Federal Statute Law Revision (former British Military Proclamation) Bill.

(14) The Federal Statute Law Revision (former Malayan Union) Bill.

(15) The Federal Statute Law Revision (former Federation of Malaya Ordinances) Bill.

(16) The Federal Statute Law Revision (Acts of Parliament) Bill.

(17) The Federal Statute Law Revision (Financial Legislation) (States of Malaya) Bill.

(18) The Federal Statute Law Revision (General Provisions) Bill.

(19) The Reprint of Federal Laws (Amendment) Bill.

(20) The Unclaimed Monies Bill.

(21) The Income Tax Laws (Malaysian) (Amendment) Bill.

(22) The Estate Duty Laws of Sabah, Singapore and States of Malaya (Amendment) Bill.

(23) The Consolidated Fund (Expenditure on Account) Bill.

(24) The Federal Housing Bill.

(25) The National Land Code (Penang and Malacca Titles) (Amendment) Bill.

(26) The National Land Code Bill.

(27) The Trade Unions Bill.

(28) The Industrial Courts (Amendment) Bill.

(29) The Social and Welfare Services Lotteries Board (Amendment) Bill.

(30) The Rubber Industry (Replanting) Fund (Amendment) Bill.

(31) The Companies Bill.

(32) The Electricity (Amendment) Bill.

(33) The Muslim Pilgrims (Amendment) Bill.

MOTIONS

ADOPTION OF THE REPORT OF THE STANDING ORDERS COMMITTEE

Dato' T. H. Tan: Mr President, Sir, I beg to move:

That the Report of the Standing Orders Committee, tabled as Paper DN. 2 of 1965 be adopted by the Senate.

There is scarcely any explanation that I need to make, because the explanation in respect of each amendment is given in the Report.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Resolved,

That the Report of the Standing Orders Committee, tabled as Paper DN. 2 of 1965 be adopted by the Senate.

THE PARLIAMENT (MEMBERS' REMUNERATION) ACT, 1960

(Amendment to Schedule)

Dato' T. H. Tan: Mr President, Sir, I beg to move:

That this House pursuant to the provisions of section 4 of the Parliament (Members' Remuneration) Act, 1960, resolves that the following amendment be made to the Schedule to that Act—

"In paragraph 6 there shall be added the following provision:

A member may, in addition, recover, not exceeding twice a month, the expenses of journeys made by air on scheduled flights from his permanent place of residence to his constituency and back if his place of residence is outside his constituency;

Provided that the journey by air is cheaper than that by rail between his permanent place of residence and his constituency."

Mr President, Sir, the purpose of this amendment is to allow Members of the Dewan Ra'ayat, who are not resident in their constituencies, an alternative means of travelling to their constituencies and to recover, on certain conditions, the expenses of such journeys. As Honourable Members are aware, there are Members of the Dewan Ra'ayat who, for some reasons or other, have permanent residences outside their constituencies. At present such Members may make unlimited use of their railway passes to travel to their constituencies. However, those who live a considerable distance away from their constituencies will wish to reduce to the very minimum the time taken for the journeys.

Furthermore, in certain cases, the cost of travel by air is cheaper than that by rail. In such cases, it is considered reasonable to allow such Members to travel to their constituencies by air instead of by rail. The proposed provision is, therefore, made conditional upon air travel being cheaper than travel by rail. In addition, it is proposed to limit the travel by air to not more than twice a month. The limit is considered reasonable.

Sir, I beg to move.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Dato' Sheikh Abu Bakar bin Yahya: Honourable Dato' President, Sir, while supporting the motion as tabled by the Honourable Dato' T. H. Tan just now, I would like just to ask a very simple

question in respect of the motion itself. The question is, why the expenses for journeys of Members from their place of residence to their constituencies pertain only to journeys by air and by rail and not by car? This question of mine, Sir, is related to the open secret that certain Members of Parliament have constituencies so vast, and whose voters are about 30,000 people, that almost all of what they get from their parliamentary allowance, more often than not, is devoured by expenses towards the maintenance of their motor vehicles, benzine, and not only that but also, in certain places they have got to go by sampan or boat in order to meet their voters—the latter places, Sir, cannot be reached by rail, plane or motor vehicles. So, Sir, I would like to know why travel by air only is considered and not travel by motor vehicles or by sampan which, I think, Sir, is fair and justifiable, as we all know, Sir, there is a proverb, "What is sauce for the goose is also sauce for the gander", and I would not be surprised if my friends were to come up and say to me, "This is otherwise, because it is against the ways and course of nature".

Another point Sir, which I would like to touch on is contained in the proviso attached to the motion. With your permission, Sir, I will read it—

> "Provided that the journey by air is cheaper than that by rail between his permanent place of residence and his constituency".

Sir, with all due respect to the wording of the motion, I would say that this proviso is very ambiguous to me. I am not clear, Sir, as to why comparison is made with rail and not with any other mode of conveyance. All Members of Parliament are supplied with Railway passes—Members of Dewan Ra'ayat and Senators—and we just get into the train, show our passes to the ticket collector and travel peacefully to our destination. We do not pay, Sir, for the journey, but this is not so in the case of travel by air, so far as my information goes—I may be wrong. Therefore, Sir, this proviso is not only ambiguous but to my humble opinion it will be unworkable when applied to actual facts.

Before I sit down, Sir, I would like to get a reply from the Honourable Minister concerned; and, if I may I would like to repeat what I have said, Sir—what has been given to the goose, should be given to the gander. In simple words, Sir, it would be fair and justifiable, for instance, if some boat expenses are given to the Members when they actually deserve it. I believe, Sir, eventually these privileges will be extended to Members of the Senate, who sometimes are called upon to sacrifice their money for the parliamentary welfare of the people in their places. Thank you, Sir.

Enche' Amaluddin bin Darus: Tuan Yang di-Pertua, usul yang di-kemukakan oleh Dato' T. H. Tan, saya rasa, tidak bagitu munasabah. Sebab anggota² Parlimen terdiri daripada dua bahagian. Satu daripada-nya Dewan Ra'ayat dan yang satu lagi Dewan Negara. Dewan Ra'ayat mempunyaï kawasan dan Dewan Negara tidak mempunyaï kawasan. Tetapi Perlembagaan menentukan pada satu ketika Parlimen boleh membuat Undang² menentukan bahawa Dewan Negara juga di-adakan Pilehan Raya. Dan dengan sebab itu, hak² keistimewaan yang di-berikan kapada anggota Parlimen sa-lama ini ia-itu menggunakan Railway Passes, pas² keretapi, sama di-dapati oleh anggota Dewan Ra'ayat dan anggota Dewan Negara.

Sa-patut-nya dalam sa-buah negara yang modern, dan bukan-lah perkara yang ganjil, memang di-amal oleh negeri² yang lain, sudah lama anggota² Parlimen, bukan sahaja mempunyaï hak mendapat Railway Passes, tetapi hak berterbang di-udara bagi kepentingan negeri ini dan saya maksudkan bukan anggota Dewan Ra'ayat tetapi anggota Parlimen termasok anggota Dewan Negara.

Saya perchaya, Dato' Yang Berhormat, yang membawa chadangan ini pun tahu negeri lain, mithal-nya Australia. Anggota² Parlimen mempunyaï hak untok menaiki kapal terbang dua kali pergi ka-sana-sini, boleh di-hadkan kapada dua kali

sa-bulan. Oleh sebab, saya perchaya dalam soal memberi khidmat kapada negara, sama ada berkawasan atau tidak berkawasan tidak timbul masaalah. Soal berkhidmat kapada negara, ia-lah perkhidmatan kapada negara; soal melawat kawasan Pilehan Raya, itu soal sendiri, soal menepati kedudokan masa hadapan.

Ahli² Parlimen Dewan Ra'ayat atau Dewan Negara sama kedudokan-nya dan berkhidmat kapada negara dan menjunjongi Perlembagaan Negara. Sebab itu tidak harus di-perbezakan dalam perkara ini dengan mengadakan satu usul ia-itu anggota Dewan Ra'ayat yang terpaksa tidak tinggal di-dalam kawasan yang di-berikan kemudahan menggunakan kapal terbang jika sa-kira-nya tambang-nya lebeh murah daripada tambang keretapi. Mengapa peluang saperti ini tidak di-berikan kapada semua anggota Parlimen? Terutama sa-kali apabila kita akan membinchangkan beberapa Bill, mengenai Sabah, mengenai Sarawak dan akan membinchangkan perkara lain² lagi yang ada kena-mengena dengan hal² seluroh Malaysia sedang anggota² Parlimen ini sa-bahagian-nya jahil dalam apa² perkara yang mengenai hal² dalam negeri ini. Sebab itu kemudahan bagi anggota Parlimen untok meninjau, untok mengetahui, harus-lah di-berikan sa-luas²-nya, sesuai saperti di-berikan oleh negara² lain.

Saya perchaya hanya orang yang kurang waras fikiran-nya sahaja yang akan menyalah-gunakan kemudahan² yang di-berikan, dan betul dalam amalan negeri kita, pernah terjadi keistimewaan Pass Custom telah disalah gunakan oleh sa-tengah² gulongan tetapi bukan daripada gulongan pembangkang. Pada pendapat saya orang yang menyalah-gunakan hak keistimewaan yang di-berikan Parlimen bukan sahaja patut di-hukum dalam mahkamah tetapi patut juga di-tolak hak-nya sama sa-kali untok menjadi anggota Parlimen sampai bila².

Orang² sa-bagai anggota Parlimen yang di-pandang sa-bagai Ahli Yang Berhormat, harus mempunyai kehormatan dan harus menjaga kehormatan diri-nya sendiri. Kalau dia bertindak, menyalah-gunakan keistimewaan yang di-berikan kapada-nya, maka dia tidak berhak dan tidak layak jadi Yang Berhormat—bukan orang yang bekerja bagi kepentingan negara, tetapi dia ada-lah opportunist yang paling kotor dan patut-lah di-singkirkan daripada Dewan ini.

Tuan Yang di-Pertua, sa-patut-nya sa-tiap² anggota Parlimen mesti mendapat hak untok menaiki kapal terbang dua kali sa-bulan, bukan anggota Dewan Ra'ayat sahaja yang kebetulan menjadi Parliamentary Secretary, Political Secretary, guna-nya hendak melawat, hendak menjaga, kepentingan Pilehan Raya pada masa hadapan. Kita mesti buat sa-suatu untok kepentingan national bukan kepentingan beberapa orang² tokoh Perikatan yang kebetulan dudok di-Kuala Lumpur kerana menjadi Political Secretary, Parliamentary Secretary, atau Pengarah². Sa-kali lagi saya berkata, untok kepentingan negara dan kebangsaan kita, tiap² anggota Parlimen harus mendapat hak yang sama saperti negara lain di-dalam Commonwealth mendapat hak yang sama.

Dato' J. E. S. Crawford: Mr President, Sir, on a point of clarification—I thought I heard it said that the second railway pass was being withdrawn. I can see nothing here. Was I mishearing, or did I completely misunderstood?

Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya fikir perkara ini tidak menjadi kesusahan membaiki Undang² dan sa-bagai-nya. Kerana kalau sa-kira-nya Ahli² Parlimen—Ahli² Dewan Ra'ayat—itu di-pileh daripada mereka yang dudok di-dalam kawasan-nya masing², jadi, daripada meminda mengeluarkan duit lebeh baik meminda Undang² Pilehan Raya di-mestikan orang² itu daripada kawasan masing², jangan pula orang Seberang Perai bertanding di-Kelantan, kemudian dia dua buah negeri hendak jaga—Seberang Perai lagi, Kelantan lagi. Ini satu masaalah yang besar—dia tinggalkan ra'ayat dan berbagai² perkara yang menyulitkan ra'ayat,

kemudian hendak mendapatkan tambang kapal terbang, nanti tidak chukup, keretapi pula, ini yang susah-nya. Jadi, kalau kita mahu berkhidmat kapada ra'ayat, dudok di-tempat itu—tempat ra'ayat itu—berkhidmat kapada ra'ayat, jangan gadohkan kapal terbang. Ini saya nampak yang menjadi kelam-kabut kerana di-ambil orang daripada luar kawasan. Jadi, saya fikir Undang² ini tidak berbangkit kalau sa-kira-nya parti² yang bertanding dalam pilehan raya itu di-ambil orang yang betul²—orang yang ada—dalam kawasan itu yang boleh berkhidmat kapada ra'ayat dalam kawasan itu. Kita pun tidak payah mengeluarkan belanja yang bagini besar—tambang kapal terbang hendak pergi melawat isteri-nya di-Seberang Perai, hendak melawat ra'ayat di-sebelah Kelantan, umpama-nya. Itu tidak berbangkit. Saya fikir perkara ini tidak kita bichara panjang², luluskan sahaja, sebab benda sudah ada—rumah tiga empat buah satu² Ahli Dewan Ra'ayat. Sekian terima kaseh.

Wan Mustapha bin Haji Wan Ali: Tuan Yang di-Pertua, usul ini sa-mata² hendak menambahkan belanja. Saya hendak berchakap sa-telah saya di-lantek dan mengangkat sumpah pagi ini di-atas usul yang ada di-hadapan saya dalam bahasa Inggeris-nya berbunyi:

> "That this House pursuant to the provisions of section 4 of the Parliament (Members' Remuneration) Act, 1960 . . . ."

Saya perchaya usul ini terkena bukan sahaja kapada Dewan Ra'ayat tetapi Dewan Negara, sebab Parlimen termasok Dewan Ra'ayat dan Dewan Negara. Tetapi perkara yang kita patut bahathkan pada hari ini—si-pembawa usul ini meminta kebenaran daripada sini, supaya di-tambah lagi privileges yang di-bagi kapada Ahli² Parlimen. Ma'ana-nya—A member may, in addition . . . . ; ma'ana-nya usul ini meminta kapada Rumah ini tambahan privileges yang telah di-bagi kapada Ahli² Dewan Ra'ayat dan Dewan Negara. Pada fikiran saya pada waktu saya menjadi Ahli Dewan Ra'ayat dahulu sa-lama 5 tahun sa-bagai Ahli dari Kelantan Hilir di-Dewan Ra'ayat Malaysia, juga privileges yang di-beri kapada Dewan Ra'ayat itu sudah menchukupi kapada kita kalau di-bandingkan dengan Dewan Parlimen di-England. Malaysia ini banyak lagi membahagi kita, dapat dua teket kapal terbang, satu kapada Ahli sendiri dan satu kapada isteri.

Nik Hassan bin Haji Nik Yahya: Teket keretapi, Tuan Yang di-Pertua.

Wan Mustapha bin Haji Wan Ali: Saya minta ma'af, teket keretapi. Saya terpaksa mengingatkan, teket kapal terbang sahaja, di-sini minta teket kapal terbang. Hantar surat sudah free kata bahasa Pulau Pinang, jadi semua chukup. Sekarang kita minta tambah pula tiap² bulan Ahli Dewan Ra'ayat yang tidak dudok dalam kawasan-nya itu boleh naik kapal terbang dua kali sa-bulan. Usul ini tidak boleh di-buat dan saya tidak bersetuju langsong sebab tidak practical. Umpama-nya, dia berkata untok sa-orang Ahli itu yang tidak dudok dalam kawasan-nya—saya mithalkan daripada kawasan Kelantan Hilir, umpama-nya Tuan Haji Ahmad Perai pernah bertanding di-Kelantan Hilir, kalau benar usul ini macham membuat sa-buah rumah di-Johor Bahru, sebab dia kata usul di-bagi privilege kapada orang yang mempunyai rumah tetap yang tidak dudok dalam kawasan-nya. Berma'ana, kita boleh berbelanja wang daripada hasil² yang di-kutip daripada ra'ayat, tetapi kalau-lah Ahli Dewan Ra'ayat itu dudok dalam kawasan-nya sendiri, dia tidak dapat privilege ini ya'ani:

> "A member may, in addition, recover, not exceeding twice a month, the expenses of journeys made by air on schedule flights from permanent place of residence to his constituency and back if his place of residence is outside his constituency:

Berma'ana usul ini kelebehan bagi orang yang rumah-nya tidak ada di-dalam kawasan-nya sendiri; tetapi tujuan kita melantek Ahli² Dewan Ra'ayat bukan sahaja hendak bertanggong-jawab tetapi hendak menolong ra'ayat. Kalau kita sengaja memberi kelebehan kapada orang yang tidak mahu dudok dalam kawasan itu, ra'ayat merompak, duit pun habis. Dan

harus yang mana² kaki joli ini semua hendak dudok di-Kuala Lumpur, barangkali Ahli Dewan Ra'ayat dari Kedah, dari Perlis, dari Trengganu. Kelantan tidak-lah (*Ketawa*) datang berkumpul buat rumah di-sini, bawa isteri-nya di-sini tetapi dia ada hak boleh balek tiap² bulan dua kali naik kapal terbang free. Jikalau-lah usul ini di-benarkan, chuma di-bagi orang yang ada rumah luar kawasan-nya, jadi orang yang dudok dalam kawasan sendiri tidak dapat naik kapal terbang. Jadi ini tidak ada sama rata—tidak sa-rupa dan tidak practical. Oleh sebab itu-lah saya tidak bersetuju, usul ini sa-mata² hendak menghabiskan duit Kerajaan.

Dato' Haji Mohamed Noah bin Omar: Tuan Yang di-Pertua, saya sendiri pun tidak faham dengan Yang Berhormat yang baharu berchakap ini berkenaan dengan usul yang ada di-hadapan Majlis ini tentang hujjah² yang di-bawa-nya. Saya nampak usul ini sangat-lah berpatutan, pertama-nya, jikalau-lah di-bacha betul² daripada usul ini mengatakan di-bayar tambang kapal terbang itu bagi melawat kawasan bagi Ahli² Parlimen. Saya perchaya yang di-katakan Member of Parliament, sa-bagaimana kita semua tahu, meliputi kedua² Dewan Ra'ayat dan Dewan Negara, ya'ani berma'ana bila masa-nya datang kelak, kita semua di-sini tidak lagi di-lantek macham mana yang ada pada hari ini, usul ini berjalan-lah dan dapat-lah pula Ahli² yang ada di-sini besok. Jadi Kerajaan membuat satu usul yang menchadang-kan pada masa akan datang Dewan Negara ini tidak lagi macham mana yang di-angkat oleh pehak² Negeri atau pun yang di-angkat oleh Kerajaan atau Perdana Menteri sa-bagaimana yang ada pada hari ini. Jadi, kalau tidak datang satu masa besok, kita semua di-lantek sa-bagaimana Ahli² Dewan Ra'ayat. Juga usul ini berjalan kapada kita itu satu hujjah mengikut usul yang ada ini—yang saya bayangkan.

Yang kedua, dia kata takut jikalau-lah Ahli² Yang Berhormat di-dalam Dewan Ra'ayat berpindah daripada Kelantan mendirikan rumah dudok di-Kuala Lumpur ini supaya dapat dia pulang balek dua kali dalam sa-bulan kerana melawat kawasan dia. Di-dalam usul ini ada sharat—ada bersharat, sharat-nya tambang keretapi, tambang kapal terbang itu tidak lebeh daripada tambang keretapi. Itu sharat-nya. Jadi jikalau-lah orang² itu di-beri peluang sa-lama dua kali sahaja pada sa-bulan itu, tidak akan melebehkan per-belanjaan atau pun apa yang ada pada hari ini saperti dalam Estimate. Kerana jika dia naik kapal terbang dia tidak boleh pada masa itu naik keretapi, sa-belah badan-nya di-kapal terbang dan sa-belah dalam keretapi! Ini tidak boleh jadi. Jadi saya tidak nampakkan lojik yang di-chakapkan tadi itu. Saya sendiri tidak nampak ada di-hadkan pula hendak di-buat dua kali pada sa-bulan. Saya ini bukan-nya pula hendakkan memberi kebebasan yang banyak² kapada Ahli² Dewan Ra'ayat, tidak memandang kapada Dewan Negara, tetapi saya nampak, ini satu benda yang berpatutan yang patut kita setujukan, yang patut kita sokong. Tidak menjadikan satu keberatan kapada Kerajaan atau berlebehan² belanja kapada Kerajaan.

Enche' Athi Nahappan: Mr President, Sir, I rise to support this motion, and I do not see why there should be any debate at all against this. The object is quite clear: it is a conditional facility accorded to Members. A Member of Parliament cannot, as of right, resort to this benefit. He is subjected to the proviso here: he must first establish that the air journey is cheaper than the train journey. It has been noted that the train journey to Kelantan is more expensive than the air journey. I was told that the air fare is about $44 to Kelantan from Kuala Lumpur, but by train it certainly takes a longer time and is also more expensive. Therefore, it is a beneficial provision.

Secondly, it has also been asked why a Member should be given this facility simply because he chooses to live elsewhere outside his constituency. Sir, this is nothing unusual in parliamentary affairs. In other countries it is common knowledge that Members of Parliament do live in the capital cities away

from their constituencies for various reasons, public mainly, and there are Members of Parliament who have to be here in Kuala Lumpur because of their various public responsibilities and functions. To compel them to live in their constituencies, I do not think, is a progressive idea.

Sir, I would incidentally say that this would also help our colleagues from Sabah and Sarawak, as there are no train journeys at all from there; and I understand that they in fact are already getting the benefit of this provision.

Sir, I beg to support the motion.

Dato' T. H. Tan: Mr President, Sir, I should have thought that the terms of my motion make it crystal clear what its intention is. The intention is to assist Members of Parliament (Dewan Ra'ayat) to visit their constituencies and to do so speedily and at lesser cost than it would take by rail. I would like to explain here that the additional allowance is intended for travel from the place of residence to the constituency and not within the constituency. I seem to have got the impression from the statement made by my friend, the Honourable Dato' Sheikh Abu Bakar, that he was taking about travel within the constituency by road. Well, the motion is quite clear. It is intended to cover the cost of travel by air from the place of residence to the constituency; and, if the cost of air travel is cheaper, then the motion is intended for that purpose. Furthermore, as has been pointed out by my other colleagues, travelling by air saves a lot of time. There is no question of making any camparison with travel by road because Members of Parliament, as far as I am aware, are not allowed to recover expenses if they travel by road.

I do not think anything should be read into this motion more than is really intended. The Honourable Senator, who has just taken his seat here this morning, has suggested that perhaps this will encourage the Members of Parliament from Kelantan to abandon their homes in Kelantan and come to Kuala Lumpur. Well, one could argue the other way round, that perhaps Members of Parliament in other constituencies would like to make their homes on the Beach of Passionate Love in Kelantan. (*Laughter*). However, Sir, I beg to submit that the intention of the motion is quite clear—it is to assist Members of Parliament to do their work and at lesser cost to Government and to themselves.

Question put, and agreed to.

Resolved,

That this House pursuant to the provisions of section 4 of the Parliament (Members' Remuneration) Act, 1960, resolves that the following amendment be made to the Schedule to that Act—

"In paragraph 6 there shall be added the following provision:

A member may, in addition, recover, not exceeding twice a month, the expenses of journeys made by air on scheduled flights from his permanent place of residence to his constituency and back if his place of residence is outside in constituency:

Provided that the journey by air is cheaper than that by rail between his permanent place of residence and his constituency."

BILLS

THE MALAYSIA ACT (AMENDMENT) BILL, 1965

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to further amend the Malaysia Act" be read a second time.

Sir, this is a simple Bill, and the object of this Bill is to extend the power of the Yang di-Pertuan Agong to make modification orders under section 74 of the Malaysia Act, where such orders appear to him to be necessary or expedient as a result of Singapore's leaving Malaysia.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Mr President: Jika tidak ada Ahli² Yang Berhormat yang hendak berchakap di-atas usul ini saya akan kemukakan ia-itu Rang Undang² ini di-bachakan yang kedua kali-nya.

Enche' Athi Nahappan: Mr President, Sir, may I on a point of clarification ask whether this amounts to a constitutional amendment or merely it is an amendment to an existing Act because it appears to be an amendment to the Malaysia Act as such and not an amendment to any of the provisions of the Constitution?

Mr President: The Malaysia Act is a part of the Constitution.

Question put.

The Senate divided: Ayes 45: Noes Nil: Abstention Nil.

AYES

Enche' A. Arunasalam
Enche' Abdul Rahman bin Ahmad
Enche' Abdul Samad bin Osman
Enche' Abdul Wahab bin Idus
Tuan Haji Ahmad bin Haji Abdullah
Che' Bibi Aisha binti Hamid Don
Enche' Amaluddin bin Darus
Datu Joseph Augustine Angian Andulag
Enche' Awang Daud Matusin
Datu Tuanku Bujang bin Tuanku Haji Othman
Enche' Chan Kwong-Hon
Dato' Dr Cheah Toon Lok
Enche' Choo Kok Leong
Dato' J. E. S. Crawford
Enche' Da Abdul Jalil bin Haji Awang
Enche' D. S. Dorai Raj
Dato' Foo See Moi
Enche' Gan Teck Yeow
Enche' Hoh Chee Cheong
Enche' Hong Teck Guan
Enche' C. D. Ismail
Enche' Andrew Jika Landau
Dato' Lee Foong Yee
Dato' Y. T. Lee
Enche' Lim Hee Hong
Enche' Mohamed Adib bin Omar
Dato' Haji Mohamed Noah bin Omar
Tuan Haji Mohamed Said bin Haji Abu Bakar
Enche' Mohamed Salleh bin Mohamed Ariff
Enche' Athi Nahappan
Enche' S. P. S. Nathan
Nik Hassan bin Haji Nik Yahya
Tok Pangku Pandak Hamid bin Puteh Jali
Enche' Saidon bin Kechut
Dato' Sheikh Abu Bakar bin Yahya
Dato' G. Shelley
Tuan Syed Ahmad bin Syed Mahmud Shahabudin
Enche' William Tan
Dato' T. H. Tan
Dato' E. E. C. Thuraisingham
Enche' S. O. K. Ubaidulla
Dato' Wan Ibrahim bin Wan Tanjong
Wan Mustapha
Wan Sulaiman bin Wan Tam
Enche' Yahya bin Haji Ahmad

NOES

Nil

ABSTENTION

Nil

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.

House resumes.

Third Reading

Dato' T. H. Tan: Mr President, Sir, I beg to report that the Bill intituled "an Act to further amend the Malaysia Act" has been considered in Committee, clause by clause, and agreed to without amendment. I now beg to move that the Bill be read the third time and passed.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Question put.

The Senate divided: Ayes 45: Noes Nil: Abstention Nil.

AYES

Enche' A. Arunasalam
Enche' Abdul Rahman bin Ahmad
Enche' Abdul Samad bin Osman
Enche' Abdul Wahab bin Idus
Tuan Haji Ahmad bin Haji Abdullah
Che' Bibi Aisha binti Hamid Don
Enche' Amaluddin bin Darus
Datu Joseph Augustine Angian Andulag
Enche' Awang Daud Matusin
Datu Tuanku Bujang bin Tuanku Haji Othman
Enche' Chan Kwong-Hon
Dato' Dr Cheah Toon Lok
Enche' Choo Kok Leong
Dato' J. E. S. Crawford
Enche' Da Abdul Jalil bin Haji Awang
Enche' D. S. Dorai Raj
Dato' Foo See Moi
Enche' Gan Teck Yeow
Enche' Hoh Chee Cheong
Enche' Hong Teck Guan
Enche' C. D. Ismail
Enche' Andrew Jika Landau
Dato' Lee Foong Yee

Dato' Y. T. Lee
Enche' Lim Hee Hong
Enche' Mohamed Adib bin Omar
Dato' Haji Mohamed Noah bin Omar
Tuan Haji Mohamed Said bin Haji Abu Bakar
Enche' Mohamed Salleh bin Mohamed Ariff
Enche' Athi Nahappan
Enche' S. P. S. Nathan
Nik Hassan bin Haji Nik Yahya
Tok Pangku Pandak Hamid bin Puteh Jali
Enche' Saidon bin Kechut
Dato' Sheikh Abu Bakar bin Yahya
Dato' G. Shelley
Tuan Syed Ahmad bin Syed Mahmud Shahabudin
Enche' William Tan
Dato' T. H. Tan
Dato' E. E. C. Thuraisingham
Enche' S. O. K. Ubaidulla
Dato' Wan Ibrahim bin Wan Tanjong
Wan Mustapha
Wan Sulaiman bin Wan Tam
Enche' Yahya bin Haji Ahmad

NOES

Nil

ABSTENTION

Nil

Bill accordingly read the third time and passed.

THE REGISTRATION OF GUESTS BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain laws relating to aliens and to make provisions regarding the obligation of keepers of residential accommodation in respect of the registration of their guests and for matters connected therewith and ancillary thereto" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Dato' T. H. Tan: Mr President, Sir, the object of this Bill is to repeal certain legislation enacted in pre-war days relating to aliens but to re-enact with certain modifications the provisions in those laws relating to obligations of hoteliers and boarding and lodging house keepers to keep a register of their guests. It is considered that the other provisions of the laws concerned can be safely repealed as it is felt that there is adequate power to control aliens in other more recent legislation, such as, the National Registration Act, 1959 and the Immigration Ordinance, 1959. For example, the requirement to register aliens contained in the various State Enactments on registration of aliens, which were passed as long ago as 1931, is also provided for under the National Registration Act, 1959, under which law all residents of Malaya above the age of twelve including non-citizens are required to carry identity cards.

With regard to the need and object of this Bill, the Explanatory Statement attached to the Bill explains the position clearly, and it is not proposed to enlarge upon what has been stated therein.

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 6 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

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

THE PENANG AND PROVINCE WELLESLEY JUBILEE FUND BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to make better provision for the Penang and Province Wellesley Silver Jubilee Fund" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

The Minister for Welfare Services (Tuan Haji Abdul Hamid Khan): Tuan Yang di-Pertua, Undang² Kumpulan Jubilee Perak bagi negeri Pulau Pinang dan Province Wellesley, Bilangan 39 tahun 1935, telah di-ishtiharkan untok menubohkan dan mentadbirkan satu kumpulan wang yang di-kutip dari orang ramai untok mendirikan sa-buah tugu kekal meng-ingati Jubilee Perak mendiang King George Yang Kelima.

Orang² yang menderma kapada kumpulan wang itu bersetuju bahawa wang kumpulan itu hendak-lah di-gunakan untok menolong orang² fakir miskin dan untok mendirikan dan mentadbirkan sa-buah rumah, atau kawasan bagi orang² miskin di-Pulau Pinang.

Di-bawah Rang Undang² tersebut, Resident Councillor, pada waktu itu, ada-lah menjadi ex-officio dan Pengerusi Kumpulan Wang itu dan sa-orang daripada Pemegang Amanah. Terkemudian daripada itu, apabila Ordinance Tafsiran dan Pindaan Kuasa Pengishtiharan tahun 1948, Ordinance Persekutuan Tanah Melayu Bilangan 2 tahun 1948, Resident Commissioner Pulau Pinang telah menggantikan Resident Councillor dan akhir-nya Perlembagaan Persekutuan. Perubahan Undang² Perentah Ordi-nance dan Pengishtiharan tahun 1958, L.N. 332 tahun 1958, Governor telah menggantikan Resident Commissioner sa-bagai Pemegang Amanah Kum-pulan Wang itu.

Kerajaan Negeri Pulau Pinang memikirkan bahawa sa-bagai Ketua Kerajaan Negeri, Governor tidak-lah patut di-kehendaki oleh undang² men-jadi Pemegang Amanah dan menge-shorkan bahawa Ketua Menteri patut menjadi Pemegang Amanah Kumpulan Wang tersebut sa-bagai ganti Governor. Oleh kerana amanah ia-lah perkara Persekutuan di-bawah Perenggan 4 *(e)* di-dalam Senarai I, Jadual 9 Perlem-bagaan Persekutuan, maka pertukaran ini chuma boleh di-laksanakan oleh Undang² Persekutuan.

Rang Undang² ini menggantikan Undang² Kumpulan Jubilee Perak bagi Negeri Pulau Pinang dan Province Wellesley. Bilangan 39 tahun 1953, dan mewujudkan semua sharat² di-dalam undang² asal dengan pindaan yang di-kehendaki, dan dengan meng-hapuskan semua sharat² yang tidak di-kehendaki.

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 13 inclusive ordered to stand part of the Bill.

House resumed.

(Mr President *in the Chair*)

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

THE FEDERAL STATUTE LAW REVISION (JOHORE) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that the Bill intituled "an Act to repeal certain enactments of the State of Johore relating to matters on the Federal List" be read a second time.

Enche' Lim Hee Hong: Mr President, Sir, I beg to second the motion.

Dato' T. H. Tan: Mr President, Sir, this Bill is one of fifteen called the Statute Law Revision Bills before the House. The object of these revisions is to remove from the Statute books of Malaysia a vast amount of lumber which is no longer required. This is by way of preparation for the urgent and necessary task of revision of the "tortuous and ungodly jumble", to borrow Cromwell's comment on the English law of real property, which is the law of Malaysia today. A distinguished legal commentator once said, and I quote: "It is essential to the welfare of the community that in every State there should exist an authoritative body of law readily accessible, easily intelligible, and strictly and impartially enforced".

One of the principal objects of the Reprint of the Federal Laws Act, 1965, which was passed by Parliament last March, is to make the laws in force in Malaysia readily accessible to all. It would, however, be an obvious waste of public money simply to reprint whatever exists, regardless of whether it is required or not. The Reprint Commissioners appointed under the Act have examined the Statute books of the three components of Malaysia and the eleven States of Malaya, and in consultation with the law officers of the Borneo States and the Legal Advisers of the States of Malaya, have found 292 Acts, Ordinances and Enactments, which are no longer required, plus another 19 which can soon be repealed when they have had their effect. These figures do not include the 41 repeals provided for in the National Land Code Bill. It is these obsolete and spent laws which the House is being asked to repeal today. The laws which it is proposed to repeal are all Federal laws, and the State law officers and Legal Advisers have agreed that this is so.

Honourable Members may well ask, why the operation could not have been performed by a single Bill? The answer is that it was found to be administratively more expeditious and convenient to deal with individual States or individual topics, such as financial legislation, so that one State could consider the proposals in respect of its own laws, while the draftsmen were preparing the Bills for the other States.

The Explanatory Statement accompanying each Bill sets out the reasons for the repeal, and it is not proposed to weary the Senate with detailed explanations. In general, the legislations which it is proposed to repeal may be divided into the following categories:

(1) Laws which, although not expressly repealed, have been superseded by more recent laws. For example, the Wireless Telegraphy Enactment, 1933, of Kelantan, the Liquors Enactment, 1917, of Perlis.

(2) Laws which were passed for specific purposes that have ceased to exist. For example, the Malayan Collieries Railways Enactment of Selangor, the special war-time legislation of both Wars, such as, the former Enemy Aliens Admissions Enactment, 1919 of Perlis and the War Risks (Goods Insurance) Ordinance, 1941 of the former Federated Malay States.

(3) Laws which have achieved the objects for which they were passed and have become spent; for example, all laws repealing former laws— the repeal of the repealing law which will not revive the law which it repealed; so there is no need to retain it in the Statute books; all Supply Enactments after the end of the year to which they relate; and enactments which create rights, for once the rights have accrued the repeal of the enactment creating them will not take them away—for example, the Dindings Cession Enactment of Perak Ordinance. The many private ordinances incorporating missions and institutions and enabling them to hold specified land are another example.

(4) The fourth category relates to laws which, owing to constitutional changes brought about in 1946, 1948, 1957 and 1963, are no longer applicable: for example, the Colonial Secretary, Straits Settlements, Incorporation Enactment of Johore, the Judges of Appeal Act, 1962, and a series, from 1949 to 1959, of Ordinances amending the Federation of Malaya Agreement, 1949.

To illustrate the need for a complete overhaul of the laws before deciding what should be reprinted, I should like to give a few examples of the archaic legislation, which is still to be found in the Statute books.

I wonder how many Honourable Members of the Senate here today realise that in the State of Perlis there still exists, in law, an arrangement

known as debt-bondage whereby a debtor can liquidate his debt by working for the creditor under an agreement registered in Court before the 1st day of Muharam, 1910. It would be perfectly possible for a man (or woman) of 74 to be still working off a debt of $650 at the rate of $1 a month by compulsory labour on the land of the creditor. I do not suppose for a moment that this happens in practice, but it is high time that the law which provides for it was removed from the Statute book.

The laws of the former Straits Settlements, which are still in force in Penang and Malacca, include ordinances for the administrations of Labuan, Christmas Island and the Cocos Islands, the Singapore Traction Ordinance, which deals with trolley buses in Singapore, the Municipal Theatre Ordinance which establishes the Victoria Theatre of Singapore, the Raffles College Ordinance, and many other Ordinance, dealing with institutions in Singapore.

It would appear that in the twenty years since the war nobody thought of carrying out periodical statute law revisions, and so the Statute books had become cluttered up with deadwood. It is proposed for the future to introduce at the beginning of each year a Statute Law Revision Bill which will avoid a repetition of the present state of affairs.

Sir, I beg to move.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr President *in the Chair*)

Clauses 1 and 2 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 FEDERAL STATUTE LAW REVISION (KEDAH) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled, "an Act to repeal certain Enactments of the State of Kedah relating to matters on the Federal List" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (KELANTAN) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled, "an Act to repeal certain Enactments of the State of Kelantan relating to matters on the Federal List" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (PERAK) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain laws of the State of Perak relating to matters on the Federal List" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (PERLIS) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain Enactments of the State of Perlis relating to matters on the Federal List" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (SELANGOR) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal an Enactment of the State of Selangor relating to a matter on the Federal List" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

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 FEDERAL STATUTE LAW REVISION (SABAH) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain laws of the State of Sabah relating to matters on the Federal List" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (FORMER FEDERATED MALAY STATES) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain laws on matters on the Federal List enacted by the legislature of the former Federated Malay States" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (FORMER STRAITS SETTLEMENTS) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain Ordinances of the former Straits Settlements" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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.

First Schedule and Second Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (BRITISH MILITARY PROCLAMATION) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to provide for the Repeal of Proclamations of the British Military Administration in force in Malaysia relating to matters on the Federal List" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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 3 inclusive ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (FORMER MALAYAN UNION) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain laws on matters on the Federal List enacted by the legislature of the former Malayan Union" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (FORMER FEDERATION OF MALAYA ORDINANCES) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain Ordinances of the Federation of Malaya" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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 Committe on the Bill.

Bill considered in Committee.

(Mr President *in the Chair*)

Clauses 1 and 2 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 FEDERAL STATUTE LAW REVISION (ACTS OF PARLIAMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain Acts of Parliament which have had their effect" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to stand the motion.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (FINANCIAL LEGISLATION) (STATES OF MALAYA) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to repeal certain laws on financial and connected matters which have become spent or redundant" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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.

Schedule ordered to stand part of the Bill.

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

THE FEDERAL STATUTE LAW REVISION (GENERAL PROVISIONS) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to make certain general provisions in relation to the Statute Law Revision of Federal Laws and to repeal certain obsolete existing legislation on that subject" be read a second time.

Enche' Choo Kok Leong: Sir, I beg to second the motion.

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 3 inclusive ordered to stand part of the Bill.

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

THE REPRINT OF FEDERAL LAWS (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Reprint of Federal Laws Act, 1965" be read a second time.

Enche' Choo Kok Leong: I beg to second the motion.

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 3 inclusive ordered to stand part of the Bill.

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

Mr President: Meshuarat ini ditanggohkan sa-hingga 2.30 petang.

Suspended at 12.50 p.m.

Sitting resumed at 2.30 p.m.

(Mr President *in the Chair*)

ORDER OF BUSINESS

(Motion)

Dato' T. H. Tan: Mr President, Sir, I beg to move:

That pursuant to Standing Order 13 (2) the Unclaimed Monies Bill be considered immediately after consideration of the Companies Bill has been completed.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Resolved.

That pursuant to Standing Order 13 (2) the Unclaimed Monies Bill be considered immediately after consideration of the Companies Bill has been completed.

BILLS

THE INCOME TAX LAWS (MALAYSIA) (AMENDMENT) BILL, 1965

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to further amend the laws relating to Income Tax in Sabah, Sarawak, Singapore and the States of Malaya" be read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr President, Sir, the object of the Bill is to amend the Income Tax/Inland Revenue Ordinances of the three component States: firstly, to fulfil the promise the Minister of Finance made last June when moving the second reading of the Turnover Tax Bill to the effect that Payroll Tax and Turnover Tax paid would be deductible in computing the income tax profits; secondly, to give effect to amendments requested by the component States to overcome practical difficulties found in existing sections of the respective Ordinances; and, thirdly, to harmonise, where practicable, the respective Ordinances.

Honourable Members will recall that in the speech by the Minister of Finance on the second reading of the Turnover Tax Bill last June, he referred to the promise he had earlier made to give some measure of relief to taxpayers who would be liable to Payroll and Turnover Taxes by allowing these taxes to qualify for deductions in

computing their income tax profits. The necessary legislation to give effect to this promise has, therefore, been included in the Bill now before the House.

Following the repeal of the provisions for reciprocal exemption from income tax of the income of a non-resident shipowner or charterer in the States of Malaya in 1962, considerable technical difficulties have been encountered in computing the income of such a person, due to the delay in obtaining, or the absence of, an income tax certificate acceptable to the Comptroller. In amending the Ordinance of the States of Malaya to provide for a more satisfactory and readily understandable basis of computation of such income, the opportunity has been taken to harmonise in this respect the Ordinances of Sabah and Sarawak as well. The amendment now provides that where a certificate is issued by the country of residence of the non-resident shipowner or charterer, his profit in the component State will be such proportion of the total profit as the amount receivable in respect of outward freight shipped in the component State bears to the total world amount receivable by him as shown in the certificate. If, however, no acceptable certificate is received, the profit accruing in the component State shall be deemed to be a sum equal to five per cent of the full sum receivable on account of outward freight shipped in the component State. It is anticipated that with the coming into force of this Bill, the liability to tax of the non-resident shipowners and charterers will be finalised without difficulty or any delay.

The official secrecy provisions and the penalties for breach of these provisions are now harmonised for all component States. These provisions are similar to those in the Turnover Tax Act and it is intended that they should be embodied in the proposed Unified Income Tax Ordinance for Malaysia.

In order to facilitate and speed up the various amendments to the Ordinances as a preliminary to production of the new Unified Ordinance, certain powers of the Malaysian Board of Income Tax have been transferred to the Federal Minister of Finance who will under the amendment be empowered to—

(*a*) make rules for the administration of the Ordinances in relation to the payment of tax by salaried or wage earners;

(*b*) approve forms of returns and notices;

(*c*) vary and amend the lists of exempt commodities where trading is through consignees: and

(*d*) prescribe the method of calculating or estimating deductions in respect of expenses wholly and exclusively incurred in the production of income.

Of late there has been a considerable increase in the number of applications received for approval of "institutions of a public character". If approved, cash donations made thereto qualify for deduction in computing the income of the donors. These applications are at present processed by the Comptroller-General of Inland Revenue and if the institutions are considered by him as falling within the meaning of an "institution of a public character" as defined in the Ordinance of the States of Malaya, they are, on the advice of Cabinet, submitted to the Yang di-Pertuan Agong for formal approval. The definition of an "institution of a public character" is already so clearly laid down in the Ordinance that there can be no room for misunderstanding or misinterpretation, and in order to relieve His Majesty of this very routine work, it is now proposed that the power to approve such institutions be transferred to the Comptroller-General of Inland Revenue not only for the purposes of the Ordinance of the States of Malaya, but also for those of Sabah and Sarawak. The amendments also provide for deductions to be allowed in respect of cash donations in Sabah and Sarawak to approved institutions in the States of Malaya and thus achieve a further degree of harmonisation.

To avoid the conflict of interests between the Inland Revenue Department and the Security Services, the Bill also provides that the prevention by Inland Revenue Department of a taxpayer from leaving Malaysia without paying his tax or furnishing satisfactory security for payment thereof shall be subsidiary to any Order issued or made under any law relating to banishment or immigration. If, therefore, the taxpayer voluntarily leaves or attempts to leave Malaysia without paying his tax as distinct from being required by law to leave, he will be guilty of an offence against the Ordinance.

The power to sanction prosecution of offenders for the more serious breaches of the Ordinance is now transferred from the Comptroller and Commissioners of the component States to the Public Prosecutor and the penalty provisions are also harmonised for the three component States. The Comptroller and Commissioners, however, continue to have powers to sanction prosecution in respect of minor offences against the Ordinance.

With the proposed legislation for a Capital Gains Tax the amount of any dividend paid out of gains on which Capital Gains Tax has been paid will be added to the list of exempt income in the Ordinances of Sabah and the States of Malaya. This is to ensure that Capital Gains are not assessed to income tax when they are distributed in the form of dividends as such gains are not income within the charging sections of the respective Ordinances. As Sarawak does not tax dividends, no such amendment to the Ordinance of that component State is necessary.

Unlike the other component States, Sarawak taxes salaries and business profits separately. The possibility of a taxpayer claiming double personal relief, where he has a salary and a business profit, is now removed.

There are also certain other minor amendments. These are mainly to rectify apparent oversights or mistakes in existing sections or for harmonisation purposes. I, therefore, do not propose to dwell on them as they are purely technical and do not affect the substance of the Ordinances.

The amendments proposed have been referred to the various components and I must thank those concerned for their co-operation in suggesting ways and means to improve the administration of the tax.

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 3 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

Fourth Schedule ordered to stand part of the Bill.

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

THE ESTATE DUTY LAWS OF SABAH AND THE STATES OF MALAYA (AMENDMENT) BILL, 1965

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the laws relating to estate duty of Sabah, Singapore and the States of Malaya" be read a second time.

Dato' Y. T. Lee: Dato' Yang dipertua, saya sokong.

Dr Ng Kam Poh: Mr President, Sir, the object of this Bill is to amend the Estate Duty Ordinances of Sabah and the States of Malaya to give wider discretionary powers to the officers responsible for collection of estate duty in the respective components of Malaysia. Under the existing laws, probate or letters of administration in

respect of an estate may not be issued until payment of an estate duty has been made or postponement thereof has been allowed. In practice, it has been found that the Collectors of Estate Duty have not been afforded a reasonable degree of latitude in the exercise of their discretion to allow postponement of payment of part, or the whole of the estate duty payable, in consequence of which there has been delay in the collection of the full duty, and undue hardship has been unnecessarily inflicted on the representatives of the estate. A new section has now been added to the Ordinances spelling out in detail the various circumstances under which the Commissioner or Collector may allow payment of the whole or part of the estate duty to be postponed until after the issue of probate or letters of administration. The new provision thus helps to remove the existing anomaly, and the opportunity is taken to harmonise in this respect the Ordinances of Sabah and the States of Malaya.

There are two other minor amendments to the Ordinance of the States of Malaya. One is to correct the marginal notes to the amended sections, and the other is purely technical and does not affect the substance of the Ordinance. No amendment is, however, made to the Sarawak Ordinance, as it is already provided in section 5 of the Finance (Estate Duty) Act, 1965, (29 of 1965) that the Ordinance will be replaced at an early date by extending to Sarawak the Estate Duty Ordinance of one of the two other components.

The final draft of the Bill has been sent to the other components for study and has already been fully discussed with them, and I must thank those concerned for their co-operation in suggesting ways and means to improve the administration of the estate duty.

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 3 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

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

THE CONSOLIDATED FUND (EXPENDITURE ON ACCOUNT) BILL, 1965

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to apply a sum of the Consolidated Fund to the service of the year ending on the thirty-first day of December, 1966" be read a second time.

Dato' Y. T. Lee: Sir, I beg to second the motion.

Dr Ng Kam Poh: Mr President, Sir, in accordance with the practice which has been followed for the last few years, this Bill is proposed in order to provide transitional authority for Government expenditure for the first four months of 1966, as it is possible that the annual Supply Bill will not have passed through both Houses and received the Royal Assent by the beginning of the new financial year. This arrangement is in accordance with Article 102 (*a*) of the Constitution.

The Bill which is now before the House, therefore, provides for the issue from the Consolidated Fund of a sum of $502,555,400 which is calculated to provide for the service of Government for the first four months of the new year, as it is anticipated that the Supply Bill will have become law by then. The Schedule to the Bill sets out the appropriations for the various individual services for the year.

Question put, and agreed to.

Bill accordingly read a second time.

Third Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that the Bill intituled "an Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of December, 1966" be read a third time and passed.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Bill accordingly read a third time and passed.

THE FEDERAL HOUSING BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to enable the Government of the Federation to carry out housing schemes" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Dato' T. H. Tan: Mr President, Sir, the object of this Bill is to empower the Commissioner of the Federal Capital to carry out Federal housing projects on lands and with monies made available by the Federal Government. This would, in effect, enable the Commissioner to undertake housing projects outside the Municipal limits of the Federal Capital. Under the Municipal Ordinance, the Commissioner can only undertake housing projects within the limits of the Federal Capital. In view of the limited supply of suitable building land in Kuala Lumpur, it is clearly obvious that the Federal Capital should be in a position to undertake housing projects outside the limits of the Capital to relieve the housing shortage and the squatter problem. It is the intention in future to form a Federal Housing and Development Authority to undertake all housing operations, but in view of the pressing need to build low-cost housing in Kuala Lumpur, the personnel resources of the Commissioner of the Federal Capital must be used for the present to the fullest possible extent within and without the Capital. In this connection, it is perhaps pertinent for me to state that within the Federal Capital work is about to commence on one project in Jalan Perkeliling involving 2,884 units, and plans are well in hand for another two projects in Jalan Cheras and Kampong Kerinchi involving some 7,000 units. Realising that these projects, although substantial, will not be able to meet fully the housing requirements of the Capital, action is being taken to develop land acquired outside the Federal Capital at Wardieburn, Ulu Klang, as a well planned self-contained low-cost housing estate, which is expected to yield some 42,000 housing units within the next decade. Three other areas outside the Federal Capital have been gazetted for acquisition and detailed layout plans are being drawn up for consideration.

The objective to be achieved under this Bill can be regarded as an interim measure until such time as the Federal Housing and Development Authority is established. The latter Authority would take over all housing operations in the future. The reason for the dealy in forming this Authority is the need for making it as comprehensive as possible and equipping it with wide powers to deal with not only house design and construction but also to undertake other functions, such as housing, finance and urban renewal. The formation of this Authority is under close study.

Coming back to this Bill, Sir, section 4 enables the Commissioner of the Federal Capital to carry out housing schemes outside the Capital with all the powers vested in him under the Municipal Ordinance (Chapter 133). Section 5 vests in the Commissioner the lands and buildings thereof which will enable the Commissioner to sell, let, lease, rent or deal with such schemes on the direction of the Minister and, subject to such terms and conditions that may be imposed by the Commissioner.

This Act is merely an *ad hoc* piece of legislation to enable the Federal Government for the time being to forthwith implement housing schemes

through the Commissioner of the Federal Capital and it will be repealed when permanent legislation on Federal housing is passed at some future date.

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 5 inclusive ordered to stand part of the Bill.

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

THE NATIONAL LAND CODE (PENANG & MALACCA TITLES) (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the National Land Code (Penang and Malacca Titles) Act 1963" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

The Minister of Lands and Mines (Enche' Abdul-Rahman bin Ya'kub): Tuan Yang di-Pertua, agak-nya beberapa orang Ahli Yang Berhormat Dewan ini harus bertanya kenapa sa-buah undang² yang baharu sahaja di-luluskan oleh Parlimen dalam tahun 1963 menghendaki lagi perubahan pada tahun ini, dan perubahan itu pula ada-lah sa-banyak lebeh kurang 73 pindaan. Soalan yang timbul ia-itu ada-kah pindaan² itu telah di-ramalkan oleh Kerajaan.

Tuan Yang di-Pertua, sa-benar-nya ketika Rang Undang² yang asal yang di-luluskan dalam tahun 1963 di-bahathkan, Menteri yang berkenaan ya'ani Menteri Pembangunan Luar Bandar, telah menegaskan bahawa kemungkinan hendak meminda undang² itu memang-lah telah di-kehendaki, tetapi perinsip² yang telah tertulis dalam undang² itu kita telah tahu. Kesusahan dalam Rang Undang² bagini, Tuan Yang di-Pertua, ia-lah tidak ada satu chontoh daripada negeri lain pun yang boleh kita ikuti dalam perkara ini. Sa-bagaimana kita ketahui negeri Pulau Pinang dan negeri Melaka ada-lah telah menggunakan satu sistem Rang Undang² Tanah mengikut sistem undang² Inggeris. Jadi, ini ada-lah satu perkara yang baharu sa-kali yang telah di-fikir, di-kaji dan di-susun oleh sa-orang pakar undang², Mr Blacker. Pada beliau saya suka di-sini mengambil kesempatan menguchapkan jutaan terima kaseh. Sa-telah kita membuat Rang Undang² National Land Code dan sa-telah Rang Undang² yang kita bahathkan pada masa sekarang ini di-luluskan, maka kita dapati daripada pengalaman sa-lama lebeh kurang 2 tahun kita chuba hendak menjalankan Rang Undang² itu dalam pejabat, beberapa pindaan² saperti yang tersebut dalam Rang Undang² ini mesti kita buatkan.

Tuan Yang di-Pertua, saya tidak akan membuang masa Dewan ini hendak memberi penerangan melainkan terus membacha apa dia pindaan² yang di-chadangkan hendak di-buat, oleh kerana di-dalam Bill ini sendiri ada memberi kenyataan dan penjelasan satu persatu-nya. Pindaan ini jika di-bandingkan dengan abang tua kapada Rang Undang² yang kita bahathkan sekarang ini, ada-lah sadikit sahaja. Abang tua yang saya maksudkan itu ia-lah The National Land Code yang akan kita binchangkan juga pada hari ini.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr President *in the Chair*)

Clauses 1 to 2 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 NATIONAL LAND CODE BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that the National Land Code Bill be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

Enche' Abdul-Rahman bin Ya'kub: Mr President, Sir, I do hope that Honourable Members will bear with me this time, if I speak a little bit long in view of the importance and the thickness of this Bill: I shall not be doing my duty if I just say one or two words and then sit down.

Mr President, Sir, this measure was first projected in the original Alliance Manifesto, and since then it has entailed many years of patient preparation during which the views of the State Governments have been correlated and discussed in respect of the individual needs of the different States provided for. The present Bill, Mr President, Sir, which applies a single uniform Code to the eleven States of Malaya, is presented with the unanimous support to the Governments of all the States—unanimous, and therefore it includes the States of Kelantan.

Mr President, Sir, the drawbacks to the present situation in which there are within these eleven States no less than seven separate systems of land law need hardly be emphasised. Even though in the nine Malay States the land laws are substantially the same, they contain many differences of detail which are very inconvenient—and they also cause confusion. Moreover, in all these States the laws are out-of-date and reflect a society of sixty years ago, rather than that of today.

The situation in the two States of Penang and Malacca, which preserve the English laws of property and conveyancing, is even more unsatisfactory. However, Mr President, Sir, the difficulties peculiar to the States will be overcome when the National Land Code (Penang and Malacca Titles) Act comes into operation concurrently with this Code. Full publicity with respect to that Act was given at the time when it was passed in 1963, as I have just explained, and I need not offer any further explanations here.

Mr President, Sir, what is the achievement of the National Land Code? It is two-fold:

(1) it establishes a uniform clear-cut system of land tenure and dealing in place of a confusion of systems; and

(2) it incorporates all those new provisions required to adapt that system to the social and economic changes of half a century or more.

The achievement of uniformity I have just mentioned has been combined with a general process of rationalisation—the re-arrangement of subject matter, the elimination of ambiguities, the making good of omissions and, in particular, the provision of straight forward and detailed procedures. These amendments are far too many for individual mention and the resulting differences in general appearance between this Code and its predecessors are so great that they may give the impression that more profound changes have been made than is in fact the case.

Mr President, Sir, basically there is a change of form rather than of content. The principles of the earlier laws remain largely unchanged but the subjects are now properly classified and presented in logical sequence: their study is assisted by meticulous cross-referencing.

The changes in substance which have been introduced, can almost all be related to the process of modernisation I have already mentioned. All these changes will inevitably benefit the nation as a whole, but some will also be of the greatest value to individual landowners and to persons purchasing or dealing in land by providing facilities which they do not at present enjoy. For the purpose of description, indeed, it is convenient to consider these changes in two parts—according to whether they operate primarily for the benefit of the

individual or for the benefit of the community.

Mr President, Sir, I will now deal first with the innovation advantageous to persons interested in land. Under existing laws, there are considerable difficulties in the way of developing lands of various purposes essential to modern conditions, e.g. housing-estates, agricultural small-holdings, multi-storeyed buildings, and so forth. Whether land is being newly alienated for such purposes, or whether large holdings are being broken down into small units, formal survey of the areas affected must precede issue of title. Delays are therefore inevitable and until title is issued, no land can be bought, or sold, or charged as security for a loan. Various legal expedients can be employed, but these themselves are complicated and time wasting and add considerably to the costs and difficulties of development.

These particular difficulties are now cured by the introduction of the entirely new principle of "Qualified Title". Other drawbacks with respect to multi-storeyed buildings are removed by another major innovation, namely, "Subsidiary Title", and there are in addition other minor but important changes which I will now explain.

With regard to Qualified Title, this, differing only from "final" grant or lease in that the boundaries of the land are not precisely surveyed, will, now, on request, be entered with a minimum of formality. Such Qualified Title will be indefeasible and will be capable of being transferred, leased or charged: it will in every way confer the same advantages as final title with the sole exception that the land cannot be further sub-divided, or amalgamated until formal survey has been completed. All proprietors, purchasers, etc., will, or course, take the land with the knowledge that its supposed area is liable to modification once the boundaries are finally determined. At that time qualified title will be exchanged for final title.

With regard to Subsidiary Title, the current emphasis on the development of large multi-storeyed buildings has made it necessary to provide means whereby individual flats, office units, etc., can be bought and sold as conveniently as are lots on the surface. Under existing laws, it is true that flats can be leased, but this can be done only for a period of 30 years, and only at the cost of considerable complications in the land registers.

The introduction of the new "Subsidiary Register" solves these problems. Upon the application of the developer, Government will now issue subsidiary title in respect of every individual "parcel" into which the building is sub-divided. The proprietors of the parcels as registered in these titles will not only have complete freedom of disposal but will automatically become members of the "Management Corporation", in which the control of the building vests and automatically have voting rights in the conduct of the Corporation's business proportionate to the "share-values" of their parcels.

Mr President, Sir, the normal form of urban letting is by short-term lease. Under existing laws such leases must be registered, if their terms exceed one year. This is not a very satisfactory system.

Provision is now, therefore, made for—

(i) "leases" which shall be for terms exceeding three years, and

(ii) "Tenancies" which shall be for terms not exceeding three years,

and it is further provided that "Tenancies" are exempt from registration, and do not need to be made by any formal instrument.

It is believed that this provision for exemption will be a great convenience to all landlords and tenants.

To prevent disputes between unregistered tenants and possible purchasers and chargees of the land in question, provision is also made whereby such tenants may protect their interest by securing the endorsement on the registered document of title of the words "Exempt tenancy claimed". This endorsement will serve as notice to all prospective purchasers that attract subject to the claim.

Sir, I will deal briefly now with the question of easements. These have so far not been recognised by Malayan land laws. Provision is now made by which simple easement may be created and registered both on the servient and the dominate land. Cross-easements in relation to *bona fide* party walls are also provided for.

These new facilities should be of the greatest interest and value to landowners.

Regarding innovations made primarily in the public interest, Mr, President, Sir, the general form and content of the present land laws clearly imply that there was to be continuing State intervention in respect of alienated lands, and, in particular, in respect of the control of their use and development.

The main instruments of this control were to be the various express and implied conditions provided for in the laws, but however adequate these may have been in the simpler conditions of two generations ago, experience has proved that they cannot meet the needs of today; they can neither secure necessary development of lands nor prevent improper use.

The principles of town and country planning are now universally accepted and it is, therefore, appropriate that amendments be introduced to facilitate such planning. Of these amendments, I shall explain in detail. The needs of the community as a whole must necessarily take precedence before the narrower interest of individuals, and it has therefore been impossible to avoid some degree of interference with private property rights. I must emphasise here that the latter are curtailed only to the minimum extent, consonant with the new State powers to enforce planned development.

Mr President, Sir, with regard to control of sub-division, the most obvious amendment to the law is, perhaps, that regarding sub-division and other forms of redistribution of alienated land. Private proprietors will no longer enjoy an unfettered right to sub-divide, partition or amalgamate their lands at will; these processes are now placed under the control of the Land Offices. This measure of control will not affect *bona fide* development, but it will prevent the careless or ill-advised proprietor from sub-dividing his land into lots too small to be of economic size, or of shapes, not capable of proper development.

The chief feature of the new controls, however, is that which requires the provision of proper access; sub-division will not be approved unless the Land Office is satisfied that there is adequate access to all sub-divisional parts. This control is especially devised for the protection of the small man purchasing his house plot, or his agricultural smallholding, in a big development, and in appropriate circumstances may extend to a requirement that properly made-up roads be provided to each individual holding.

The internal sub-division of buildings to which reference has been made under Subsidiary Titles above will also be subject to these controls.

I will now deal with general planning and control. The improper use of land and its development in a manner inconsistent with the needs of long-term planning will be prevented by the new classification of lands into three "categories", namely Agriculture, Building and Industry. For each of these catagories an appropriate series of statutory provisions is provided the effect of which will be:

(i) to prevent the use of land for any purpose not appropriate to its category, and

(ii) to enforce the use of the land for the purpose for which it was alienated.

Lands already alienated under existing or previous laws are, of course, not subject to any of these new categories. It is however impolitic that they should remain completely immune from the above controls, and it is considered that an equitable compromise has been achieved by the special provisions of clauses 53 and 54. By these clauses, two separate phases are distinguished, in the first of which

alienated lands will be subject only to the "negative" form of control I have just described, namely, the prevention of improper use; only in the second phase will they become subject to the "positive" form of control, namely, the enforcement of full and proper use.

Since the prevention of improper use of land will not impose any actual burden upon the proprietor, the first phase will, upon the introduction of the Code, commence automatically by operation of clause 53.

The introduction of the second phase raises quite different issues. Since enforcement of building conditions, insistence on full and complete development of lands only partially used, and imposition of other positive controls must involve proprietors in heavy expenditure, the relevant clause 54 provides that the extension of positive control—to be affected by the imposition of particular categories on all lands in particular areas—shall be subject to one year's notice. An additional safeguard is also given by the provision that the land of a defaulting proprietor can be forefeited only after payment of appropriate compensation.

I will now touch briefly on this question of enforcement of conditions. Quite apart from the particular question of categories and the controls appropriate to them, which has been discussed earlier on, there remains the question of the adequacy of the means of enforcement of conditions in general.

Under the existing laws the provisions for enforcement are quite insufficient. Procedure in cases of default has depended on whether the breach is a continuing one or not: this is a highly technical legal matter, and its difficulties have frustrated Government action in the past. The position is now remedied by making the criterion, in cases of default, depend not on the nature of the *breach* but on the nature of the *condition,* namely, whether the condition is one which "requires continuous performance" or one which "is subject to a fixed term".

Proprietors can no longer be in doubt as to their obligations since all conditions, by definition, automatically fall into one class or the other. Enforcement procedure is also clear.

Let me deal briefly with the provisions regarding rent. Part VI of the Code on rent is extremely short, but it contains no fewer than three major changes—(i) with respect to Rent Collection, which is dealt with in Chapter 2, (ii) with respect to Rent Revision, in Chapter 3.

Rent is no longer regarded as "first charge" on land. Payment of rent is the basic consideration on which alienation is made, and failure to pay is accordingly a breach of that obligation. Such a breach renders the land liable to forfeiture—as does breach of any other condition—and not liable as now, to sale by auction.

The position of a defaulting proprietor is in no way worse than before, but the new procedure will operate to the public benefit instead of to the benefit of private purchasers at auction sales.

Coming to rent revision, a subject which is of considerable interest to Members of this Dewan, and especially to Members of the Dewan Ra'ayat, the right to make periodic revisions of rent is now extended to all alienated lands, including those omitted from previous statutes, and the term of such revisions is decreased from thirty years to fifteen years.

A far more significant power of revision of rent, quite distinct from the general periodic revision, has now been provided by Clause 102. Where land bears no rent, or bears rent at sub-standard rates, the State may, once and once only, impose the normal standard rent.

It is considered that such increases are in no way inequitable. Land were originally alienated rent-free, or at preferential rates, in order to encourage the development of remote or unattractive regions; but there is no reasons why such concessions should continue 50 or 60 years later, when such regions have long enjoyed all

those benefits of public services they formerly lacked.

I will now finally, Mr President, Sir, deal with the new forms of documents of titles. Although this change is hardly a radical innovation, it is a measure of general rationalisation of sufficient importance to warrant separate mention. The final documents of title, Grants and State Leases, have been completely redrafted in a concise and simple form, free from all unnecessary verbiage. Further, the "Certificate of Title", which is at present issued, on continuation of grants and leases, when the original documents of title can no longer be used, has been abolished. Under the new Code, title in continuation of a Grant or State Lease will be a new document of Grant or Lease, identical with the document it replaces. Accordingly, at all times the current document of title to any piece of land will be in a form properly descriptive of its nature, whether in perpetuity, or a term of years, and continuing every detail of the tenure by which the land is held. This change will be of considerable advantage both for administrative purposes and also for the information of purchasers.

Mr President, Sir, may I, once again, take this opportunity to say how thankful we are to a few of the officers who have been responsible for drafting this very comprehensive, very modern Code. I refer to the Commissioner of Land Legislation, Mr Blacker and his colleagues. Thank you.

Dato' Foo See Moi: Mr President, Sir, I only rise to ask a clarification from the Minister concerned regarding the sub-titles. In the course of his speech he mentioned multi-storey buildings, like flats and so on. I would like to ask him if a flat happens to be flat-roof, will the top roof belong to the owner at the top?

Enche' S. O. K. Ubaidulla: Mr President, Sir, Government must be congratulated for producing this Bill, which is the result of laborious work. As the Honourable Minister has pointed out, the revision of land rent is a matter of great interest to the people in the country. Land rent as it exists now is imbalanced and unreasonable, when the owner of a land is asked to pay rent of $1,200 per annum per acre his neighbour only pays $120 per acre per annum: in some cases, you get a ridiculous situation of one paying even a small sum like $20 or $30. This has gone on for too long. Now, I am most relieved and happy to see that the National Land Code will set right the existing unreasonable rates of land by increasing or reducing them as the case may demand.

Sir, while revision of land rent takes place in the year 1970, the State authorities should exercise great caution. The present rate of demanding 3% rent on the land value is rather too high, and in most cases such high rent and consequential assessment has discouraged developers. This policy of killing the golden goose is shortsighted and would retard and harm the economy of the country. High land rent, increased assessment, and capital gains tax have brought small developers to a standstill. This is against our own avowed ambition, i.e., a house-owing democracy.

Sir, before revision of rent is taken up in the year 1970, I urge that a committee consisting of the National Land Code Council, the State Authorities, representatives of landowners and appraisers be constituted, so that a fair and acceptable land rent can be assessed. This is the age of democracy and governmental decision without the advice and consent of the people concerned would reflect rather very badly on popularly elected Government. Thank you, Sir.

Dato' Wan Ibrahim: Tuan Yang di-Pertua, saya juga bangun menyokong Rang Undang² Tanah Kebangsaan ini. Saya hanya menambah sadikit sahaja, ia-itu bagaimana-kah patut, saya fikir, Kerajaan hendak menyelamatkan tanah orang² Melayu yang maseh sadikit, yang tinggal di-merata² bandar di-Persekutuan Tanah Malaysia pada hari ini. Saya rasa ini amat-lah mustahak di-ambil perhatian yang berat supaya tanah² ini kekal menjadi milek keturunan orang² Melayu atau supaya

tidak di-benarkan tanah kepunyaan orang² Melayu sadikit itu di-jualkan kapada keturunan orang² lain. Saya rasa ini amat penting dan mustahak dan sesuai dengan tujuan Kerajaan hendak memberi kemudahan² dan hendak memberi peluang yang sama kapada bumiputera dan negara. Dan saya harap Kerajaan akan mengambil berat bagaimana chara boleh mengekalkan tanah² kepunyaan orang² Melayu sa-banyak sadikit, saya ulang sa-kali lagi, di-bandar² Persekutuan Tanah Melayu pada hari ini khas-nya supaya tanah itu dapat kekal jadi milek orang² Melayu buat sa-lama²nya. Sekian sahaja, terima kaseh.

Dato' J. E. S. Crawford: Mr President, Sir, in rising to support the Bill, I would like to heartily congratulate the Alliance Government in achieving something there—a National Land Code which was never possible in the colonial days. We have now a National Land Code Bill, which has been long needed in this country and the reason for it being achieved now by the Alliance Government is because we are a free independent nation. Thank you. (*Applause*)

Enche' Athi Nahappan: Mr President, Sir, I have great pleasure in associating myself with the early speakers in supporting this very important Bill. I should say that it is a Bill of great magnitude both in terms of substance and form. It is a great mammoth effort, I should say. It brings into one compass the whole vista of land matters. It provides a sort of a landmark in the history of land legislations in this country. We emerged independent in 1957, yet our land legislations have continued to be diverse. This was a source of great delay, inconvenience, irritations and confusion even to members of the legal profession, leave alone members of the public.

Sir, I am glad that the promise made by the Government, the Party in power, at the elections some years ago has been painstakingly continued, and as a result of persistent effort by competent people, both local and from abroad, this very extensive piece of legislation has been worked out. The existing situation undoubtedly was not a very desirable state of affairs. It is agreed that land matter under the State Lists of the Constitution falls within the jurisdiction of the States, but nevertheless, the desirability of uniformity cannot be challenged, and that uniformity is being provided by this legislation. It is true that the essential elements of the present Land Code are incorporated in this Bill; it has been more systematically arranged and classified, and also inadequacies have been filled in with more up-to-date provisions. We can be legitimately proud of this document, and it is hoped that this will serve the needs of our growing and developing society.

Some new grounds have been broken, particularly having regard to the development that we are having. The conventional ownership of land as such has been extended to parcels of buildings. Hitherto, if a person wanted to own a flat, for instance, he could not acquire a separate title because a flat, as such, was not considered as being part of the land even though the building was part of the land, and you merely acquired the land and thereon you erected the buildings. If you are the owner of the land, you are the owner of the building. Now, this provision, keeping in trend with the modern development, is accorded and with all our schemes in the Federal Capital and other places, the modern tendency to build flats, it would certainly facilitate members of the public who would like to purchase flats and thereby enjoy home ownership. I only hope that the Qualified Title would be issued with the minimum of delay. I say this because not the majority of the people are in that happy position of being able to raise all the money that they want in order to acquire property. Very often, they have to raise money from credit institutions, mainly banks, or building societies, and they would have to immediately enter into security arrangements and would have to execute the necessary documents which charges mortgages. I have noted that the developer can apply for the titles—

I suppose the developer has to complete the building first and, as soon as he completes it, he will have the titles. I do not know at what stage these qualified titles will be issued—whether it be before the completion of the building itself, so that the buyers who enter into agreements with the developers can also make early arrangements with credit societies or institutions to raise the necessary money. If there is going to be delay, then it would not facilitate the purchase of buildings as quickly as possible. At the moment, we all know it is appallingly bad that to acquire a title, one has to wait for years—right now—and the approved application system has been going on and on in Petaling Jaya and other places, and these approved applications though, no doubt, to a certain extent has served to raise credit facilities, but still they have their limitations. I am glad that they are to be done away with and this new system of qualified title is to be issued and also the subsidiary title.

I have one point to raise, that is under Clause 151, which talks of sub-division of buildings. It says:

"The proprietor of any alienated land held as one lot under Registry title may, with the approval under this Chapter of the State Commissioner, sub-divide into parcels, each to be held by him under a separate subsidiary title—

(*a*) any building thereon having two or more storeys wholly above ground level, and such superficial area on the ground as may be prescribed or, where no such area is prescribed, a superficial area on the ground of at least five thousand square feet" . . . .

I am not very clear when it talks of "superficial area on the ground at least 5,000 sq. ft." If a man has a building lot of, say, 20 × 100 sq. ft. in town, how is he going to have 5,000 sq. ft? On this definition, there is some ambiguity here. It says "superficial area on the ground." Is it on the ground or above the ground? If it is above the ground, then if a man puts up probably 10 storeys, the total aggregate sq. ft. might come up to 5,000 or even more; but if it is on the ground, it will not be possible or feasible in a number of cases, particularly in town areas, to have buildings put up. I feel the language, as it is worded here, is likely to create confusion. It is in the alternative where it is, of course, prescribed there is no problem. In the absence of prescription, the alternative provision may come into play and we might have a fruitful source of litigation. If this matter could be cleared, it would be of service to those of us, particularly, who may have connections in this matter.

Of course, there are various other provisions which the Minister had very ably set them out to us. There is no point in myself running through all the various points that he raised; it certainly gives further extensions of privileges; it also of course makes inroads into the doctrine of ownership of lands. No longer is the concept that you could be an absolute owner of a piece of land is recognised in modern societies, and all these legal requirements are necessary for town planning, co-ordinations, harmonizations and whatever one wants to have. As a result, the owner these days, of course, does not enjoy the type of exclusive, complete, and unapproachable proprietory interest. On the sub-division part of it, I see that Clause 136 makes a great deal of requirements before sub-division is allowed. There is also the minimum area allowed for the case of an agricultural man—one acre; anything less than one acre will not be allowed to be sub-divided. I do not know, in respect of this one acre, what is the criterion in fixing that. The tendency, of course, is to prevent land, particularly agricultural lands, from being parcelled into small plots so as to become uneconomic, and I would like to hear from the Minister as to the criterion or the principle on which this one acre limitation has been chosen upon. I would personally support the idea of slightly larger acreage, because that would certainly help from the economic point of view.

On the whole, this is certainly one very important milestone in the legislative history of the country. We have

had the existing law for well over several decades—five to six decades—and it has gone through. It was essentially based on the Australian system in so far as the number of Federated Malay States, the original States were concerned, by way of registration what we called the Torrens system. In Penang and Malacca, they followed the English system, and all this conglomeration tended to create confusion, and I am glad that this episode, has been brought to its rational end and I heartily welcome this.

Dato' Haji Mohd. Noah bin Omar: Tuan Yang di-Pertua, saya juga bangun menyokong pada dasar-nya supaya Undang² Tanah ini di-bacha pada kali yang kedua dan saya menyertaï-lah uchapan tahniah yang telah di-hamborkan oleh Menteri yang berkenaan kapada Tuan Blacker, yang telah bekerja beberapa tahun kerana hendak menyiapkan Undang² ini. Saya telah kenal betul dengan beliau itu, sebab pada satu masa dia ada bekerja di-Johor dan saya dapat tahu juga masa dia membuat Undang² ini sampai dapat sakit mata-nya dan masok hospital. Saya suka-lah menguchapkan tahniah kapada-nya dan pada rakan²-nya yang telah membuat Undang² yang kita sa-lama ini menunggu². Saya tidak-lah hendak berchakap panjang, tetapi ada satu perkara yang saya mushkil sadikit ia-itu perkara Sub-Division. Sub-Division ini yang di-sebutkan oleh Yang Berhormat Menteri tadi, kata-nya, tujuan-nya supaya jangan di-pechah²kan tanah itu sa-hingga tidak mendapat hasil yang chukup pada sa-saorang berma'ana tidak ada economic value.

Pada masa dahulu dan nampak-nya sampai sekarang ini juga, pada orang Islam, ada harta pusaka, bila sa-orang itu mati meninggalkan sa-keping tanah atau pun dua keping tanah, biasa-nya —orang² itu dalam kampong²—tanah ini pun sudah turun-temurun asal-nya barangkali, banyak keping-nya. Bila dato' dia mati, turun pada bapa, berapa orang anak dia bahagi sudah tinggal sadikit kemudian turun pada anak-nya lagi di-bahagikan lagi, tinggal sadikit lagi sa-hingga sekarang barangkali ramai daripada orang² di-kampong² yang jauh² itu—mempunyaï sa-keping atau dua keping tanah. Biasa-nya di-dalam kampong² itu tanah-nya tidak-lah lebeh daripada 8 ekar pada satu geran, kerana biasa-nya bila 10 ekar ka-atas, hendakkan geran besar, dia biasa-nya Mukim Extract. Kadang² kita dapati 5 ekar, 2 ekar, kadang² ada satu ekar pun bila banyak keturunan itu telah di-bahagi²kan.

Masaalah-nya, bila mati sa-orang itu mempunyaï sa-keping tanah atau 2 keping tanah maka dia itu ada ramai anak²-nya, laki² dan perempuan. Biasa-nya pehak Pemungut Hasil Tanah merujokkan kapada Kadhi supaya menyediakan share² yang patut di-dapat-nya di-dalam bahagian pusaka. Maka Kadhi ini pula menyebut-lah tanah si-polan ini dapat 1/8, kadang² ada masa 1/500, dia itu 3/500, ada sampai 1/1000—saya ada jumpa juga dia punya bahagian-nya. Maka itu selalu yang menjadikan satu kesusahan—satu problem—kapada Pemungut² Hasil Tanah dan pegawai² yang bekerja dalam Pejabat Tanah. Maka selalu pegawai² itu suka-lah memanggil warith² itu minta dia berpakat sa-sama sendiri—"awak punya bahagian bayar-lah duit, saya jadikan-lah ini sa-orang sahaja yang mempunyaï tanah ini. Yang lain warith terima-lah duit-nya." Kata Pemungut Hasil Tanah.

Tetapi pula ada masa-nya berdegil di-antara warith² itu, dia tidak mahu duit, dia tidak mahu cash melainkan dia hendak tanah juga. Maka kalau tanah itu, umpama-nya 5 ekar, warith-nya yang ada itu kata-lah 7 atau 8 orang, hendak di-bahagikan tanah itu tidak sampai sa-tengah ekar sa-orang mendapat, barangkali pada laki² lebeh-lah kalau mengikut hukum shara' kita, kalau perempuan makin kurang. Maka bagaimana kaedah-nya itu hendak membetulkan perkara yang sa-macham ini. Ini satu masaalah yang lama sudah menjadi, satu masaalah yang berat kapada Pemungut² Hasil di-seluroh Tanah Melayu ini berkenaan dengan pusaka² orang Islam. Jadi saya dalam masa Yang Berhormat Menteri tadi membawakan usul bachaan undang² ini

pada kali yang kedua, saya chuba hendak mendengar kalau ada perkara ini di-sebutkan-nya supaya terang kapada Majlis ini; saya dapati tidak ada. Jadi saya minta bagaimana keterangan itu di-buat kalau-lah ada di-dalam Undang² atau pun peratoran yang akan di-jalankan pada masa yang akan datang. Sekian-lah.

Enche' Abdul Samad bin Osman: Tuan Yang di-Pertua, saya bangun menyokong Bill ini dan saya tahu-lah Bill ini satu Bill yang baik sa-kali kerana apa, ini-lah satu Bill Land Code yang di-buat untok sama—standardise—bagi 11 buah negeri dalam Malaya ini. Dahulu-nya Yang Berhormat Menteri kata dalam Malaya ini ada berpuloh² Undang², satu negeri ada satu Undang² Tanah—Perlis satu, Perak satu, Selangor satu. Jadi dengan ada-nya Bill ini, sekarang ini, dapat semua negeri dalam Malaya ini di-satukan, di-samakan pada tiap² negeri. Saya berasa sama juga saperti Yang Berhormat Dato' Haji Mohd. Noah. Saya berasa ragu² sadikit tentang bagaimana-kah hendak di-jalankan bersangkut dengan Sub-Division berkenaan dengan orang Islam, yang macham kata Dato' Haji Mohd. Noah tadi, telah terjadi di-negeri Kedah pada masa sekarang. Jadi harta, bila mati tuan-nya di-beri kapada anak, kemudian satu orang dapat suku ekar pun tidak sampai. Bagaimana-kah National Land Code ini boleh mengatasi soal itu. Saya juga hendak mendengar bagaimana Menteri akan menjawab sa-bentar lagi.

Yang kedua, saya juga berasa, jika ada Land Code itu bagini pada sa-tiap negeri, luas tanah patut-lah di-samakan ia-itu di-panggil sa-macham. Macham sekarang di-kebanyakan negeri dalam Malaya di-panggil satu ekar, tetapi di-negeri Kedah tidak di-panggil ekar, di-kira relong. Satu relong negeri Kedah bersamaan dengan 0.7 ekar. Saya tidak tahu di-Pahang macham mana di-panggil pula. Saya fikir, kalau boleh, chuba di-standardisekan, kalau pakai ekar, pakai ekar kapada semua negeri supaya senang. Kerana ekar itu sakian persegi kaki yang tetap, relong ada dua macham relong. Relong di-Kedah ini saya dapati 0.7 ekar, relong Pulau Pinang pula double. Jadi banyak macham saya nampak di-tiap² negeri. Jadi saya harap-lah jika Kerajaan boleh buat—standardise—satu clause, pakai relong-kah atau pakai ekar-kah, pakai-lah apa² yang mana di-setujui sahaja.

Kemudian satu perkara lagi, saya tidak tahu yang ini ada-kah bersangkut dengan Bill ini, tetapi saya chuma hendak berchakap sadikit berkenaan dengan tanah² hak orang Melayu di-bandar² yang kechil²—sa-tengah ekar, satu ekar, ¾ ekar, yang ada di-dalam reserve orang Melayu.

Jadi saya dapati sa-tengah² pekan itu, oleh sebab bandar kita sekarang sudah maju, di-buat rumah lima tingkat, sa-puloh tingkat, tetapi bila kena tanah orang Melayu dudok, di-tepi jalan, tempat yang kena develop ramai² itu, kerana kita kesusahan, tanah orang Melayu itu tidak dapat di-developkan. Dan hendak jual kapada orang² Melayu yang kaya pun, tidak ada orang Melayu yang kaya. Na' jual kapada orang² yang bukan Melayu, ta' boleh jual. Jadi soal ini-lah satu soal—saya ta' tahu-lah—ada-kah soal ini berkenaan dengan Land Code, atau soal ini kena terpulang kapada Congress Ekonomi Bumiputera. Jadi saya harap—barangkali ini satu kejadian—dapat Menteri kita tahu-lah. Jadi ini di-tempat saya boleh, mudah²an Menteri kita boleh bawa kapada yang bersangkut berkenaan dengan tanah² reserve orang Melayu yang dudok di-bandar² di-mana banyak orang bukan Melayu yang dudok. Jadi saya ta' mahu chakap panjang lagi-lah, sa-kali lagi saya uchapkan terima kaseh kapada Kerajaan kita yang telah mengadakan satu Land Code ini yang sa-bagini punya baik—saya sendiri pun bacha tidak habis, dan juga yang boleh membuatkan satu undang² termasok kesemua—standardise—bagi kesemua sa-belas buah negeri dalam Malaya ini. Sekian, terima kaseh.

EXEMPTED BUSINESS

(Motion)

Dato' T. H. Tan: Mr President, Sir, I hope you will permit me to interrupt

this debate to move the following motion.

Sir, I beg to move,

That notwithstanding the provisions of Standing Order 11, the Senate shall not adjourn until consideration of all Government business set out in the Order Paper has been completed.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Resolved,

That notwithstanding the provisions of Standing Order 11, the Senate shall not adjourn until consideration of all Government business set out in the Order Paper has been completed.

THE NATIONAL LAND CODE BILL

Second Reading

Debate resumed.

Che' Bibi Aisha binti Hamid Don: Dato' Yang di-Pertua, berkenaan dengan Rang Undang² Tanah ini, saya pun sa-pendapat dengan Ahli² yang lain ia-itu kita beri sa-tinggi² terima kaseh kapada pehak Kerajaan kita, sa-terus-nya kapada pehak² yang menyediakan Undang² Tanah ini. Tetapi saya tidak mahu-lah hendak menyentoh di-dalam soal dasar Undang² Tanah ini. Soal dasar ini memang jauh sangat, kalau kita hendak bandingkan. Tetapi saya hendak menyentoh perkara² yang kechil² sangat, ia-itu mithal-nya macham di-Kuala Lumpur ini. Kita tahu ia-itu tanah bagi kawasan yang ada tempat kediaman orang Melayu di-Kuala Lumpur hanya di-kawasan Kampong Baharu itu. Kita tahu Kampong Baharu itu sudah lebeh dari 40 tahun ada tanah itu. Tetapi sampai hari ini saya tahu ia-itu maseh tidak mempunyai sa-barang akuan atau pun tidak bergeran. Jadi selalu-lah menimbulkan pertanyaan. Bila orang datang ka-Kuala Lumpur, orang mengatakan, tengok-lah kawasan kediaman orang Melayu—ada yang menganggap sa-rupa sa-macham settlers sahaja—ada yang menganggap sa-bagai slump area dan sa-bagai-nya. Tetapi ia-lah, kalau kita hendak chakapkan perkara ini, saya perchaya tentu-lah orang boleh mengatakan, kalau hendak di-katakan settlers pun tidak—kerana dalam kawasan di-mana juga orang Melayu tinggal, kawasan-nya memang berseh, ada peratoran semua-nya. Jadi tidak nampak, mengapa dan bagaimana Kerajaan kita tidak boleh memberi sa-barang akuan atau pun title kapada tanah² yang telah di-milieki oleh orang² itu, untok dia mengadakan bangunan yang boleh sama sa-tanding dengan bangunan yang di-punyai oleh orang² yang bukan Melayu. Saya rasa ini ada-lah satu perasaan yang memilukan kita, yang menyedehkan kita, bagi pehak orang Melayu sendiri.

Bila kita masok di-Kuala Lumpur, kita tengok bangunan² penchakar langit, tetapi bila kita bandingkan, kita sampai ka-kawasan orang Melayu, tertinggal macham itu sahaja. Jadi dalam perengkat ini-lah saya minta kapada pehak Menteri Tanah dan Galian, tolong berusaha untok berjumpa dengan orang² atau lembaga yang ada di-Kampong Baharu, tolong selesaikan masaalah ini, mereka itu juga ada hati, ada keinginan mereka itu hendak membuat bangunan yang elok dan sa-taraf dengan orang lain. Kerana tanah mereka itu tidak mempunyai sa-barang akuan atau pun title, tinggal-lah mereka hidup sa-bagaimana orang yang menumpang dalam tanah ayer-nya sendiri. Itu dalam perkara Kampong Baharu.

Kemudian, apabila sampai kapada perkara rumah² pangsa atau pun rumah² penchakar langit, ia-itu kita tahu-lah kita harus menggalakkan pehak lembaga tanah atau sa-bagai-nya apabila kita hendak membenarkan mereka membuat rumah itu, patut-lah juga saya rasa di-sharatkan, mesti-lah ada kawasan untok di-adakan tempat permainan bagi anak² di-kawasan itu. Kita tahu-lah dengan rumah sampai lima enam belas tingkat tinggi-nya itu, dan kadang² tempat untok anak² itu bermain, ta' ada. Saya pernah pergi di-Singapura pada tahun yang lepas. Saya pergi di-satu kawasan ia-itu Queen's Town—tinggi bangunan-nya. Terpaksa pula bapa-nya itu apabila ia hendak pergi kerja, menguncki ibu dan anak² di-dalam rumah, kerana

takut boleh menjadi kemalangan dan berbagai²-nya. Jadi kalau-lah tuan yang berusaha membuat rumah yang bagitu tinggi, yang bagitu chantek, mengadakan di-tengah² bangunan itu satu kawasan lapang untok permainan anak² itu—jadi ta' ada-lah anak² itu jatoh daripada tingkat yang bagitu tinggi atau keluar bermain di-jalan² raya.

Dan perkara yang penghabisan-nya, ini ada-lah berbangkit di-dalam kawasan² bandar yang kechil², ia-itu orang² hendak membuat rumah. Tanah² mereka itu memang ada menghala ka-tepi² jalan. Selalu di-sharatkan, bila dia hendak membena rumah dia terpaksa menyerahkan tanah-nya itu kapada pehak Kerajaan untok di-jadikan road reserve. Bila hendak serahkan tanah-nya itu, bayaran menyukat atau survey fee di-kenakan pula kapada tuan rumah yang terpaksa menyerahkan tanah-nya itu. Sekarang harga tanah di-dalam bandar memang mahal. Dia terpaksa menyerahkan kapada Kerajaan dan terpaksa pula membayar survey fee. Tetapi tanah² yang berjiran dengan dia, yang memang sudah ada rumah, ta' pula orang itu kena menyerahkan tanah itu. Ini ada-lah perkara yang pelek dan ganjil berlaku dalam tanah ayer kita. Jadi saya rasa kalau-lah tidak ada sub-section yang kechil² itu, patut-lah kalau dapat pehak Kementerian, memberi pendapat² yang baik bagi kita hendak menyelesaikan masaalah yang telah saya kemukakan. Sekian sahaja, terima kaseh.

Dato' Y. T. Lee: Mr President, Sir, the Government is to be congratulated for producing this bulky legislation. I also associate myself with some Honourable Members who have spoken before me. I do not propose at this juncture to go into details of this Bill, but there is one chapter which I would like to single out for honourable mention, and that is paragraph 151, Chapter 4, under the heading of Sub-division of buildings. Under this clause, an owner is able to sub-divide multi-storey buildings into separate subsidiary titles. This is indeed a boon for flat dwellers, because hitherto these purchasers were not able to have a title. They were only able to draw up an agreement with the owners, and this agreement is only for a period of 30 years. You can see, Mr President, Sir, that this is not very satisfactory at all. By the introduction of this legislation, flat dwellers will be encouraged to become owners of flats and this idea fits into the Government's policy of a home owning democracy. Thank you, Sir.

Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya hendak berchakap mengenai satu perkara yang boleh jadi perkara ini ia-lah perkara dasar mengenai Undang² Tanah, yang mana tidak boleh di-buat dan di-masokkan di-dalam undang² yang ada ini. Tetapi dengan kerana perkara ini ia-lah satu perkara yang ada kait-mengait-nya dengan tanah dan Undang² Tanah, jadi saya rasa perlu saya menarek pandangan Kerajaan, bagi memberikan satu pandangan istimewa kapada perkara ini—ia-itu perkara Malay Reserve atau pun Tanah Simpanan bagi orang² Melayu. Saya rasa waktu undang² ini di-susun, sudah tentu ada perhatian² kapada kedudokan tanah² dalam Reserve Melayu ini. Tetapi dengan kerana Kerajaan Persekutuan tidak mempunyai kuasa dalam perkara ini, maka dengan sebab itu perkara tanah yang ada dalam simpanan orang Melayu ini tidak-lah menjadi masaalah bagi undang² ini. Bagi saya di-Kelantan, saya suka menerangkan ia-itu boleh di-katakan seluroh tanah yang ada di-dalam negeri Kelantan itu ada-lah tanah bagi simpanan Melayu—ia-itu Malay Reserve. Jadi tanah dalam Malay Reserve ini ada-lah satu kawasan yang sangat-lah baik yang kalau sa-kira-nya tidak ada undang² Malay Reserve ini, saya perchaya barangkali, terutama-nya di-bandar² dalam negeri Kelantan ini, barangkali tidak ada orang Melayu dapat ternampak lagi sa-bagaimana bandar Kuala Lumpur ini.

Jadi, ma'ana-nya dengan ada-nya Undang² Malay Reservation itu ada-lah mengawal tentang kedudokan orang² Melayu memegang tanah² itu

di-dalam negeri itu. Semenjak beberapa lama kawasan ini di-tetapkan sa-bagai Malay Reserve. Saya fikir hendak-lah Kerajaan Persekutuan ini menolong, kerana kita tidak dapat hendak maju—orang² Melayu tidak dapat hendak memajukan tanah² di-dalam Malay Reserve ini, dengan chara sama sa-taraf dengan tanah yang di-luar daripada Malay Reserve. Jadi, saya harap perhatian daripada Kerajaan Pusat hendak-lah di-beri dengan sa-penoh-nya kapada kawasan² tanah dalam Malay Reserve ini.

Umpama-nya, kalau dalam negeri Kelantan, kalau kira-nya Kerajaan Pusat ini tidak menolong, atau pun memberi perhatian yang penoh dan berat sa-kali kapada tanah² di-dalam kawasan Malay Reserve ini, saya rasa kehidupan, atau pun hak milek rumah di-dalam tanah² Malay Reserve ini akan menjadi susah, akan menjadi pechah di-satu masa nanti, kerana desakan masa, desakan perubahan 'alam dan sa-bagai-nya. Jadi, kalau sa-kira-nya dapat, saya fikir elok-lah Kerajaan Pusat ini mengadakan satu corporation umpama-nya, atau pun memberi modal kapada Majlis² Bandaran, umpama-nya dengan wang ringgit bagi memajukan tanah² yang ada di-dalam Malay Reserve ini. Kalau sa-kira-nya kita tidak dapat mengadakan satu corporation yang boleh memajukan khas sa-bagaimana kita baharu sahaja tadi meluluskan satu undang² bagi memberi kuasa kapada Kerajaan Pusat ini boleh mendirikan rumah² di-dalam bandar Kuala Lumpur ini, ia-itu sa-bagaimana kita memberi kuasa kapada Kerajaan menggunakan kuasa untok memajukan, membangunkan rumah dan sa-bagai-nya yang baharu tadi kita luluskan.

Saya rasa tidak ada galangan, tidak ada sebab yang boleh menghalang Kerajaan Pusat ini mengadakan satu undang² khas, khas untok memajukan kawasan tanah Malay Reserve yang ada di-negeri Kelantan itu, sebab negeri Kelantan ini seluroh tanah yang ada di-situ semua di-dalam kawasan Malay Reserve, dan dengan kerana itu tidak dapat di-majukan dan harga tanah itu tidak sa-timbal dengan harga tanah yang di-luar Malay Reserve. Bagi kami, ahli² perniagaan yang chuba hendak mendirikan rumah, rumah gudang dan sa-bagai-nya, atau pun hendak mendirikan flat, atau sa-bagai-nya memandang perkara ini perlu sangat, sebab kira-nya tanah di-dalam Malay Reserve ini hendak di-chagarkan kapada finance company, atau pun kapada Bank, atau pun kapada badan² —biasa-nya badan² ini tidak mahu memegang chagaran itu yang di-asaskan kapada Malay Reserve. Ini satu perkara yang terpaksa pada masa ini bagi kita ra'ayat Kelantan, bagi orang² Kelantan, mesti memikirkan perkara itu, mesti mendapat pertolongan daripada Kerajaan Pusat.

Kita hendak mendapatkan pertolongan daripada Kerajaan, Kerajaan Negeri pun boleh di-katakan sudah bengkerap. Sekarang ini, boleh kata ta' ada wang langsong, hendak bayar gaji pun susah, terpaksa menuntut kapada Tun Abdul Razak. Jadi, dengan kerana itu, saya terpaksa-lah meminta kapada Kerajaan Pusat menolong kita. Kalau sudah hendak bayar gaji ta' boleh, macham mana hendak tolong bumiputera, hendak tolong Melayu; hendak tolong diri sendiri pun ta' dapat—sudah jambatan itu siap, pinjam duit bank berjuta², terpaksa membayar interest pula—itu pun padan, padan-lah dengan interest-nya; bunga bank pun chukup sudah bagi mematikan Kerajaan Negeri Kelantan. Jadi, di-sini saya nampak satu jalan, ia-itu Kerajaan Pusat mesti-lah mengadakan wang yang chukup untok menubohkan satu corporation khas bagi menolong memajukan tanah² yang ada di-negeri Kelantan itu, sebab umpama-nya dalam bandar Kota Bharu, satu kawasan bandar yang sedang maju, tanah² banyak lagi yang boleh di-dirikan rumah² gudang dan sa-bagai-nya. Tanah² itu di-punyaï oleh bumiputera, tetapi bumiputera tidak dapat hendak mendapatkan modal yang chukup untok menaikkan rumah².

Jadi, ini perkara, saya rasa perlu untok menjaga dasar Kerajaan, kerana dasar Kerajaan tidak mahu memechahkan Malay Reserve. Kalau kita tidak

mahu memechahkan Malay Reserve, kita mesti memajukan Malay Reserve. Ini dua dasar. Sekarang kita tetapkan dengan Perlembagaan kita yang Malay Reserve tidak boleh di-pechahkan, tetapi jalan yang kedua kita mesti chari, jalan keluar yang mesti di-majukan, sebab kira-nya tidak di-majukan, apabila alam berubah, satu hari mesti berpechah Malay Reserve ini. Jadi, ini-lah saya berpendapat kalau kita mahu menyelamatkan tanah² dalam Malay Reserve ini, tidak kira Malay Reserve di-Kelantan, Malay Reserve di-Perak, Malay Reserve di-Kedah di-mana² ta' kira—asalkan kawasan Malay Reserve, hendak-lah di-adakan satu corporation yang boleh memajukan kawasan² ini. Tuan² tanah boleh chagarkan tanah dia kapada corporation untok mendirikan rumah. Corporation ini boleh mendirikan rumah di-atas tanah² itu, dan bayaran beransor daripada kutipan wang sewa dan sa-bagai-nya hasil daripada pendapatan rumah itu. Jadi, dengan chara ini, dengan chara mengeluarkan wang menerusi satu corporation yang boleh memajukan kawasan ini, saya rasa ini sahaja jalan keluar bagi menyelamatkan kawasan Malay Reserve. Kalau sa-kira-nya kita tidak selamatkan perkara ini, kita akan menemui satu jalan buntu di-satu sa'at, di-satu masa nanti, yang mesti kita bergadoh lagi berkenaan dengan Malay Reserve ini. Sa-belum sampai masa kita bergadoh itu, baik-lah daripada sekarang, Kerajaan meletakkan perhatian yang berat bagi memajukan daripada sekarang supaya tidak sampai masa-nya untok bergadoh dalam perkara Malay Reserve ini sahaja, sebab perkara Malay Reserve ini ada kait-mengait-nya pula dengan perkara² perkauman dan sa-bagai-nya kalau tidak di-jaga dari sekarang.

Jadi, ini-lah saya rasa nanti di-bawa perkara ini ka-tengah, boleh jadi dengan satu chara yang lain pula, jadi saya rasa daripada sekarang, patut-lah kita mengambil perhatian yang berat, terutama-nya kapada Negeri yang tanah-nya semua sa-kali dalam kawasan Malay Reserve, Bandar Kota Bharu itu boleh di-katakan semua tanah dalam kawasan Malay Reserve . . . . .

Mr President: Jangan berulang chakapan itu, saya minta jangan di-ulangkan chakapan itu.

Nik Hassan bin Haji Nik Yahya: Ya, terima kaseh. Jadi, itu-lah saya mengulangi ini hendak menguatkan suara itu supaya Menteri itu achap kali dengar, macham kalau kita jual barang FAB, FAB ini selalu ingat FAB—ta' ingat ka-lain. Jadi, saya hendak ingatkan kapada Menteri itu yang Malay Reserve ini patut di-majukan, patut di-majukan, patut di-majukan, achap kali sadikit ta' apa. Itu-lah sahaja, sekian, terima kaseh.

Wan Sulaiman bin Wan Tam: Dato' Yang di-Pertua, dalam undang² ini, saya dapati tiada sebutan fasal tanah² wakaf dari segi ugama Islam. Di-Alor Star, ada sa-keping tanah dalam kawasan bandar yang telah pun ada layout-nya di-perbuat oleh peranchang bandaran dan di-pechah jadi tiga puloh lapan lot untok membena rumah² kedai batu. Maka tanah yang tersebut itu telah di-wakafkan menurut undang² ugama Islam oleh sa-orang yang telah mati, kapada 7 orang anak-nya. Dalam surat wakaf itu, ada-lah di-sharatkan tanah itu di-mileki oleh anak yang tujoh orang itu. Jika mereka ketujoh² orang itu mati tanah itu terpulang kapada chuchu-nya, kemudian kapada chichit-nya dan terus kapada keturunan-nya. Jika sa-kira putus keturunan-nya, tanah itu terpulang kapada fakir miskin daripada orang² Islam dalam negeri Kedah. Tanah ini dalam kawasan bandaran dan Majlis Bandaran ia kena-lah di-developkan dengan di-bena rumah² kedai di-atas-nya betul² menurut plan² yang di-luluskan oleh Kerajaan, dengan di-hebah sa-bahagian daripada tanah itu kapada Kerajaan untok perbuat jalan bagi kemudahan orang ramai. Oleh sebab di-sharatkan dalam surat wasiat itu sa-bahagian daripada tanah itu boleh di-hebahkan kapada sa-siapa jua pun, maka kehendak membena rumah² kedai di-atas tanah itu tiada dapat di-perbuatkan pada segi ugama. Jadi tanah itu di-tinggal bagitu sahaja dengan tiada memberi keuntongan yang sa-patut-nya kapada waris² yang

tersebut dalam surat wasiat itu. Dato' Yang di-Pertua, saya minta penjelasan di-mana-kah pendirian-nya tanah yang kedudokan-nya saperti ini pada segi undang2 ini. Terima kaseh.

Tuan Haji Mohd. Said: Dato' Yang di-Pertua, berkenaan dengan tanah Malay Reservation ini saya sudah perhatikan di-serata2 negeri, Kerajaan ada mengambil tanah Malay Reservation, tetapi saya berharap segala tanah2 Malay Reservation yang di-requisition oleh Kerajaan mesti-lah di-ganti dengan tanah Malay Reservation itu lagi supaya tidak, makin sa-hari sa-makin kurang tanah itu daripada Malay Reservation. Terima kaseh.

Wan Mustapha bin Haji Ali: Dato' Yang di-Pertua, saya amat-lah duka-chita apabila melihat Rang Undang2 yang di-bentang pada hari ini, kerana pada hari ini sahaja-lah saya dapat melihat Rang Undang2 ini. Sunggoh pun saya di-lantek oleh Kerajaan Kelantan pada 1hb Julai, sa-patut-nya Rang Undang2 ini mesti-lah di-hantar kapada saya sa-minggu dua dahulu. Jikalau-lah kita hendak kaji Rang Undang2 ini betul2, jikalau-lah kita kaseh kapada tanah ayer, mengambil sa-kurang2-nya sa-minggu hendak membacha-nya. Tetapi di-bahath sekarang di-minta approve, di-benar dengan sendiri-nya.

Umpama-nya berkenaan dengan cheraian 20 di-dalam Rang Undang2 ini yang berkata dengan bahasa Inggeris—"Where any land or interest therein is offered for sale in pursuant of any provision of this Act, none of the following persons shall acquire or attempt to acquire it for himself directly or indirectly" ma'ana-nya State Commissioner, Registrar, Chief Surveyor, Collector, District Officer, Ketua Jajahan, semua ini tiada boleh membeli dan tiada boleh menangkap lelong. Tetapi saya hendak bertanya kapada Menteri yang berkenaan apa-lah guna di-sebut di-sini, mereka ini tiada boleh membeli tanah ini apabila waktu di-jual dan kalau di-jual di-beli-nya juga apa-kah akan jadi-nya? Apa-kah kebangkitan-nya? Ada-kah jikalau di-beli-nya dengan nama isteri-nya dan membuat nama-nya, umpama-nya, Chief Surveyor atau Pegawai Jajahan tahu baik2 tanah ini akan di-jual dan ia suroh warith-nya, mithal-nya bapa penakan-nya, membeli tanah itu dan waktu itu tidak di-ketahui rahasia-nya. Dua tahun kemudian mendapat tahu rahasia-nya apa-kah jadi akibat-nya? Ada-kah tanah yang di-beli itu menjadi haram—tidak di-sebut di-sini.

Itu satu perkara yang menyebabkan saya kata Undang2 ini tidak boleh di-luluskan dengan satu dua hari sahaja. Dan berhubong dengan cheraian 130, Bahagian Lapan di-dalam Rang Undang2 ini berkenaan dengan tanah yang di-rampas—forfeiture, Di-sini "As soon as may be after the making of an order under Section 100 or 129 ..... the State Authority for non-payment of rent" .... ma'ana-nya kalau-lah ra'ayat itu tidak membayar hasil dan tanah itu menjadi hak Kerajaan, kerana tidak mengikut sharat hendak membayar hasil dan di-sini chuma di-beri tahu kapada ra'ayat dengan *Gazette*, tetapi ra'ayat di-kampong tidak tahu hendak membacha *Gazette*. Sa-patut-nya kenyataan ini mesti-lah di-tampal di-masjid, di-surau, di-madrasah, di-market dan lain2. Kalau di-masokkan dalam *Gazette* kadang2 orang di-bandar sendiri pun tidak pernah membacha *Gazette* melainkan Ahli Yang Berhormat daripada Parlimen sahaja mendapat free, dengan perchuma *Gazette2* ini. Banyak perkara di-sini yang patut di-fikir dan di-kaji dengan halus.

Berkenaan dengan Malay Reservation, bagaimana Ahli Yang Berhormat Senator Nik Hassan daripada Kelantan juga, telah menegaskan bahawa tanah di-Kelantan boleh di-katakan semua di-bawah Malay Reservation. Sa-tahu saya, sebab saya menjadi Penolong Ketua Jajahan dahulu, ada dalam 20 dan 30 section sahaja yang keluar daripada Malay Reservation ia-itu Temangan dan di-bandar Kota Bharu sendiri, dan mengikut Yang Berhormat itu, oleh sebab tanah ini di-bawah Malay Reservation, orang Melayu tidak mampu hendak memajukan

tanah² ini, hendak mendapat wang daripada bank—tidak di-beri sebab tanah Malay Reservation tidak boleh di-jual, tidak boleh di-gadai. Jadi, kata Ahli Yang Berhormat itu, terpaksa-lah meminta pertolongan daripada Kerajaan Pusat dan Kerajaan Pusat maseh memandang berat di-atas perkara ini.

Konon-nya, Kerajaan Kelantan sudah hendak bankrupt sekarang. Perkataan 'bankrupt' itu bukan-lah kata di-Kelantan sahaja tidak chukup duit—di-Trengganu dan lain² tempat dan Kerajaan Persekutuan pun berhutang duit juga. Tetapi saya berchakap sa-bagai ahli yang di-lantek oleh Dewan Negeri Kelantan. Saya kata ra'ayat Kelantan tidak berkehendak pertolongan bersabit dengan hendak memajukan tanah, hendak meminta wang daripada Kerajaan Persekutuan. Sebab jikalau-lah Senator Nik Hassan berkata tanah ini di-bawah Malay Reservation, tidak boleh di-chagar, banyak sunggoh—di-bawah Malay Reservation, tanah ini boleh di-jual juga.....

Nik Hassan bin Haji Nik Yahya: Tuan, saya hendak mengesahkan tuan tadi kata ra'ayat Kelantan tidak berkehendak kapada bantuan daripada Pusat..... (*Di-sampok*).

Wan Mustapha bin Haji Wan Ali: Saya hendak bertanya, Tuan Yang di-Pertua, di-bawah.....

Nik Hassan: Hendak mengesahkan itu.....

Wan Mustapha: Saya harap saya tidak—di-dalam bahasa Inggeris-nya di-interrupt. Di-bawah Standing Order mana Yang Berhormat bertanya kapada saya?

Mr President: Explanation—tidak payah di-jawab. (*Ketawa*).

Wan Mustapha: Jadi bukan-lah ber-ma'ana kalau tanah itu di-bawah Malay Reservation, tuan tanah itu tidak boleh pinjam duit atau wang daripada bank dan di-Kelantan ada banyak bank bagi orang² Melayu jikalau orang itu hendak membuka tanah itu.

Nik Hassan: Tuan Yang di-Pertua, di-pegang melainkan dengan kebenaran EXCO. Jadi sekarang, mengikut undang², barangkali tuan pernah jadi A.D.O. jadi D.O. tahu Undang² itu.

Wan Mustapha: Itu-lah sebab-nya, Dato' Yang di-Pertua, apabila Yang Berhormat itu berchakap ia tidak sebut sa-macham itu, ia menyampok sa-mata² hendak mengelirukan. Umpama-nya orang² di-Kelantan jikalau tidak ada pertolongan—orang di-Kelantan ini lemah—dan sa-tahu saya ada juga sa-tengah ra'ayat² Kelantan tidak mahu berhutang, dan mahu buat sendiri. Apa-lah guna-nya, kita sudah merdeka! Jikalau-lah kita sendiri tidak boleh merdeka membuka tanah dan, perchaya rakan² kita daripada bangsa² asing, daripada bangsa China, tidak suka kita orang² Melayu tidak mahu mengaku lemah dan jikalau hendak membuka tanah, meminta pertolongan Kerajaan, barangkali hendak berbini pun hendak meminta pertolongan Kerajaan, hendak beranak pun hendak meminta pertolongan daripada Kerajaan! Itu perkara, satu perkara yang resmi di-sini, bangsa asing dalam Malaysia ini akan memikirkan orang Melayu ini ia-lah orang yang tidak boleh berdiri sendiri. Di-dalam Rang Undang² ini ada-lah di-sebutkan waktu siasat—'inquiry'—di-buat di-dalam Pejabat Jajahan. Kebanyakan Undang², bahkan di-Kelantan, dan Undang² Tanah di-Kelantan sendiri pun, yang mushkil kapada kami, oleh sebab tidak tegas dalam Undang² di-sini pada masa ini.

Saya hendak bertanya dan saya berharap kapada Yang Berhormat Menteri yang berkenaan dan di-sini pun ada di-sebutkan juga berkenaan dengan peguam-nya boleh hadhir pada waktu bichara atau enquiry itu, sebab pada suatu masa dahulu dan baharu² ini juga jika ra'ayat itu hendak bawa case tanah itu mereka tidak berapa pandai dan tidak bijak dan dia berkehendakkan kapada pertolongan peguam, dan apabila dia pergi kapada peguam, peguam itu sedia membela hak dia, tetapi apabila sampai di-Pejabat Tanah, Ketua Jajahan, oleh sebab di-dalam undang² ini ada di-sebut *at his discretion* yang jikalau-lah Ketua Jajahan atau Penolong-nya itu berkata

loyar tidak boleh membela perkara ini, jadi terpaksa-lah loyar itu balek dengan tidak membela apa², dan terpaksa-lah ra'ayat itu membela diri-nya sendiri, dan oleh sebab ra'ayat itu bukan-lah bijak sangat dalam pengetahuan undang², kadang² case itu kalah. Ada juga Ketua Jajahan berkata yang dia tidak membenarkan loyar membela orang ini kerana dia takut rugi duit ra'ayat, tetapi kalau-lah tidak di-bela tanah itu ra'ayat rugi, barangkali harga tanah itu sampai $5,000. Kadang² peguam itu bukan-lah menchari wang sahaja, dan kalau-lah dapat tahu perkara itu patut di-bela, kadang² dengan perchuma pun boleh kita bela. Jadi, dalam Rang Undang² ini ada tersebut advocate and solicitor, saya tidak dapat hendak menchatit hal itu kerana saya chuma pada sa'at ini baharu berjumpa, tetapi saya harap kapada Yang Berhormat Menteri supaya di-dalam undang² ini, *discretion* Pegawai Tanah itu tidak-lah boleh memberi daleh kapada peguam jika dia hendak membela di-atas kehendak dia sendiri. Ma'ana-nya saya harap peguam dapat membela jika tuan tanah itu suka di-bela sa-bagai hak—as of right.

Saya tidak dapat berchakap panjang oleh sebab, bagaimana saya katakan tadi, Tuan Yang di-Pertua, saya chuma baharu hadhir pagi ini sahaja. Terima kaseh.

Tuan Syed Ahmad bin Syed Mahmud Shahabudin: Tuan Yang di-Pertua, oleh sebab telah banyak berbangkit berhubong dengan Tanah Reserve Melayu, saya suka-lah menarek perhatian atau bertanya kapada Kementerian yang berkenaan, di-atas ada satu perkara atau bab dalam Perlembagaan yang mengatakan sa-bahagian Tanah Reserve Melayu yang telah di-keluarkan daripada Reserve Melayu kena-lah di-ganti dengan tanah yang lain menjadi Reserve Melayu sa-banyak itu juga. Saya faham pada masa yang telah lepas dan juga sekarang, juga masa akan datang, banyak tanah² Reserve Melayu terutama dalam negeri², umpama Kedah atau pun Kelantan, dan negeri² lain² tanah Reserve Melayu telah di-keluarkan untok kegunaan Kerajaan atau kegunaan satu² pehak atau di-excise daripada Reserve Melayu, ada-kah Kementerian yang berkenaan boleh memberi jawapan atau penjelasan ia-itu tanah² itu telah di-ganti atau Tanah² Reserve Melayu yang telah di-keluarkan itu di-gantikan pula dengan tanah yang lain sa-banyak itu juga.

Satu perkara lagi, Tuan Yang di-Pertua, yang saya suka menarek perhatian ia-lah berkenaan dengan dasar menggunakan tanah apa yang saya faham, ada satu dasar yang di-tetapkan oleh Kerajaan, tetapi bagi pehak Kerajaan Negeri, saya rasa tidak dapat mengikuti dengan tepat-nya bagaimana dasar yang sa-benar patut di-ikuti ia-itu berhubong dengan dasar menggunakan tanah bagi melombong atau tanah agriculture dan sa-bagai-nya. Ada tanah² hutan yang ada galian, saya faham dasar keutamaan di-beri kapada galian, tetapi yang berlaku sa-kira-nya ada permintaan² untok hendak jadikan tanah galian, kita telah dapat halangan² daripada pejabat² yang lain, umpama-nya Pejabat Hutan dan sa-bagai-nya menahankan daripada menjadikan tanah itu tanah lombong.

The Minister of Lands and Mines (Enche' Abdul-Rahman bin Ya'kub): Tuan Yang di-Pertua, pertama sa-kali saya menguchapkan jutaan terima kaseh kapada Ahli² Yang Berhormat yang telah memberi pandangan² yang berharga kapada Rang Undang² ini. Saya tidak sangka bahawa di-Dewan Negara terlebeh banyak lagi hujah² di-timbulkan terhadap Rang Undang² ini. Bagaimana pun, saperti yang saya katakan tadi, saya menguchapkan jutaan terima kaseh, dan saya chuba dengan sa-berapa boleh memberi jawab-nya. Banyak daripada tegoran² itu adalah mengenaï perkara pentadbiran tiap² hari (administration) bukan kena-mengena dengan perinsip Rang Undang² ini. Nampak-nya atas perinsip Bill ini, kechuali sa-orang Ahli Yang Berhormat daripada Kelantan tadi, Senator Wan Mustapha, semua kita bersetuju bahawa ini ada-lah satu Rang Undang² yang telah lama di-tunggu² oleh ra'ayat.

Tuan Yang di-Pertua, supaya tidak membuang masa lagi, biar-lah saya memberi jawapan kapada beberapa perkara yang telah di-timbulkan. Yang Berhormat Senator Dato' Foo See Moi bertanya, siapa-kah yang punya bumbong di-atas sa-kali dalam sa-buah flat. Jawab-nya tidak ada sa-orang yang punya, tetapi kepunyaan semua. Ini harta kongsi. Semua yang berada dalam flat itu boleh pakai. Ini kita boleh nampak di-dalam bahagian tertentu dalam Rang Undang² ini, terutama sa-kali Fasal 157. Jadi, mereka yang dudok dalam flat itu mempunyaï common property terhadap roof ini. Tidak ada sa-orang pun yang ada berkuasa berkata orang lain tidak boleh ka-sana, kerana kalau kita berbuat bagitu, akan mendatangkan beberapa masaalah, harus mendatangkan perkara yang tidak baik di-antara pendudok² dalam flat itu.

Untok menjawab Yang Berhormat Senator Tuan Ubaidulla tadi mengenaï soalan rent 3 peratus, itu ada-lah di-kenakan kapada town land sahaja. Standard rate atas tanah² agriculture ia-lah $6.00 satu ekar sa-tahun.

Berhubong dengan masaalah Malay Reservation, perkara ini sadikit sa-kali di-nyatakan dalam Perlembagaan kita. Fasal 89 ada kaitan sadikit, tetapi untok menjawab masaalah yang ada, sama ada tanah itu patut di-gunakan Malay Reservation itu untok satu ranchangan ada-lah terpulang pentadbiran-nya kapada Kerajaan Negeri. Kerajaan Persekutuan, mengikut Perlembagaan, tidak boleh membuat undang² mengenaï tanah, kechuali dalam perkara yang di-benarkan oleh Perlembagaan, ya'ani di-dalam Fasal 76 untok menyamakan semua undang².

Dalam masaalah yang telah di-timbulkan oleh Ahli Yang Berhormat bagi negeri Kelantan, patut ada satu undang² di-buat supaya membenarkan tanah² itu di-kembangkan, kita tidak mempunyaï kuasa, tetapi walau pun tidak di-buat undang² Malay Reservation, tidak-lah bererti tanah itu tidak boleh di-perkembangkan. Jika Kerajaan Negeri bersetuju supaya tanah itu boleh di-majukan, boleh di-tanam dengan itu dan boleh di-tanam dengan ini. Itu soalan administration, tidak perlu kapada undang² untok menetapkan Malay Reservation buat di-tanam getah, Malay Reservation buat di-tanam kelapa sawit, Malay Reservation buat di-tanam bunga raya, tidak ada di-kehendaki bagitu.

Berkenaan dengan masaalah yang telah di-kemukakan oleh Yang Berhormat Senator Athi Nahappan tadi ia-itu qualified title, itu-lah sebab-nya kita chuba hendak adakan qualified title supaya apa yang telah berlaku pada masa itu ya'ani lambat title itu di-keluarkan, kita sekarang ini tahu apa yang telah di-buat itu tidak menyenangkan hati ra'ayat. Hal sa-macham ini tidak baik. Oleh sebab yang demikian, kita chuba melichinkan pentadbiran. Jadi itu-lah dia konsep qualified title supaya orang yang mempunyaï tanah itu boleh dapat title-nya dengan sa-berapa chepat yang mungkin, sa-telah qualified title di-keluarkan di-beri kapada title itu.

Tetapi di-sini saya suka menegaskan kelichinan pentadbiran berkenaan dengan Undang² ini bukan dalam tangan saya. Kalau saya hendak jawab, katakan betul-lah, ada dahulu yang bersalah, ada yang tidak bersalah. Kalau saya beri jaminan di-sini bahawa saya sendiri akan tengok supaya tiada satu perkara pun yang akan lambat, maka harus Ketua Menteri atau Menteri Besar marah pada saya, di-kata—apa awak ini! Nama sahaja Menteri Tanah, Menteri Galian dan sa-terus-nya saperti kata Ahli Yang Berhormat Senator Bibi Aishah tadi, saya tidak ada kuasa—ini pentadbiran Negeri. Jadi terpulang-lah kapada Kerajaan Negeri melihatkan bahawa pentadbiran dalam soal tanah ini memberi *qualified title, subsidiary* dan lain², di-buat dengan sa-chepat mungkin.

Tetapi saya boleh-lah katakan di-sini apa yang dapat di-tanggong-jawab oleh Kerajaan Pusat ya'ani di-bawah Kementerian saya, saya akan chuba dengan sa-berapa yang boleh-nya menchepatkan lagi pentadbiran ini.

Satu masaalah yang di-kemukakan oleh beliau berkenaan dengan ta'arif perkataan di-dalam Fasal 151 (1), erti

kata "superficial area on the ground of at least five thousand square feet.....". Sa-betul-nya kalau saya buat diagram dan tunjokkan pada Ahli Yang Berhormat itu, senang sadikit, boleh nampak oleh dia. Jadi maksud dia ini tadi, jikalau tanah itu kechil sangat, kata-lah lima ribu kaki persegi kalau-lah satu ribu, dia hendak buat flat di-sana, atas satu ribu kaki persegi, itu tidak kita benarkan. Dia punya *surface area—ground surface area*—hendak-lah mengikut saperti yang tersebut di-sana, sa-kurang²-nya. Ini-lah maksud dia tadi, baharu dapat di-benar bangunan flat dan flat itu boleh di-bahagi kapada *subsidiary title*. Nanti saya rasa, kalau Ahli Yang Berhormat itu ada ragu² lagi, saya boleh bagi-lah diagram kapada Ahli Yang Berhormat itu.

Berhubong dengan Fasal 136 (*f*), peguam ini, Tuan Yang di-Pertua, selalu hendak mengeliru²kan saya. Saya sudah-lah lama, tidak tengok buku Undang² saya. Dia kata kenapa satu ekar? Fasal 136 (*f*) jadi "area of any sub-divisional portion (i) in the case of land subject to the category agriculture, or to any condition requiring its use for an agricultural purpose, will not be less than one acre....." Kenapa 1 ekar, kenapa tidak 5 ekar? Ya, betul-lah, tetapi *category* agriculture ini bukan getah, bukan kelapa sawit sahaja, tanam bunga pun termasok juga. Kalau banyak lebeh dari ekonomik size itu, jadi itu-lah kita tarohkan satu ekar—kerana kita rasa memadai, tetapi saya bersetuju kalau untok saperti tanaman getah, itu patut-lah ekar-nya lebeh lagi—ini kita hendak-lah memberi tahu mereka yang memohon supaya tanah di-pechah²kan. Kalau di-pechah kechil² sangat, tidak ada-lah hasil yang boleh di-dapati oleh orang² yang memohonkan itu.

Jadi di-sini berbangkit-lah kapada masaalah yang telah di-hujah², yang telah di-timbulkan oleh Ahli Yang Berhormat Dato' Haji Noah tadi. Masaalah ini betul² merunsingkan Kerajaan, Tuan Yang di-Pertua—harta pesaka tanah ini. Saya sendiri pun ada pengalaman sadikit dalam perkara ini pada masa saya menjadi Probate Officer di-Sarawak. Di-Sarawak, 1 ekar tanah ada 20 orang waris. Dia hendak minta pechah tanah itu, masing² hendakkan tanah, tidak mahukan wang. Untok menjawab-nya, perkara ini adalah termasok di-bawah undang² yang bergelar "Small Estates Distribution Ordinance"—tidak termasok di-bawah "National Land Code" ini. Di-bawah Undang² ini, Collector itu biasa-nya boleh memujok waris² itu supaya membenarkan salah sa-orang daripada waris itu menjadi trustee memegang tanah itu sa-bagai trustee kapada mereka² yang lain dan mereka yang lain mempunyai hak atas tanah itu dengan share. Jadi share itu boleh di-registerkan, tidak ada halangan-nya di-bawah Undang² ini. 1/5 bahagian atau pun yang lain atau pun 1/500 atau 1/1000 share—itu boleh kita registerkan. Tetapi kalau hendak di-bahagikan tanah satu kaki persegi itu kapada waris 20 orang, tidak-lah boleh kita benarkan menurut Undang² Land Code ini. Bagaimana pun tidak-lah saya katakan di-sini bahawa Rang Undang² ini telah menyelesaikan soalan itu. Saya mengaku bahawa di-sini, di-masa yang akan datang harus tidak lama, kita terpaksa kembali ka-Dewan ini untok mengemukakan pindaan² kapada beberapa masaalah yang harus timbul untok melichinkan lagi Undang² Tanah kita.

Masaalah Kampong Bahru, Tuan Yang di-Pertua, saya sunggoh-lah berdukachita dalam perkara ini. Perkara ini bukan-lah dalam tangan saya. Jadi hendak saya jawab nanti, saya ta' tahu sa-benar-nya perkara ini berlaku. Kalau saya jawab Kerajaan itu betul, salah, andai kata apa yang di-kata oleh Yang Berhormat itu tadi betul² kalau Kerajaan Negeri Dato' Harun marah pada saya, tidak boleh-lah hendak saya jawab dengan tepat dalam perkara ini.

Sa-bagaimana yang telah saya katakan tadi, kuasa saya betul² sadikit sahaja di-dalam Clause 3 atau pun Clause 4. Clause ini ia-lah fasal mengishtiharkan tarikh Rang Undang² ini berjalan kuat-kuasa-nya di-Negeri² sa-telah keputusan di-beri oleh Majlis

National Land Council. Masaalah supaya flat² itu di-adakan dan juga tempat² kanak² bermain, itu elok, saya bersetuju dengan pendapat itu, tetapi ini boleh di-jalankan dengan tidak payah ada sekarang ketetapan di-buat dalam Rang Undang² ini. Ia-nya boleh di-buat oleh Kerajaan Tempatan, Town Planning dan lain². Ini terpulang-lah kapada kebijaksanaan pentadbiran Parti yang memerentah pada masa itu; kalau parti kita terus memerentah, kita boleh jalankan.

Yang lain, mengenaï pentadbiran, tidak akan saya bangkitkan di-sini, Tuan Yang di-Pertua, kerana kalau saya jawab, nanti jawab itu salah dan Kerajaan Negeri marah kapada saya. Saya chuma hendak jawabkan perkara yang akhir yang di-bangkitkan oleh Yang Berhormat dari Kelantan tadi. Dia kata dia dukachita sunggoh kerana Bill ini baharu di-terima-nya dua hari ini, sa-patut-nya di-hantar kapada-nya lama sudah. Dia baharu mengangkat sumpah hari ini tadi, baharu jadi Senator (*Ketawa*).

Sa-lain daripada itu pula, Tuan Yang di-Pertua, ini menunjokkan bahawa pentadbiran Parti PAS itu sangat²-lah mundor di-belakang saperti zaman kuno dahulu. Rang Undang² ini telah kita sibarkan, telah kita beri kapada Kerajaan Negeri Kelantan itu berapa lama sudah, dan pula Kerajaan Negeri Kelantan itu telah bersetuju dengan Rang Undang² ini, ta' kan-lah Ahli Yang Berhormat itu tidak di-bawa berunding dalam perkara ini, kalau tidak, kasehan-lah saya pada dia (*Ketawa*).

Clause 20, Tuan Yang di-Pertua, yang telah di-bangkitkan oleh Ahli Yang Berhormat itu, berkata: *When any land or interest therein, is offered for sale in pursuance of any provision of this Act, none of the following persons shall acquire or tend to acquire it, for example, directly or indirectly—the State Commissioner, Registrar and Chief Surveyor of the State in which the land or interest is situated, etc., etc.* Dia kata kenapa? Apa akibat-nya kalau mereka itu beli? Kalau mereka itu beli, akibat-nya pembelian itu ta' sah, (*Ketawa*). Saya hairan sa-orang peguam boleh menta'arifkan perkara ini salah. *"Where any land or interest therein is offered for sale in pursuance of any provision of this Act, none of the following persons shall acquire" that is mandatory*! Ta' boleh beli, bila dia beli, ta' laku, ta' pakai. Bagaimana kalau isteri dia beli? Ta' ada di-larang di-sini, isteri boleh, jangan kita hendak sekat, apa suami yang ta' boleh buat, isteri pun ta' boleh buat. Penyakit-lah nanti, bercherai dia orang berdua itu.

Baik, kalau tiga tahun lepas itu di-dapati bahawa sa-benar-nya si-suami yang membeli, jikalau ada kenyataan sa-benar-nya jika suami yang membeli, kalau perkara itu kena di-bawah fasal 20 rugi-lah wang dia sahaja.

Dia pula membangkitkan masaalah Clause 130, Tuan Yang di-Pertua, dia kata apa ini notis di-dalam *Gazette* sahaja. Taroh-lah dekat surau, taroh dekat masjid, saya tahu-lah, Tuan Yang di-Pertua, ada orang yang tidak pergi masjid, tetapi kita lihat dalam Fasal 97 di-sini, apa yang di-katakan sa-belum *for future,* notice hendak kena hantar, bagi kapada orang yang empunya tanah itu. *Just as is done by serving notice on the proprietor of the land itself.* Chuma pengishtiharan di-dalam *Gazette* ini ia-lah sa-telah orang yang mempunyaï tanah itu tidak dapat lagi membayar, tidak lagi mengikuti notis yang di-beri, maka kata pehak yang berkuasa, tanah itu daripada hari ini terpulang kapada Kerajaan, itu tidak-lah menyusahkan ra'ayat semua, chuma yang mendapat susah orang yang punya tanah, tetapi orang yang mempunyaï tanah telah di-beritahu mengikut notice *Form 6A* di-dalam Schedule itu, jadi saya jemput-lah Ahli Yang Berhormat itu, bacha-lah Clause ini lagi.

Soalan inquiry, dia kata loyar² patut di-benarkan membela, bukan chuma hendak menchari wang sahaja, hendak menolong² ra'ayat. Betul-lah juga, saya sunggoh sukachita mendengar kalau-lah saya di-belakang hari kelak, ada kena hal sadikit, ta' ada wang hendak bayar loyar, saya tahu-lah ka-mana satu loyar yang saya hendak pergi, loyar yang ta' ada minta bayaran itu.

Jadi sekarang ini, Tuan Yang di-Pertua, saya bersetuju-lah dengan pendapat-nya itu, elok, dan kapada dia saya memberi perhatian ini, saya uchapkan tahniah dalam perkara ini, patut-lah peguam² itu di-benar membela nasib ra'ayat dalam perkara ini. Perkara ini akan saya kaji lagi sama ada Undang² itu bersetuju dengan faham Ahli Yang Berhormat itu, sa-bagaimana yang telah saya katakan tadi Kerajaan Kelantan, Parti PAS, bersetuju 100% dengan Rang Undang² ini.

Satu perkara kechil yang di-bangkitkan oleh Ahli Yang Berhormat tadi tentang soal Malay Reservation: ia-itu kalau tanah itu di-ambil oleh Kerajaan patut-lah di-ganti dengan Tanah Malay Reservation dan yang lain. Ahli Yang Berhormat daripada Kedah, Tuan Syed Ahmad berkata; Ini ada di-dalam Perlembagaan, saya chuba hendak bacha sadikit tentang-nya itu tadi Fasal 89 tidak ada lagi, perkara ini senang, mudah bagi administration dan policy berada dalam tangan Kerajaan Negeri. Kalau satu kawasan Malay Reservation itu di-ambil oleh Kerajaan Negeri untok satu maksud yang lain, kemudian Malay Reservation itu telah di-hapuskan, tidak ada siapa yang hendak melarang supaya Kerajaan Negeri itu boleh mengkhaskan kawasan yang lain untok Malay Reservation lagi. Itu boleh di-buat oleh mereka kalau di-fikirkan oleh Kerajaan Negeri itu patut di-buat demikian. Jadi tidak-lah menyentoh kapada perinsip² National Land Code Bill ini. Demikian-lah sahaja, Tuan Yang di-Pertua. (*Tepok*).

Mr President: Ahli² Yang Berhormat sekarang saya kemukakan bagi di-bahathkan.

Dato' Wan Ibrahim bin Wan Tanjong: Ada saya membawa pandangan supaya saya menarek perhatian Kerajaan berhubong dengan menyelamatkan tanah² orang² Melayu di-kawasan bandar, supaya tanah itu kekal menjadi milek kepunyaan orang Melayu. Ia-itu dengan jalan supaya Kerajaan mengadakan satu peratoran tidak membenarkan tanah itu di-jual kapada bangsa² lain. Saya harap ambil perhatian.

Enche' Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, ini ia-lah chuma satu chara sahaja yang boleh mengekalkan tanah itu dalam tangan orang Melayu, supaya tanah itu tetap di-buat Malay Reservation. Kuasa menetapkan itu ada-lah di-dalam tangan Kerajaan Negeri, bukan di-dalam tangan Kerajaan Pusat.

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 447 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

Fourth Schedule ordered to stand part of the Bill.

Fifth Schedule ordered to stand part of the Bill.

Sixth Schedule ordered to stand part of the Bill.

Seventh Schedule ordered to stand part of the Bill.

Eighth Schedule ordered to stand part of the Bill.

Ninth Schedule ordered to stand part of the Bill.

Tenth Schedule ordered to stand part of the Bill.

Eleventh Schedule ordered to stand part of the Bill.

Twelfth Schedule ordered to stand part of the Bill.

Thirteenth Schedule ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

THE TRADE UNIONS BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to make further provision with respect to the Law relating to Trade Unions" be read a second time.

The Minister of Labour (Enche' V. Manickavasagam): Mr President, Sir, the main purpose of this Bill is to further consolidate the law relating to trade unions. Broadly speaking, the amendments fall into two parts. One part is concerned with the organisation of trade unions, and the other part seeks to rectify an omission in the existing law.

With regard to the first part, that is Clauses 2, 3 and 4, I would draw the attention of Honourable Members that, under the existing law, any seven persons may form a trade union. This has often been interpreted literally with the result that a number of small and ineffective trade unions have been formed, either as new unions or by dissenting groups within an existing trade union. The amendments proposed in Clauses 2 and 3 of the Bill empower the Registrar to refuse to register, or cancel the registration of any trade unions, where he is satisfied that there is in existence in the particular trade, or occupation, or industry an established trade union.

Clause 4 of the Bill provides for an appeal to the Minister where any person is aggrieved by the decision of the Registrar.

Coming to Clause 5 of the Bill, Sir, Honourable Members would be aware that federations of trade unions are required to register under the Ordinance. Some trade unions, however, might wish to form and, indeed, have formed loose-knit organisations, such as consultative or similar bodies, which would be outside the Trade Unions Ordinance. It is felt that such bodies which are in effect quasi-federations, should also, like trade unions or federations of trade unions, have the approval of the Registrar of Trade Unions. Clause 5 of the Bill makes the necessary provision in this regard.

Clause 6 of the Bill is designed to ensure that only citizens, who are residents in the States of Malaya, hold office in trade unions in the States of Malaya. It is also designed to ensure that officers or employees of trade unions do not hold office in more than one trade union at any one time. The Trade Union Ordinance at present only provides that the Secretary of a trade union may not be employed by or hold office in any other trade union. Clause 6 seeks generally to extend this provision to employees of trade unions. This clause will serve to ensure that the management of trade unions in the States of Malaya is vested in the hands of persons, who have their roots in the particular unions and in the country.

Clause 7 of the Bill, Sir, seeks to rectify an omission in Section 27 of the Trade Unions Ordinance which is, in fact, a re-enactment of Section 25 of the Trade Unions Enactment of 1940. In drafting that new Section, however, the power of His Majesty the Yang di-Pertuan Agong to stipulate conditions under which public officers should be deemed to be workmen under the Ordinance for the purpose of trade union organisations was inadvertently omitted. The proposed Clause 7 is designed to rectify this omission.

Sir, when this Bill was considered in the Lower House, some Honourable Members there criticized it as encroaching upon the freedom of association of workmen and employers. I would like to stress, Sir, that the Government has the strongest desire to respect this freedom. But in doing so, we cannot, as some Honourable Members of the lower House suggested, concede to absolute freedom which, knowingly or not, become an excuse or a cloak for activities which are prejudicial to the real and long-term interest of the workers themselves and the country at large.

The Government stands strongly by its affirmed policy of encouraging the

growth of a free, strong, and responsible trade union movement in this country. In this connection, I might mention that copies of this Bill were transmitted to both the Malayan Council of Employers' Organisation and the Malaysian Trade Union Congress, both of which have signified their general agreement with the provisions 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*)

Clause 1 ordered to stand part of the Bill.

Clauses 2—7.

Enche' Athi Nahappan: Sir, Clause 2, says, "the Registrar shall refuse." That gives the Registrar two discretionary powers; namely, he must be satisfied that there is in existence a trade union; conjunctively, it is not in the interest of the workmen in the trade industry. Since he is given two discretionary powers, as a result of which he may, or may not exercise the powers. Therefore, Sir, I think the word "may" would have been preferable. The Registrar "may" refuse on any one of these grounds. If he "shall" refuse, if he is satisfied on any one of these grounds, I think the wording is not very appropriate; but if it is understood that the "shall" here may be understood as "may", then I will not quarrel with it. There are times when "may" is considered as "shall"; I suppose in this case, we have to treat "shall" as "may".

Enche' V. Manickavasagam: Sir, the explanation given here is one of additional grounds upon which the Registrar may refuse to register. I think that is the understanding; and if he is satisfied that it is not in the interest of the workmen to have another, well then he does not register.

Clauses 2 to 7 inclusive ordered to stand part of the Bill.

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

THE INDUSTRIAL COURTS (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Industrial Courts Ordinance, 1948" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

The Minister of Labour (Enche' V. Manickavasagam): Mr President, Sir, the Explanatory Statement attached to the Bill describes the purpose and effect of the amendments proposed in this Bill. I need only generally cover a few more details.

The Industrial Courts Ordinance, 1948, is a law under which the Government supplements the efforts of the employers and workers in settling industrial disputes under the voluntary system of industrial relations. The Ordinance provides entirely for procedures of voluntary conciliation and, where conciliation does not succeed, arbitration in various forms. The Ordinance in section 6 also provides for a Court of Enquiry to be established to enquire into the causes and circumstances of any dispute which has not been amenable for settlement through the normal process, so that new ways and means of settling the disputes might be found.

The main purpose of this Bill being considered in this House now is to provide for a less formal and quicker means of dealing with trade disputes, which are not of sufficient significance, or complexity, to justify the establishment of a formal Court of Enquiry. I consider that the Committee of Investigation proposed in Clause 3 (3) of the Bill would be a more suitable method of enquiring into such trade disputes with a view to bringing about a settlement. Where the existing Ordinance enables the Commissioner of Labour to intervene in a trade dispute, Clause 3 of the Bill now transfers this enabling authority to the Minister.

Clause 3 (2) also enables the Minister to intervene in trade disputes which may not be reported to him by either party to the dispute. I might mention that my Ministry has so far not encountered a situation where the parties to a dispute have been unwilling to accept conciliation by officers of my Ministry. The amendment proposed in Clause 3 of the Bill is merely a safeguard—one which, I hope, I will not find necessary to use.

The amendment in Clause 2 of the Bill is to include the definition of "industry" in the Ordinance, to remove any ambiguity which is used in the term "industry" in the body of the Ordinance. Sir, the amendments have been discussed in the National Joint Labour Advisory Council, which has agreed that they are necessary. The amendments proposed would further strengthen the existing machinery for the settlement of trade disputes, and I do not doubt that this Bill would have the full support of the House.

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 5 inclusive ordered to stand part of the Bill.

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

THE SOCIAL AND WELFARE SERVICES LOTTERIES BOARD (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Social and Welfare Services Lotteries Board Ordinance, 1950, and the Social and Welfare Services Lotteries Board Act, 1962" be read a second time.

Dato' Y. T. Lee: Tuan Yang di-Pertua, saya menyokong.

The Minister for Welfare Services (Tuan Haji Abdul Hamid Khan): Tuan Yang di-Pertua, tujuan Bill ini ada-lah untok membolehkan Lembaga Loteri supaya mempunyai bangunan[2]-nya sendiri dan menyewakan sa-bahagian daripada bangunan itu yang mana tidak di-perlukan untok kegunaan Lembaga itu dengan sharat[2] yang tertentu. Dan kedua-nya, tujuan Bill ini juga ia-lah supaya membolehkan Lembaga in meminjamkan wang untok membeli rumah—bagi di-pinjamkan kapada kaki-tangan Lembaga ini supaya mereka itu dapat memileki rumah dengan sharat[2] yang tertentu. Ini ada-lah di-fikirkan akan menyenangkan kaki-tangan Lembaga ini dan juga untok kebaikan mereka.

Dato' E. E. C. Thuraisingham: Mr President, Sir, I would like to say a few words on this Bill.

The Social and Welfare Lotteries Board was established in the last few years—in 1950—for a limited number of social and welfare work, and the principal one was in respect of tuberculosis. Thereafter it was extended to other welfare works. As time went on, more and more welfare and social works were undertaken by this Board and financed by it. At the present time, knowing the working of the Fund, I am definitely of the opinion that the amount of money available for distribution is not sufficient to meet the entire demands of welfare and social works. Speaking more intimately for tuberculosis, I am sure more contributions to tuberculosis work would eliminate once and for all this great menace to the health of the nation. Therefore, if the Lotteries Board wishes to build an office for its own work, I am sure that we would want the Lotteries Board to be sure that it has got enough money to spend on buildings rather than on needy welfare work. As far as I am aware, the Board occupies two rooms—I think the total space would be about a thousand and five hundred square feet. What necessity then is there to put up a building and to tell this House that part of it will be used by the Board and the

balance rented out? Surely, under the terms of the Board's legislation, I do not think it can go in for building houses for renting purposes. I hope the Honourable Minister would make sure that they have got enough surplus to undertake a building for the purpose of renting and housing the Board's staff.

The second point I wish to raise is about loans. I know it is an extension of welfare work to provide housing for needy employees in the Board, but the Bill says, "Loans to officers and servants of the Board". I want to know for certain who are the people, who are going to get these loans, who are its officers and who are its servants. It could be easily adduced that welfare work is not so urgent as tuberculosis and the blind. And, therefore, I wish the Honourable Minister will exercise great caution in giving away this money for doubtful purposes. (*Applause*).

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, saya uchapkan berbanyak terima kaseh kapada Ahli Yang Berhormat yang telah mendatangkan pandangan-nya itu dan saya suka-lah menyatakan di-sini ia-itu difikirkan ada-lah lebeh baik sa-kira-nya Lembaga ini mempunyai rumah-nya sendiri daripada segi ekonomi, oleh kerana Lembaga ini, sa-hingga ini, telah membelanjakan tidak kurang daripada $250,000 untok sewa rumah yang di-pakai-nya sa-hingga hari ini, dan sa-kira-nya kita mengadakan rumah kita sendiri ia-itu bukan menyewa akan mensesiakan sahaja perbelanjaan. Akan tetapi wang yang kita peruntokkan tiap² bulan bagi sewa itu dapat di-selamatkan dan akhir-nya dapat di-jimatkan daripada sewa itu boleh membayar harga rumah yang kita dirikan dan kita bukan-lah bertujuan untok membuat perniagaan, akan tetapi jika di-buat satu bangunan mesti-lah satu bangunan yang sesuai. Jadi jikalau ada bilek² yang lebeh yang tidak mustahak bagi kegunaan Lembaga ini, buat sementara waktu, atau apa² masa, ini boleh-lah kita sewakan supaya tidak membazir.

Berkenaan dengan bantuan² kapada T.B. dan sa-bagai-nya, memang Kerajaan ada sentiasa memberi perhatian yang berat di-atas perkara ini, bukan sahaja kapada orang² yang mengidap penyakit T. B. akan tetapi di-lapangan yang lain² juga dan saya suka-lah menyatakan ia-itu memang hasrat Lembaga Loteri menolong orang² yang susah dan memberi pinjaman kapada kaki-tangan Lembaga ini. Ini akan di-kajikan dengan teliti dan baik dan juga kuasa² Lembaga itu di-dalam perkara ini boleh-lah di-jalankan dengan sharat mendapat kelulusan sa-telah perkara² itu di-kaji dan harus di-letakkan kapada Yang Berhormat Menteri Kewangan. Jadi bukan-lah terpulang kapada Lembaga itu memberi pinjaman, tidak. Jadi Menteri Kewangan ada-lah berkuasa dalam perkara ini. Sa-bagaimana juga majikan² yang lain sa-umpama C.E.B., Bank Negara, ini pun ada memberi kemudahan rumah² kapada kaki-tangan-nya. Jadi ini bukan-lah satu perkara yang ganjil bagi Lembaga ini untok mengadakan rumah. Sekian.

Dato' T. H. Tan: Mr President, Sir, as Chairman of the Lotteries Board, I feel I ought to explain to the Honourable Senator, Dato' Thuraisingham, what exactly is the position.

Sir, the amendments, which this Bill seeks to make to the principal Ordinance, is merely to enable the Lotteries Board to put up a building of its own. As the Honourable Minister has just explained, the Lotteries Board, in the course of the last few years, have spent more than a quarter million dollars in rental. Had we a building of our own, these rentals could have been saved for charities, and now if we put up a building of our own we need not spend more money on rentals. This means that more money will become available for charities.

As to the question of renting out this building, I think the Honourable Senator is labouring under a misapprehension. It is not intended to rent out any part of the proposed building to, say, commercial firms. It is intended, however, to give welfare bodies rooms

in this building, for which they will be charged with very nominal rentals. If anything, I should have thought welfare bodies would have welcomed such a move.

Furthermore, Mr President, Sir, with regard to trust funds available for various social and welfare services, I recall, on one occasion, when the sum of not less than a quarter million dollars was given to the Selangor Branch of the Malayan Association for the Prevention of Tuberculosis, and, as far as I know, instead of spending this money for that purpose they put the money on fixed deposit—and I do not quite know what happened since.

With regard to staff housing, I support completely the statement made by the Minister. The staff of the Welfare Lotteries Board are employees who really have no future to look forward to. They are like the employees of other statutory bodies and we, in appreciation of their efforts, in appreciation of their devotion to duty over the last twelve years, feel that this is the least we can do for them, and that is to give them loans with which they can build houses to house themselves and their families when they retire.

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 7 inclusive ordered to stand part of the Bill.

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

THE RUBBER INDUSTRY (REPLANTING) FUND (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan. Mr President, Sir, I beg to move that a Bill intituled, "an Act to amend the Rubber Industry (Replanting) Fund Ordinance, 1952," be read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Dato' J. E. S. Crawford: Mr President, Sir, in rising to support the Bill before the Honourable House, I should like to take this opportunity to sincerely thank the Alliance Government for its further assistance towards the essential replanting programme to smallholders and estates to the tune of $8.3 million which, I can assure the Government, is indeed deeply appreciated by the rubber industry at all levels. I am sorry I came before the Minister. Thank you, Sir. (*Laughter*).

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 ordered to stand part of the Bill.

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

THE COMPANIES BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled, "an Act to consolidate and amend the law relating to companies" be read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

The Minister of Commerce and Industry (Dr Lim Swee Aun): Mr President, Sir, every country which hopes to develop through a free enterprise system must have an up-to-date law on the operations of limited companies. That law must be adequate to protect the interests of the public but at the same time must not cause undue hardship or inconvenience to company promoters. It has been found in the United Kingdom and elsewhere throughout the Commonwealth that Company Law needs to be revised at intervals of at least of about 20 years.

if it is to be kept in line with the changing commercial practices and to adequately meet the needs of the people. The present Company Legislation in Malaysia consists of separate but similar ordinances for each State. All these ordinances are essentially based on the 1929 U.K. Legislation which has, of course, been superseded by the Legislation of 1948 and the 1948 Legislation has already been considered and reported on by the Jenkin's Committee and many amendments to it have been suggested. This Bill is the result of the consideration given to the problem of suitable legislation for Malaysia by a representative committee which met under the chairmanship of Raja Mohar, Secretary for Commerce and Industry of my Ministry. That committee considered not only the present legislation in force in the United Kingdom, Australia, India and New Zealand but also the draft code prepared for Ghana by Professor Gower and the very valuable reports presented in the United Kingdom by the committee chaired by Lord Cohen and Lord Jenkin respectively. The Bill is necessarily long and complex but in my submission no longer or more complicated than is necessary to deal with the great growth of commercial activities in Malaysia. The draft Bill prepared under the auspices of Raja Mohar's committee was made available to the public from the 7th of March, 1964 to the end of November, 1964 and that committee has given careful consideration to the numerous comments and suggestions that were received from members of the public and the learned bodies of lawyers, accountants, secretaries and businessmen who have studied the proposals. At this stage, Sir, I would like to thank all those who have given so much of their time to studying the draft and who have made so many valuable suggestions. The draft Bill has been substantially revised in the light of these comments, and I believe that the measure now before this House has the substantial support of all sections of the commercial community. There are many changes in the law but I am sure Honourable Members of this House have read the explanatory statement in the Bill. Therefore, I feel I need not go through in detail.

During the debate at the Lower House, one point was raised in that it was felt that the schedule of fees for the registration of companies might be too high and might discourage certain companies from being registered or to come to this country, or it might discourage foreign capital coming into this country. Sir, I submit that this point has been duly considered, and should there be any fears of foreign capital not coming to this country, I can give an assurance to this House that we shall come back for further amendments. Thank you.

Dato' Haji Mohamed Noah bin Omar: Dato' Yang di-Pertua, saya bangun menyokong Rang Undang² ini atas dasar-nya pada keselurohan-nya tetapi nampak-nya perkara² yang saya hendak sebutkan itu sudah pun disebutkan oleh Menteri yang berkenaan. Sunggoh pun bagitu, saya suka jugalah hendak mengulangi pendapatan saya, ia-itu pada Jadual Kedua ini. Saya rasa bukan saya sa-orang sahaja yang tidak puas hati, bahkan saya fikir ramai orang ahli² perniagaan 'am-nya dan khas-nya orang² Melayu yang berasa tidak puas hati dengan sebab tinggi bayaran pendaftaran-nya itu ya'ani "Registration Fees".

Sekarang saya hendak tunjokkan perbandingan kapada Menteri yang berkenaan. Bandingan yang pertama ia-lah berkenaan dengan bayaran yang ada pada hari ini dan yang dalam undang² ini yang akan berjalan bila di-luluskan kelak. Pada modal yang tidak lebeh daripada $100,000 bayaran yang ada pada sekarang ini berjalan sa-banyak $350 tetapi pada undang² ini bila berjalan kuat-kuasa-nya, akan kena sa-banyak $600. Pada modal yang satu million ringgit, dalam undang² yang ada pada hari ini, pehak sharikat kena-lah membayar berkenaan dengan "Registration Fees" itu sa-banyak $1,150 sahaja tetapi bila berjalan undang² ini, mesti

pula membayar $3,200. Dan juga pada Jadual itu, jikalau modal itu lebeh daripada $10 million pada masa sekarang ini tidak lebeh bayaran itu daripada $1,500 pada satu kali registration, tetapi jikalau modal itu dengan $150 million, sharikat itu terpaksa membayar pada Kerajaan $301,200. Saya fikir perkara ini terang-lah berkenaan dengan bayaran itu yang bagitu tinggi dan akan menyebabkan, kalau ada sharikat² yang besar dari luar negeri, tentu-lah ta' mahu datang ka-tempat kita ini, dengan sebab bagitu tinggi bayaran dan bukan itu sahaja, kita ada dengar pula yang Kerajaan menggalakkan modal luar datang ka-negeri kita. Saya takut dengan ada-nya bayaran yang bagitu tinggi ini, tentu-lah orang² ini akan lari tidak jauh daripada kita, pergi kapada janda baharu kita dan kita akan mendapat kerugian yang berlebeh² lagi.

Janda kita ini sangat pandai, molek, harus dia akan tidak menaikkan bayaran "Registration Fees"—itu akan menjadi kerugian yang besar kapada negeri kita. Saya mendapat tahu lagi, ada-lah bayaran yang ini yang di-kenakan mengikut Jadual yang ada ini terlebeh tinggi daripada bayaran yang berjalan pada hari ini, sama ada di-England, atau pun di-Australia. Saya tidak tahu-lah bagaimana Jawatan-kuasa ini meletakkan bagitu tinggi bayaran-nya, wal hal dia tahu tempat² yang lebeh besar daripada negeri kita ini pembayaran-nya kurang daripada yang kita adakan di-sini. Sunggoh pun ada saya dengar bantahan² daripada pehak Chamber of Commerce dan lain², nampak-nya Pengerusi yang ada itu meletakkan bayaran-nya itu bagai-mana yang dia kehendaki juga.

Perkara yang kedua, yang saya hendak berchakap ini ia-lah berkenaan dengan Fasal 15, sub-section (1) (*d*). Saya fikir ta' payah-lah saya bachakan sub-section itu, kerana tentu-lah Menteri yang berkenaan ada Rang Undang² di-hadapan-nya berkenaan dengan Section 15 sub-section (1) (*d*). Section ini tidak membenarkan private company mengambil wang simpanan daripada orang ramai, bagitu-lah kehendak-nya. Pertanyaan saya bagini: jikalau ada sa-buah private company yang di-punyaï oleh sa-buah public company—"100% wholly subsidiary owned by the public company"—ada-kah private company ini atau yang sa-umpama itu mendapat kechualian atau tidak. Mengikut undang² yang ada ini, saya rasa, saya tidak berapa puas hati dan saya takut dengan ada-nya kalimah² yang ada itu, boleh jadi orang tidak bagitu faham, barangkali ada yang berfikir satu private company itu yang di-punyaï oleh satu public company 100% boleh jadi company yang private itu di-kechualikan dari-pada fasal dalam Section 15. Itu sahaja pertanyaan saya atas perkara ini. Saya ada-lah menyokong Rang Undang² ini pada dasar-nya.

Dato' T. H. Tan: Mr President, Sir, like the previous speaker, I support the principles of this Bill. Like the previous speaker also, I am apprehensive of the effect of this Bill on future investors, but I am happy that the Minister has given an assurance that this scale of fees will be amended in the light of experience, or in the light of future representations made to him. He has told us that if the representations are examined, and if the effect of the Bill is one of putting off investors, then he will come back to this House for further amendment to the Bill.

Sir, since it does take such a long time for Bills to come to this House, or to both Houses, I wonder if the Minister has no discretionary powers in this matter of either waiving or varying the fees. After all, if you consider the scale under the 1964 proposals and the scale of fees in the present Bill, they are more or less treble. The fees are raised, in the case of companies of $50 million nominal capital, from $13,450 to $101,000; in companies with a nominal capital of $100 million, from $25,950 to $201,200; and in the case of $150 million nominal capital, the fees have been raised from $38,450 to $301,200. In some business circles, these fees are considered to be fantastically high compared with the fees

payable now, either in Australia or in England. We must remember, Sir, that within the last week or so, there was born another, a new, sovereign State in our midst, and there is no doubt that that State would try and earn as much foreign capital as possible because that State wishes to survive on the basis or survival of the fittest, and I suggest, Sir, that we must not do anything to drive away foreign investors.

Dr Lim Swee Aun: Mr President, Sir, as I said, this point of fees had been brought up in the Lower House and I had given an assurance to that House. I will give an assurance to this House, too, that if it will have the effect of driving away foreign capital I shall certainly come back to have it amended. I am afraid I do not have any powers to amend it myself without coming to the House. But, I would like to draw the attention of this House too that the fees have been revised and are an increase on the previous fees, because the old fees were based on the 1948 or even the 1929 figures and had not been revised since. Despite all that had been said, the Committee that considered this increase, i.e. this new Schedule, felt that there should be some proportionate increase, but basing on a factor of percentage. If I can quote the figures again; when it is $500,000 nominal capital, the fees would be $2,200; when it is $1 million, it is $3,200 which works out to a percentage of 0.32%; when it is $10 million, it is $21,200 which with a percentage of 0.212% when it is $100 million, the amount of fees is $210,200 and the percentage is 0.212; and when it comes to $150 million the fees should be $301,200 which gives a percentage of 0.2008.

Sir, the reason given to me, why these high charges have been put in is to discourage people from registering companies with huge nominal capitals when, in fact, they have no intention of raising such high nominal capitals but rather to use it to create a prestige value so as to attract shareholders. But if a genuine company really wants to raise its capital, we feel that they should work within the capitals which they expect to raise, and that since this is a payment once and for all it would be a fair charge. However, as I have said, if in the light of experience, it is found that this will drive away capital, I would certainly come back to this House to have it amended.

The second point raised by the Honourable Dato' Haji Mohamed Noah on section 15 (1) (*d*) is rather interesting, and it is a very, very important point which requires a bit of clarification. Section 15 (1) (*d*) makes it very clear that it prohibits any invitation to the public to deposit money with a private company. That means any private company cannot invite the public to deposit money with it. Now, if a public company has a subsidiary, which is a private company, then it is also blocked from issuing invitations to the public to invest money into the company, the reason being in the case of such a private company we do not know to what uses the company is going to put the borrowed money. It has been made compulsory that before any company can invite the public to invest in it, it must put up a prospectus setting out its assets, its balance sheet, and its profits and loss account, so that the investor is assured that he is putting money in a safe project. Although a subsidiary, being a private company, may be the subsidiary of a public company, if it is permitted to make invitations without a prospectus, then there is a possible danger that there might be some misuse of such funds if deposited by the public. Thank you.

Enche' Athi Nahappan: Mr President, Sir, the Honourable Minister has already got up to reply, but I should like to assure that my speech would not require any reply.

As regards the point raised by the Honourable Dato' Haji Mohamed Noah, it is clear from the clause that deals with definitions—Clause 4, on page 9 of the Bill—that " 'public company' means a company other than

a private company". Therefore, a private company is a private company (*Laughter*), and under Clause 5 it cannot receive deposits from the public, even if it has some kind of connection with a public company, and I fully agree with the view expressed by the Honourable Minister on this point.

My only other remark is simply complimentary, because of the very fine work that had been put up in having this Bill brought to the Parliament. In the course of the day, we have seen two really giant legislations. Earlier in the day, we had the Land Code, which was of similar size, covering every aspect of land matters, the mechanism of land tenure and other factors. Today we have also the Company Law which covers every salient aspect of this important mechanism, which is a very fundamental requirement for the economic development of our country. As has been said by the Honourable Minister, we have been relying on an antiquated legislation, which was passed in 1940, relying on the 1929 Act of the United Kingdom. Since then, in the United Kingdom itself, the Company Law has gone through a great deal of changes, with an almost complete renewal of the Act there, I think, on two occasions since the War. Nevertheless, we have been following the old law, which did not measure up to our changed circumstances, particularly, having regard to the tempo of economic development ushered in as a result of the Government's plans.

It is an enormous Bill; it has hundreds of clauses which are very complicated; and even for a lawyer it is not easy to comprehend (*Laughter*), and I can understand how it would be for others. As the Honourable Minister says, those who are responsible for this gigantic task, should receive the fullest compliment of this House. It had been very systematically handled under the chairmanship of Raja Mohar, and there was a public scrutiny and everybody was given a fair chance to express views. It was said some time ago that this is the *Magna Carta* of Malayan company law. Earlier on, the former Minister of Commerce and Industry, the Honourable Enche' Mohamed Khir Johari, had made a jibe against the old law when he said that it was the old port of Malacca; and now I can say this is the new port of Malaysia—and this is certainly an important blueprint, except for the registration fees (*Laughter*)—that is what the Dato' said. But I tend to agree with the Honourable Minister, because of the reasons given. We have had mushroom companies, particularly in the insurance field, quite a few of them, and a lot of people had been seriously affected; and we should not allow room for a recurrence of these speculators and commercial adventurers, who simply make use of loopholes in the legislation simply to take advantage for themselves, and a certain amount of higher scale fees might be a preventive measure against undesirable elements trying to take advantage of it.

As I understand it, the framework of this legislation is based on two important factors: one is to give adequate protection to the investing public—we are doing everything in our country to make people conscious of investing their savings in public companies, and as that consciousness develops, and there has been very encouraging evidence, it is necessary for the Government to make adequate protections, so that the people would feel that their investment is being taken care of; the other, of course, is to ensure that no undue or unnecessary burden is placed upon honest companies. I do not think any honest company should fear that effect of this legislation at all. On the whole I think that in this country we have a fairly good percentage of honest companies up till now, and I am sure the tradition will be maintained.

Sir, I do not like to go into the various aspects of the Bill. All I would say, once again, is that we hope with the launching of this Act there will be greater incentive for the public to save, and this will be used as a

mechanism for the information and marshalling of public capital and enterprise enormously. Thank you, Sir.

Dato' Y. T. Lee: Mr President, Sir, on a point of clarification, may the Minister let this House know whether the Committee has any businessmen on it, and the next point is this, in my mind, the scale of fees is abnormally high, in some cases a few hundred per cent, and the next point is that once a company has decided to shift to another country or a neighbouring country, no amount of amendment could attract the company back to Malaysia.

Dr Lim Swee Aun: Mr President, Sir, I thought I can only speak once during the debate. On this point, Sir, as to whether or not a businessman has been on the Committee, off hand, I cannot answer the question, but I do know that the interests of the businessmen have been represented, they have been consulted. Second question about these fees being high, and that once a company has shifted from this State to another State, nothing more can be done. Well, I take it that that is a risk that we have to take.

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 373 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule—

Dato' Haji Mohamed Noah bin Omar: Tuan Pengerusi, atas Jadual Yang Kedua ini saya juga hendak bertanya kapada Menteri yang berkenaan ia-itu sa-tahu saya masa merundingkan membuat Rang Undang² ini, Kerajaan Singapura ada bersama² dengan orang² sa-belah sini ya'ani wakil² daripada pehak Singapura, bukan-nya sahaja daripada pehak Kerajaan bahkan daripada Chamber of Commerce dan lain² lagi. Sekarang Singapura sudah berpisah dan bercherai, sa-bagaimana yang kita tahu baharu² ini. Saya hendak tahu, yang pertama, ada-kah Kerajaan Pusat ini boleh memaksa Kerajaan Singapura mengenakan bayaran pendaftaran (registration fee) ini mengikut undang² yang ada ini.

Yang kedua, jika Singapura berfikir hendak mengajak tanaman modal² dari luar, dia boleh menurunkan bukan-nya sahaja dia punya bayaran yang ada pada hari ini, tetapi dia boleh menurunkan lagi sa-rendah²-nya. Bagaimana kedudokan nanti kelak antara Malaysia ini dengan Kerajaan Singapura atau peniaga² yang ada di-Singapura? Saya minta-lah sadikit kenyataan atau penjelasan daripada Menteri yang berkenaan.

Dr Lim Swee Aun: Mr President, Sir, it is correct that up till the 9th of August of this month, this Bill had been agreed to by the Singapore Government, as she was then part of Malaysia. But now with the secession or the divorce (*talak satu*) of Singapore from Malaysia, Singapore is no more bound by this law. She may or may not take this through I don't know. We cannot force her, if she accepts this Bill, to follow the same schedule of fees. If, however, Singapore Government decided to adopt this Bill as the Companies Bill for Singapore, and she does reduce the rate of fees on the schedule, that is a matter for the Government to reconsider. But it does not necessarily follow that we must do what Singapore does.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

Fourth Schedule ordered to stand part of the Bill.

Fifth Schedule ordered to stand part of the Bill.

Sixth Schedule ordered to stand part of the Bill.

Seventh Schedule ordered to stand part of the Bill.

Eighth Schedule ordered to stand part of the Bill.

Ninth Schedule ordered to stand part of the Bill.

Tenth Schedule ordered to stand part of the Bill.

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

THE UNCLAIMED MONEYS BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to make provision for the payment of unclaimed moneys into the Federal Consolidated Fund" be read a second time.

Dato' Y. T. Lee: Sir, I beg to second the motion.

Dr Ng Kam Poh: Mr President, Sir, Honourable Members will recall that the Companies Bill, which was debated and approved by this House just now, makes provision in section 353 thereof for the disposal of shares of shareholders, whose whereabouts are unknown, in accordance with the law relating to unclaimed moneys, and the responsibility of this disposal falls on the Minister charged with the responsibility for finance. However, there has been no law in Malaysia pertaining to the disposal of unclaimed moneys as yet, and the passing of the Companies Bill into law makes it necessary for the passing of this Unclaimed Moneys Bill. With the passing of this Bill, companies will be relieved of the responsibility of taking care of those unclaimed moneys, which they have no right to use and retain and without an unclaimed moneys law, companies might even be disinclined to make any attempt to locate the owners of the moneys. The Government, as representing the public, should have therefore the right to determine how these unclaimed moneys should be disposed of.

In the Bill, the opportunity is also taken to include provisions for the disposal of moneys, which have been in deposit with the Court for more than fifteen years.

The procedure for the disposal of the unclaimed moneys is explained in the Explanatory Statement at the end of the Bill. Part I of the Bill provides that if the money under the control of the Court remain unclaimed for a period of fifteen years from the date of the payment into the Court, the proper officer of the Court must pay such moneys into the Federal Consolidated Fund, and they will be accounted in the Consolidated Revenue Account; and if, thereafter a claim is filed in respect of such moneys, the Court may make an Order for the payment of such moneys to the person who files the claim, and a refund must be made to such a person. The refund of such moneys will be a charge on the Consolidated Fund and paid out of the Consolidated Revenue Account.

Part II of the Bill deals with unclaimed moneys under the control of a company or a firm. In such cases, the company, or firm, is required to prepare a register of unclaimed moneys and publish the entries in such register in the *Gazette* annually. If such unclaimed moneys are not paid out to the rightful owners within one year of publication in the *Gazette*, the company must pay the moneys within fourteen days into the Federal Consolidated Fund, and they will be accounted in the Consolidated Trust Account; and if after six years no further claims are made, the moneys will be transferred to the Consolidated Revenue Account as Government revenue. Should any claim be received after the transfer of the moneys to the Consolidated Revenue Account, the Minister may, if satisfied with such claims, order the payment of such claims from the Consolidated Fund.

Sir, I beg to move.

Enche' Chen Wing Sum: Sir, I beg to second the motion.

Question put, and greed 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 15 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 ELECTRICITY (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled "an Act to amend the Electricity Ordinance, 1949" be read a second time.

Dato' Y. T. Lee: Tuan Yang Di-Pertua, saya menyokong.

Dr Lim Swee Aun: Mr President, Sir, under the Electricity Ordinance, the Board must seal every document that is a contract, but in law a trading corporation has a general power to contract without seal any matters relating to its trade. Because of the increasing amount of contracts that the Electricity Board now handles, it is physically impossible to seal every document, and they are not sure which document under ordinary law need not be sealed. This amendment seeks to have such powers.

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 MUSLIM PILGRIMS (AMENDMENT) BILL

Second Reading

Dato' T. H. Tan: Mr President, Sir, I beg to move that a Bill intituled, "an Act to amend the Muslim Pilgrims Ordinance, 1951" be read a second time.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Che' Bibi Aishah binti Hamid Don: Dato' Yang di-Pertua, saya berdiri menyokong Rang Undang² ini, ia-itu saya perchaya bagi pehak Kerajaan kita ada mempunyai sifat yang bermurah hati dan juga berperi-kemanusiaan yang telah merangkakan Rang Undang² ini, kerana saya perchaya ini-lah satu chara-nya yang pehak Kerajaan kita memandang berat kapada pehak Jema'ah² Haji yang pada tiap² tahun pergi menunaikan fardzu haji-nya di-Mekah.

Tetapi satu perkara, Dato' Yang di-Pertua, yang menyedehkan pehak kami yang sentiasa pada tiap² tahun, macham saya di-Kedah ini, pergi ka-Pulau Pinang. Di-pelabohan Pulau Pinang di-masa kapal itu hendak belayar sama ada kapal itu mendarat, kita tengok berduyon² orang ta' kurang dari empat, lima ribu orang yang pergi menyambut Jema'ah Haji ini. Tetapi ta' ada satu tempat yang di-usahakan oleh pehak Kerajaan, satu perlindongan bagi pehak orang yang pergi menyambut atau pun menghantar Juma'ah² Haji ini, selalu terpaksa digunakan Pasokan² Penchegah Rusohan ia-itu Riot Squad. Umpama-nya, keadaan negeri kita dalam keadaan perang lagi, jadi saya ta' nampak-lah macham mana pehak Kerajaan kita dari satu masa ka-satu masa memandang perkara ini dengan lebeh berat lagi.

Kerana pada tahun ini juga, kalau ta' silap saya, sa-orang kanak² telah meninggal dunia. Ia-itu kerana orang berasak² merempoh hendak pergi menyambut keluarga-nya pulang, ma'alum-lah saudara mara orang² yang pulang daripada menunaikan fardzu haji tadi bukan dengan kerana sengaja

hendak pergi itu, tetapi kerana orang² yang pulang itu membawa barang² yang banyak, terpaksa di-beri pertolongan, tetapi kita ta' nampak satu pintu pun, pintu² warf itu tidak di-buka untok memberi kemudahan kapada orang² yang pergi menolong jema'ah haji itu. Ada jema'ah haji-nya uzor, di-katakan pergi ka-pintu gudang nombor lima, berkejar² orang pergi ka-pintu nombor lima, tetapi jangankan dapat orang masok, saya nampak nyamok pun tidak dapat masok! Jadi berkejar pula orang itu pergi ka-pintu warf Kedah Pier itu. Pergi ka-sabelah sana, di-halau pula orang, balek ka-sini, jadi pada tiap² tahun perkara yang macham ini berulang kali berlaku. Jadi itu-lah saya nampak kalau pehak Kerajaan kita adakan tempat perlindongan bagi orang² ini, sa-kurang²-nya kapada orang yang mempunyaï anak² kechil, sebab apa, kerana kapal itu selalu rapat sa-belah pagi dari pukul 6.30 pagi sementara orang itu dapat turun dan kadang² dia mengambil masa sampai pukul empat petang. Itu-lah keadaan-nya dengan kerana orang itu terpaksa berjemor di-tengah panas, yang menjadi malu kapada Kerajaan kita.

Pulau Pinang ada-lah menjadi pelabohan bebas, selalu kapal² daripada luar negeri sampai, orang pelanchong dapat melihat macham mana keadaan orang² dalam Tanah Melayu berkelakuan. Jadi kata sa-tengah² daripada orang² ini, ia-itu orang Tanah Melayu ini ada-lah sa-bagaimana orang² kuno atau ta' ubah macham primitive lagi dalam negeri kita. Jadi keadaan macham ini saya rasa kalau-lah bagi pehak Kerajaan kita menentukan, macham saya nampak sekarang ini, bangunan Terminal yang baharu dekat dengan pelabohan yang di-masoki oleh kapal² dagang daripada luar negeri, kalau-lah dapat di-gunakan oleh orang yang hanya hendak pergi menolong sahaja, mengangkut barang² itu, dan menjemput orang² yang pulang daripada menunaikan fardzu haji itu, itu-lah satu perkara yang sa-baik²-nya.

Jadi ini saya pulangkan-lah kapada pehak Kerajaan kita supaya mengusahakan untok kebaikan kita bersama, kerana perkara menunaikan fardzu haji ini akan berulang pada tahun², beratus² tahun lagi yang akan datang. Sekian sahaja, Dato' Yang di-Pertua, terima kaseh.

Question put, and agreed to.

Dato' T. H. Tan: Mr President, Sir, the Muslim Pilgrims Ordinance of 1951, empowers the Minister of External Affairs to specify the number of superficial and cubic feet to be allotted to each pilgrim travelling on a pilgrim ship.

Modern development in the shipping world has made that passage on a pilgrim ship a thing of the past. The Muslim Pilgrims (Amendment) Bill, 1965, empowers the Minister to specify the installation of a berthing system in ships transporting Malaysian pilgrims to the Holy Land. This Bill will enable the Minister to see that Malaysian pilgrims benefit from all further development in shipping.

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.

ADJOURNMENT *SINE DIE*

(Motion)

Dato' T. H. Tan: Mr President, Sir, I move,

That the Senate do now adjourn *sine die*.

Dato' Y. T. Lee: Dato' Yang di-Pertua, saya menyokong.

Question put, and agreed to.

Resolved,

That the Senate do now adjourn *sine die*.

Adjourned 6.37 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF AGRICULTURE AND CO-OPERATIVES

The National Land Finance Co-operative Society Ltd

1. Enche' S. P. S. Nathan asks the Minister of Agriculture and Co-operatives, to state the amount of monev so far collected through Post Offices from estate workers as contribution to the National Land Finance Co-operative Society Ltd, and the number of people involved, with a break-down of estate workers and non-estate workers.

The Minister of Agriculture and Co-operatives (Tuan Haji Mohd. Ghazali bin Haji Jawi): Amount collected through Post Offices as shares for the National Land Finance Co-operative Society Ltd since December, 1960 (from the inception of the Society) to May, 1965 is $591,339.

A total of 5,900 members are contributing towards their shares through the Post Offices. 1,700 members are estate workers and the remaining 4,200 are non-estate workers.

2. Enche' S. P. S. Nathan asks the Minister of Agriculture and Co-operatives to give an assurance that these collections are security investments in view of the large overdraft the Society has enjoyed from private commercial banks.

Tuan Haji Mohd. Ghazali bin Haji Jawi: The shares subscribed by the members are not security investments. Shares subscribed in this Society are similar to the shares subscribed in any co-operative organisation. The acquisition of share is entirely voluntary.

3. Enche' S. P. S. Nathan asks the Minister of Agriculture and Co-operatives to make a categorical statement as to whether the Government has any interest in the Society and to give an assurance to the members of the Society on the security of their deposits in this particular society.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Government has no financial interest in the Society. The Co-operative Division of this Ministry assist and advise in the proper running of the Society.

Government has not given nor does it intend to give any assurance to the share-holders and depositors as to the security of their funds in the Society and other similar societies.

4. Enche' S. P. S. Nathan asks the Minister of Agriculture and Co-operatives to state how much the Government is getting from the Society for its clerical and accounting work involved in the collection and distribution of money from the private individual members of the Society or from the Society itself.

Tuan Haji Mohd. Ghazali bin Haji Jawi: The Postal Department receives funds from individual members on behalf of the Society. The Postal Department charges a commission of 2% on the amount collected and remitted to the Society. The total commission received by the Postal Department up to May, 1965, amounted to $11,826.38.

5. Enche' S. P. S. Nathan asks the Minister of Agriculture and Co-operatives whether he would consider requests from other organisations of a similar nature to accept subscriptions and instalments on behalf of them, through government agencies and if so, on what conditions.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Deduction of dues to co-operative societies from paysheets in respect of Government employees who are members of such societies are permissible under F.G.O. 122 (iii).

If it is desired to obtain the services of any government agencies for collection of funds on behalf of any organisation of a similar nature, then the organisation concerned should take the matter up with the appropriate authority.

MINISTRY OF COMMERCE AND INDUSTRY

Pioneer Companies

6. Enche' Amaluddin bin Darus bertanya kapada Menteri Perdagangan dan

Perusahaan: (*a*) berapa buah kilang² yang telah di-buka (i) di-Petaling Jaya, (ii) di-tempat² yang lain di-Malaya; (*b*) dan berapa lama masa-nya tanah itu di-pajak kapada tiap² kilang tersebut.

Menteri Perdagangan dan Perusahaan (Dr Lim Swee Aun):

(*a*) Kami menyimpan angka² hanya berkenaan dengan sharikat² perintis sahaja. Hingga 1hb Julai, 1965 sa-banyak 110 buah sharikat telah di-beri sijil taraf perintis. 97 buah daripada sharikat² tersebut ada mengeluarkan barang² sekarang ini. 55 buah daripada-nya terletak di-Petaling Jaya, 16 di-Johor Bahru, 8 di-Kuala Lumpur, 2 di-Province Wellesley, 3 di-Tasek, 2 di-Batu Pahat, 2 di-Port Dickson, 2 di-Ipoh, 1 di-Kelantan, 1 di-Melaka, 1 di-Pulau Pinang, 1 di-Pontian Besar, 1 di-Telok Anson, 1 di-Sepang dan 1 di-Seremban;

(*b*) Tempoh pajak biasa-nya berbeza di-antara 30 sampai 99 tahun.

The Minister of Commerce and Industry (Dr Lim Swee Aun):

(*a*) We have figures only in respect of pioneer companies. By the 1st of July, 1965, 110 companies have been given pioneer certificates. 97 of the companies are in production at the moment. Of these, 55 are located in Petaling Jaya, 16 in Johore Bahru, 8 in Kuala Lumpur, 2 in Province Wellesley, 3 in Tasek, 2 in Batu Pahat, 2 in Port Dickson, 2 in Ipoh, 1 in Kelantan, 1 in Malacca, 1 in Penang, 1 in Pontian Besar, 1 in Telok Anson, 1 in Sepang and 1 in Seremban.

(*b*) The lease generally varies from 30 to 99 years.

Foreign Investments

7. Enche' Amaluddin bin Darus bertanya kapada Menteri Perdagangan dan Perusahaan: (*a*) berapa-kah jumlah modal asing yang telah di-tanam oleh pemodal² luar di-dalam negeri ini (i) sa-belum, (ii) sa-sudah di-laksanakan polisi Kerajaan memberi Taraf Perintis kapada perusahaan² yang tertentu; (*b*) dan negeri² mana-kah yang telah menanam modal demikian itu.

Dr Lim Swee Aun: Saya agak Ahli Yang Berhormat itu bertanya berkenaan dengan sharikat² perintis. Perusahaan² Perintis (Bebas daripada Chukai Pendapatan) mula berjalan di-Malaya hanya pada akhir tahun 1958. Kami tidak menyimpan angka² modal asing yang di-tanam dalam sharikat² pembuat barang² sa-belum daripada di-adakan undang² ini. Jumlah penanaman modal asing dalam sharikat² yang di-beri taraf perintis di-Negeri² Malaya daripada tahun 1959 hingga 1964 sa-bagai modal terkumpul ia-lah saperti berikut:

1959	...	$ 13.6 juta
1960	...	14.6 ,,
1961	...	28.7 ,,
1962	...	40.6 ,,
1963	...	94.7 ,,
1964	...	125.6 ,,

Negeri² yang menanam modal ia-lah:

1. Amerika Sharikat
2. Hong Kong
3. Canada
4. United Kingdom
5. Jepun
6. Bahamas
7. Negeri Belanda
8. Australia
9. Switzerland
10. Denmark
11. Indonesia
12. Negeri Thai
13. Formosa
14. Jerman
15. Afrika Selatan
16. New Zealand
17. Greece.

Dr Lim Swee Aun: I assume the Honourable Member is referring to pioneer companies. The Pioneer Industries (Relief from Incom Tax) was introduced in Malaya only towards the end of 1958. We do not have figures of foreign investment in manufacturing companies prior to the introduction of this legislation. The amount of foreign

investment in companies granted pioneer status in the States of Malaya from 1959 up to 1964 in terms of paid-up capital is as follows:

1959	...	$ 13.6 million
1960	...	14.6 „
1961	...	28.7 „
1962	...	40.6 „
1963	...	94.7 „
1964	...	125.6 „

The countries which made the investments are:

1. United States of America
2. Hong Kong
3. Canada
4. United Kingdom
5. Japan
6. Bahamas
7. Holland
8. Australia
9. Switzerland
10. Denmark
11. Indonesia
12. Thailand
13. Formosa
14. Germany
15. South Africa
16. New Zealand
17. Greece.

Companies given Tax Exemption

8. Enche' Amaluddin bin Darus bertanya kapada Menteri Perdagangan dan Perusahaan, dengan langkah Kerajaan memberi taraf perintis dengan di-kechualikan lima tahun chukai kapada sa-tengah² perusahaan, maka berapakah jumlah anggaran hasil yang Kerajaan akan dapati daripada perusahaan tersebut sa-kira-nya Taraf Perintis telah tidak di-berikan.

Dr Lim Swee Aun: Tidak dapat hendak memberi anggaran jumlah hasil yang Kerajaan harus dapati daripada perusahaan² perintis jika mereka telah tidak di-berikan taraf perintis. Ada lebeh daripada 50 buah sharikat yang telah di-kechualikan daripada bayaran chukai sa-lama 5 tahun dan kebanyakan-nya belum lagi habis tempoh 5 tahun itu. Sa-tengah² daripada sharikat² ini beruntong dan sa-tengah²-nya rugi tetapi beberapa buah lagi pulang modal sahaja. Anggaran yang di-kehendaki itu boleh di-dapati hanya apabila di-ketahui hasil² perniagaan semua sharikat² ini pada akhir 5 tahun tempoh bebas daripada chukai itu. Lagi pun patut di-tegaskan ia-itu jika taraf perintis telah tidak di-berikan kapada sharikat² ini, banyak sharikat² tersebut mungkin telah tidak di-tubohkan langsong.

Dr Lim Swee Aun: It is not possible to give an estimate of the amount of revenue the Government would otherwise have obtained from pioneer industries had they not been granted pioneer status. There are more than 50 companies which have been given tax exemption for 5 years and most of them have not yet completed the 5-year relief period. Some of these companies are making profits and some suffer losses, while a number are breaking even. The estimate required could only be made when the trading results of all these companies are known at the end of their 5-year relief period. Furthermore, it should be stressed that if pioneer status had not been given to these companies many of them might not have been established.

MINISTRY OF DEFENCE

Quarters for the Armed Forces Personnel

9. Enhe' S. P. S. Nathan asks the Minister of Defence to state what steps are being taken to overcome the shortage of accommodation for the officers and men of the R.M.A.F.

The Minister of Defence (Tun Haji Abdul Razak): Shortage of accommodation does not apply only to the R.M.A.F. personnel but also to the other Services. Those who are not provided with quarters are given rent assistance. More quarters, however, are being built for both officers and men of all units of the Armed Forces.

10. Enche' S. P. S. Nathan asks the Minister of Defence to state the number of married officers accommodated within the Kuala Lumpur R.M.A.F. station and outside and the amount of rent paid for accommodation annually.

Tun Haji Abdul Razak: About 33% of the married officers are accommo-

dated in quarters at the R.M.A.F. Station. The rest are accommodated outside and the amount of rent assistance paid to them is $289,860.00.

MINISTRY OF EDUCATION

Expatriate Chinese Teachers in Sarawak

11. Enche' Andrew Jika Landau asks the Minister of Education:

(*a*) the total number of existing expatriate Chinese School Teachers teaching in Sarawak;

(*b*) whether he is aware that these are indoctrinating the young students of Chinese Schools to embrace Communism;

(*c*) whether his Ministry will take over full control of the existing Chinese Schools Boards of Management in Sarawak or replace them with a new pattern of Schools Boards of Management;

(*d*) whether he will give an assurance that there are some, if not all, Government Aided-Schools in Sarawak that are not infiltrated by communists.

The Minister of Education (Enche' Mohd. Khir Johari):

(*a*) There are now 34 expatriate Chinese teachers in Sarawak;

(*b*) No, I am not aware. However, if such a case comes to notice the teacher concerned will be dealt with according to law;

(*c*) The question of control of existing Chinese Schools in Sarawak is under constant review by the State Government and Department of Education in Sarawak and the Government will not hesitate to take any suitable measure, as is deemed necessary;

(*d*) I could give an assurance that some, if not all, Government Aided-Schools in Sarawak are not infiltrated by communists.

MINISTRY OF EXTERNAL AFFAIRS

Malaysian Missions Overseas

12. Enche' S. P. S. Nathan asks the Minister of External Affairs to state the total number of officers employed in the Malaysian Foreign Missions abroad with their ethnic break-down and the positions they hold.

The Prime Minister:

HOME-BASED OFFICERS EMPLOYED IN MALAYSIAN MISSIONS OVERSEAS AS ON 9TH AUGUST, 1965

	Designation	Malays	Chinese	Indians*	Others	Total
Branch A (Div. I)	1. Ambassadors/High Commissioners	11	2	1	—	14
	2. Ministers	3	—	—	—	3
	3. Counsellors	6	2	1	—	9
	4. Secretaries/Consuls	20	1	4	—	25
Branch B (Div. I)	5. Higher Executive Officers	1	3	—	—	4
(Div. II)	6. Executive Officers	4	8	4	1	17
Branch C (Div. III)	7. Assistant Passport Officers ...	2	2	3	—	7
	8. Cypher Officers	1	2	—	—	3
	9. Personal Assistants/Stenographers	5	16	8	—	29
Attaches	10. Military Attaches	2	—	1	—	3
	11. Information Attaches	2	1	2	1	6
	12. Trade Attaches	—	1	—	—	1
	13. Student Directors/Deputy Directors	2	1	—	—	3
		59	39	25	2	124

NOTE—In addition to the above, Government employs a total of 267 foreign personnel to fill locally-recruited staff posts, e.g.—clerks, stenographers, drivers, etc. As far as possible and subject to the agreement of the host governments from the immigration point of view Malaysians with suitable qualifications and experience are employed.

* Including Pakistani, Ceylonese and Sikhs.

Government's Foreign Policy

13. Enche' S. P. S. Nathan asks the Minister of External Affairs to state whether, in view of the fact that some of the Government back benchers in the House of Representatives have openly urged the Government to recognise Soviet Russia and Communist China, he will make a categorical statement on the Government's foreign policy.

The Prime Minister: Malaysia follows an independent foreign policy guided by the following cardinal principles:

1. To uphold the Charter of the United Nations.
2. To help subject peoples to achieve freedom and full sovereignty.
3. To be on good terms with neighbouring countries without sparing any effort in establishing and strengthening economic and cultural ties with them.
4. To maintain close co-operation with all friendly countries.
5. To contribute to the fullest possible extent towards the promotion and maintenance of world peace and prosperity.

These principles will continue to be our guide in our relations with all countries.

14. Enche' S. P. S. Nathan asks the Minister of External Affairs to state whether the Government is contemplating a change of policy towards the United States in view of the considerable drop in buying of Malaysian rubber by the United States as against the stepped up intake of Indonesian low quality rubber, Malaysia's experience in obtaining loan from the United States, and the latest U.S. move to sell the controversial electronic equipments to Indonesia.

The Prime Minister: The Government does not contemplate any change of basic policy towards that Government.

Japanese Rockets to Indonesia

15. Enche' S. P. S. Nathan asks the Minister of External Affairs to state whether the Government has taken any steps to protest against the sale of Japanese rockets to Indonesia, and if so, how it was done and what reply it has received.

The Prime Minister: As soon as the news was published about the sale of Japanese rockets to Indonesia the Government took immediate steps to seek clarification from the Japanese Government through their Embassy in Kuala Lumpur. The reply given by the Japanese Government was that the rockets supplied to Indonesia was for cosmic observation in conjunction with a world-wide scientific research programme and cannot be utilized for military purposes. Since the rockets are purely for scientific research and that they could not be transformed for military purposes we are satisfied with the clarification given by the Japanese Government.

Goodwill Missions to East and West African States

16. Enche' S. P. S. Nathan asks the Minister of External Affairs to state the total expenditure involved in the recent Goodwill Missions to African and Asian countries, headed by the Deputy Prime Minister and the Minister of Labour.

The Prime Minister:

(*a*) *Goodwill Mission of East African States led by the Deputy Prime Minister—*

The total expenditure involved is not known at present since the account for this Mission has not been closed yet. However, a sum of $274,782 was approved by Government *vide* Contingencies Fund Allocation Warrant No. 5/65 dated 15th March, 1965.

(*b*) *Goodwill Mission to West African States led by the Minister of Labour—*

Final figures of total expenditure for this Mission is not available at present as the accounts are not yet closed, but a sum of $57,685 was approved by Government *vide* Contingencies Fund Allocation Warrant

No. 40/65 dated 20th May, 1965, for this purpose.

The Malaysian Delegation to Algiers

17. Enche' S. P. S. Nathan asks the Minister of External Affairs to state:

(*a*) the number of and the official status of the people who were included in the trip to Algiers for the postponed conference of the Afro-Asian nations;

(*b*) the number of journalists who went to Algiers on Government's expenditure and the number of non-Malaysians who were included in our delegation;

(*c*) whether it is a fact that there was at least one non-citizen in this party and, if so, whether he will give an assurance that only Malaysian citizens will be included in such missions in future.

The Prime Minister:

(*a*) 33 persons were included in the list of persons who were to be in Algiers. They were however to be strengthened by the inclusion of the Prime Minister's party who were then attending the Commonwealth Prime Ministers' Conference in London. Of these 33, 4 are of Ministerial rank including the Honourable Minister for Home Affairs who was to have attended the Foreign Ministers' Conference prior to the Conference of Heads of Afro-Asian States and Governments. The other 29 members comprise of officials and members of the secretariat staff;

(*b*) 8 journalists were selected to go to Algiers at Government's expense and there were no non-citizens among them;

(*c*) It is not a fact that a non-citizen went to Algiers as a member of the Malaysian delegation. No non-Malaysian will be included in any Malaysian official delegation. It may be necessary, however, to employ non-citizens temporarily as interpreters since there is a shortage of Malaysians who are fully qualified in the various foreign languages used at such Conference e.g. French and Arabic.

18. Enche' S. P. S. Nathan asks the Minister of External Affairs whether he could give an assurance that steps would be taken to book or reserve suitable accommodation in Algiers for the Malaysian delegation attending the Afro-Asian Conference in November, in view of the difficulty experienced by the Malaysian delegation to find suitable accommodation in Algiers in June last.

The Prime Minister: All hotels in Algiers were commandeered by the Algerian Government for the purpose of the Afro-Asian Conference in June. Similar steps would no doubt be taken for the forthcoming November Conference. It is therefore not possible for the Malaysian Government to give any assurance with regard to the suitability of accommodation for the Malaysian delegation but I can assure members that all efforts will be made by Government to secure suitable accommodation for the Malaysian delegation.

Diplomatic Missions in Africa

19. Enche' S. P. S. Nathan asks the Minister of External Affairs to state the number of countries in Africa where the Malaysian Government intends to open up diplomatic missions and the names of these countries.

The Prime Minister: At present Malaysia has already established 3 missions in Africa namely, Cairo, Addis Ababa and Lagos. Arrangements are on hand to establish a Malaysian Mission in Algiers. It is the intention of the Government to have representation in all independent African States either through the opening of more diplomatic Missions or through concurrent accreditation of the Heads of Missions from the existing capitals where we already have missions established. This long term policy will be progressively implemented depending on the availability of funds and personnel.

Malaysia Anniversary Celebrations

20. Enche' S. P. S. Nathan asks the Minister of External Affairs to state the number and names of Afro-Asian countries invited to send their representatives to attend the Malaysia Anniversary Celebrations and the number and names of countries which have turned down the invitation.

The Prime Minister: No specific official invitation was sent to other countries to send their representatives to attend specifically the Malaysia Anniversary Celebrations as such. The Government has extended invitation to representatives of other countries to participate at the opening of the Masjid Negara and the new International Airport. Those representatives who come for these purposes could as a matter of course be invited to participate in the Malaysia Anniversary Celebrations since the dates for these occasions fall so closely together.

MINISTRY OF FINANCE

Manager of the Employees Provident Fund

21. Enche' S. P. S. Nathan asks the Minister of Finance to state:

(*a*) the reasons for advertising for the post of General Manager of the Employees Provident Fund, since the present acting Manager has already done satisfactory service for a considerable time;

(*b*) whether it is his intention to appoint a retired civil servant as Head of the E.P.F.

The Minister of Finance (Enche' Tan Siew Sin):

(*a*) The previous Manager of the Employees Provident Fund was in fact seconded as such from his parent service in the United Kingdom. Since his departure in April 1964, the appointment has been filled in an acting capacity. As it is necessary that this appointment should be filled substantively, the Employees Provident Fund Board has advertised this appointment to ensure that there is a wide choice of candidates for such an important post. The acting Manager is not precluded from consideration. He has applied for the post and his application is being considered along with other applications;

(*b*) The question of appointing a retired civil servant as Manager of the Employees Provident Fund does not arise as the Board is empowered to appoint a Manager in accordance with Regulation 19 of the Employees Provident Fund Regulations, 1952.

MINISTRY OF HOME AFFAIRS

Illegal Indonesian Immigrants

22. Enche' Andrew Jika Landau asks the Minister of Home Affairs to state (*a*) the total number of Indonesian nationals who illegally entered Malaysia fully armed with weapons of war and interned in the internment camps; (*b*) the daily expenditure incurred by the Government to feed and clothe these enemy internees; (*c*) whether the Central Government would consider deporting these Indonesian "war" prisoners back to their own country through the good offices of the Government of Thailand.

The Minister of Home Affairs (Dato' Dr Ismail bin Dato' Haji Abdul Rahman):

(*a*) The total number of Indonesian nationals who illegally entered Malaysia armed and interned is 496. Details are as follows:

States of Malaya ...	346
Singapore	86
Sarawak	39
Sabah	25
	496

(*b*) The daily expenditure incurred by the Government to feed and clothe each internee is about $1.00;

(*c*) There is no intention to deport these Indonesian nationals back to their own country.

Press Conferences

23. Enche' S. P. S. Nathan asks the Minister of Home Affairs, in view of the recent misunderstanding between the Central Government and the Foreign Correspondents' Association of South-East Asia, whether he and other senior Ministers would consider holding press conference at regular intervals for members of the press—both local and foreign.

Dato' Dr Ismail: Federal Ministers have been holding press conferences and meeting members of the Press whenever it is considered necessary, but it is not considered necessary that such meetings should be held at regular intervals if there are no matters of importance to be discussed, as that would only waste the time of all concerned.

Foreign Correspondents

24. Enche' S. P. S. Nathan asks the Minister of Home Affairs whether he is aware that although Kuala Lumpur is the capital of Malaysia there is a concentration of foreign correspondents in Singapore because of the easy access they get to the Singapore Ministers through their planned public and press relations officers and better cable and radio photographic facilities given them; and if so, what steps are being taken to overcome these difficulties and attract more foreign correspondents to the capital of Malaysia.

Dato' Dr Ismail: That there has been a concentration of foreign journalists in Singapore could be due to the fact that Singapore has an international port and an international airport, which is bigger than the airport in Kuala Lumpur, and possibly better cable and radio photographic facilities.

The Ministry of Works, Posts and Telecommunications is considering a proposal to instal radio photographic facilities in Kuala Lumpur. When this is done and with the opening of the new international airport at Subang, I am confident that more foreign correspondents will have their head offices in Kuala Lumpur.

As regards easy accessibility to Ministers, on account of the varying duties and responsibilities of Federal Ministers as compared to State Ministers, Singapore Ministers are always more available in their offices, whereas Federal Ministers are often away from their offices on tour of the 14 States of Malaysia or on other official duties elsewhere.

Police Officers

25. Enche' S. P. S. Nathan asks the Minister of Home Affairs whether he would consider interchanging more officers and men of the police force in Singapore and Malaya by re-assigning or re-grouping them in the different States of Malaysia rather than keeping the majority in the present posts, in the interest of internal security.

Dato' Dr Ismail: Under the provisions of Section 85 of the Malaysia Act, 1963, police officers, who before Malaysia Day were members of the Singapore Police Force, are not liable, unless or until they elect to the contrary, for transfer without their own consent to posts outside Singapore. For this reason, the number of officers who can be transferred from Singapore to posts outside Singapore, and correspondingly the number of officers who can be transferred to Singapore from elsewhere in Malaysia, is limited.

Under the provisions of paragraph 29 of Annex B of the Malaysia Report of the Inter-Governmental Committee, 1962, police officers, who before Malaysia Day were members of the Police Force of Sabah or of the Sarawak Constabulary, remain as State officers and they are seconded to the Federal service; these officers, other than expatriate officers, have an option as follows:

(i) they may opt for transfer from the State service to the Federal service;

(ii) if they opt for transfer to the Federal service as in (i) above, they are still not liable for transfer out of Sabah or Sarawak, as the case may be, save with their own consent.

There are accordingly limitations on the extent to which there can be interchanges of police officers between Sabah and Sarawak and the rest of Malaysia.

Notwithstanding the limitations referred to in paragraphs 1 and 2 above, the following numbers of police officers from the States of Malaya are at present serving in Singapore, Sabah and Sarawak.

	Singapore	*Sabah*	*Sarawak*
Senior Assistant Commissioners	—	—	1
Assistant Commissioners	1	2	—
Superintendents ..	—	—	2
Deputy Superintendents ..	1	1	2
Assistant Superintendents	2	1	7
Inspectors	19	19	31
Rank and File	634	8	291
Totals ..	657	31	334

Also, the following members of police officers from Singapore are at present serving in the Royal Malaysia Police Headquarters, and connected establishments, in Kuala Lumpur and in the Sabah and Sarawak Components:

	Headquarters in Kuala Lumpur and connected establishments	*Sabah*	*Sarawak*
Assistant Commissioners	2	—	—
Superintendents	1	—	—
Deputy Superintendents ..	—	—	—
Assistant Superintendents	2	1	—
Inspectors	14	—	2
Rank and File	—	—	4
Totals ..	19	1	6

Further inter-changes of officers will be considered from time to time as the need arises and within the limitations referred to above.

Illegal Immigrants

26. Enche' S. P. S. Nathan asks the Minister of Home Affairs to state whether the Government has taken any concrete steps to prevent the illegal immigration of workers from the Philippines and Hong Kong into the Borneo territories and the number of these illegal immigrants in these territories.

Dato' Dr Ismail: The answer to the first part of the question is "Yes".

With regard to the second part of the question the Immigration Department is not aware that there are illegal immigrant workers from the Philippines and Hong Kong in the Borneo territories. If in fact there are, it is regretted that the exact number cannot be determined.

MINISTRY OF INFORMATION AND BROADCASTING

Expenditure on Job Printing

27. Enche' S. P. S. Nathan asks the Minister of Information and Broadcasting to state the amount of money his Ministry spent on job printing by (*a*) the Government Printer, and (*b*) by private printers for the whole of 1964.

The Minister of Information and Broadcasting (Enche' Senu bin Abdul Rahman): Assessment of money spent on job printing for year 1964 is as follows:

(*a*) By Government Printer $ 29,910

(*b*) By Private Printers ... 737,311

Information Officers in Foreign Missions

28. Enche' S. P. S. Nathan asks the Minister of Information and Broadcasting to state the number of people he intends to recruit as Information Officers in foreign missions, their qualifications and salary scale.

Enche' Senu bin Abdul Rahman: This is a matter which is still under discussion between my Ministry and the Ministry of External Affairs on the one hand and the Treasury and the Federation Establishment Office on the other.

Television Malaysia

29. Enche' S. P. S. Nathan asks the Minister of Information and Broadcasting to state when Television Malaysia will have a full-time reporting staff and whether he will give an assurance that those employed on a day to day basis, will be eligible for sick leave, medical facilities and other benefits usually enjoyed by permanent Government officers.

Enche' Senu bin Abdul Rahman: Action is now well under way to recruit a full-time reporting staff for Television Malaysia. This exercise is expected to be completed very soon.

As far as the present stringers are concerned, they are not being employed on a day to day basis. They are being paid for every assignment done by them.

Departments of Information and Broadcasting in Sabah and Sarawak

30. Enche' S. P. S. Nathan asks the Minister of Information and Broadcasting whether it is the intention of the Ministry to open Information Department branches in Sabah and Sarawak and, if so, what steps are being taken to recruit and train suitable persons to man these branches.

Enche' Senu bin Abdul Rahman: The Honourable Member is probably not aware that on Malaysia Day the Departments of Information and Broadcasting in Sabah and Sarawak automatically became Federal Departments, each being locally controlled by a State Information Officer and a Controller of Radio.

The existing staff is being augmented with new recruits from local people of both States. Federal Officers from the States of Malaya are being sent to train the new staff from time to time.

Radio Malaysia Sarawak

31. Enche' Andrew Jika Landau asks the Minister of Information and Broadcasting whether he would second the Band Leader of Radio Malaysia to Sarawak so that he could give instructions and improve the standard of the local musicians.

Enche' Senu bin Abdul Rahman: At present there is no intention of sending the Band Leader of Radio Malaysia on secondment to Sarawak as there is no provision for a Radio Orchestra in Radio Malaysia Sarawak. However, apart from the periodical visits by the Radio Malaysia Orchestra to the State, we may be sending one of our musicians soon to assist in improving the musical production there.

MINISTRY OF LABOUR

Ban on Strikes

32. Enche' S. P. S. Nathan asks the Minister of Labour to state the reaction, if any, he had received from internationally recognised labour organisations on the recent Malaysian Government ban on strike and other forms of industrial actions and the number and details of letters and telegrams he had received in respect of this ban.

The Minister of Labour (Enche' V. Manickavasagam): I have received representations from four International Trade Union Organisations concerning the Essential Regulations recently promulgated by the Government.

These representations touch on the following aspects of the Regulations:

(i) That they were an unnecessary measure;

(ii) That they were discriminatory against the workers;

(iii) That they deprived workers of their legitimate rights; and

(iv) That they were promulgated without consultation with the Malaysian Trades Union Congress.

It is quite apparent from some of the representations received that they have not only failed to appreciate the seriousness of the present Emergency situation in the country but they have also distorted the intention and nature of the Regulations themselves.

33. Enche' S. P. S. Nathan asks the Minister of Labour to state whether the Minister is aware that there was no threat or a national strike in any of the private industries at the time when the Government decided to invoke its powers under the Emergency Regulations, and if so, what were the reasons which prompted the Government to declare a ban on strikes and other forms of industrial actions.

Enche' V. Manickavasagam: The Essential (Arbitration in the Essential Services) Regulations, 1965, were not promulgated merely because there was a threat of a national strike in any

specific industry but to cater for the possibility of any industrial action which might disrupt essential services during the period of the Emergency and, thereby, affect the strength and preparedness of the nation in meeting the aggression that is not only being threatened but is being actually committed within our own borders.

The Essential Regulations provide for a more peaceful and orderly manner of settlement of disputes which might arise in the scheduled essential services.

A Committee to Study the Essential Regulations on Strikes

34. Enche' S. P. S. Nathan asks the Minister of Labour to state whether he is prepared to set up a joint committee of workers, employers, and Government representatives to consider ways and means of amending the Government's regulation as suggested by the Malaysian Trades Union Congress; if so, when he would invite them to form such a committee; if not, why.

Enche' V. Manickavasagam: A Committee consisting of officials of the Ministry of Labour and representatives of the Malayan Council of Employers' Organisations and the Malaysian Trades Union Congress has already been established to study the Essential Regulations with a view to making proposals for such amendments as are necessary and feasible, taking into consideration the views expressed by the Malayan Council of Employers' Organisations and the Malaysian Trades Union Congress.

I had stated my willingness to establish such a Committee publicly as soon as I returned from the International Labour Conference in Geneva in June, 1965.

Legislation Connected with Labour

35. Enche' S. P. S. Nathan asks the Minister of Labour to give a detailed account of the legislation connected with labour he had been planning to enact before the last elections and on which he gave wide publicity during his last term of office as the Assistant Minister of Labour; why such legislation have not been introduced so far; and when will they be introduced.

Enche' V. Manickavasagam: Both the then Minister of Labour and I had announced the Government's proposals for legislation in the following fields:

(1) Workers' Housing;
(2) Extension of Collective Agreements;
(3) Extension in the Scope of Labour Legislation to make them more comprehensive;
(4) Amendments to the Industrial Courts Ordinance to provide for Courts of Inquiry;
(5) Amendments to the Trade Unions Ordinance or new legislation to prevent excessive fragmentation of the trade union movement and to provide for the recognition of trade unions by employers, etc.;
(6) Children and Young Persons Ordinance;
(7) Registration of Port Labour and their Employers.

Proposals for this legislation were submitted by me to the National Joint Labour Advisory Council and discussions on only a few of them could be completed, when the Malaysian Trades Union Congress decided to withdraw from participation in the Council. Nevertheless, the Government is proceeding with the finalising of some of these pieces of legislation.

Legislation relating to the registration of port labour and their employers has already been passed during the May/June session of Parliament.

The amendments to the Industrial Courts Ordinance and the Trade Unions Ordinance have already been tabled for discussion during the August, 1965 session of Parliament. The remaining legislation will be submitted to Parliament as and when they could be finalised.

Workers for Sabah

36. Enche' S. P. S. Nathan asks the Minister of Labour to state the number of workers (of Malay, Chinese and Indian origin) recruited so far for services in the Borneo States and what was the demand so far received.

Enche' V. Manickavasagam: The number of workers so far recruited by employers in Sabah from the States of Malaya is as follows:

(i) Malays	...	...	115
(ii) Chinese	...	...	90
(iii) Indians	...	...	1

All requests for workers in the States of Malaya, so far received by the Ministry of Labour, have been satisfied.

37. Enche' S. P. S. Nathan asks the Minister of Labour to state whether it is a fact that some of the workers who had gone from the mainland to work in the Borneo States have joined the Army there because of the poor conditions of service existing there and, if so, what steps are being taken to prevent a recurrence.

Enche' V. Manickavasagam: Four workers recruited from the States of Malaya for work in Sabah are known to have joined the Army in Sabah. Their joining the Army is due to the attraction that the Army had for these four youths. Another youth who was recruited for work in Sabah has been appointed as a Police Inspector, after a few months of arriving there.

All estates which request workers from the States of Malaya are inspected and workers are sent there only if the Ministry is satisfied that the conditions of service there are satisfactory.

Plantation Workers

38. Enche' S. P. S. Nathan asks the Minister of Labour whether the Minister is aware that (*a*) hundreds of plantation workers are being thrown out of jobs as a result of government's industrialisation policy by converting large and long standing plantations into industrial or housing estates, (*b*) apart from the unemployment created, the workers are also facing accommodation problems; and, if so, what Government proposes to do to find alternate employment and accommodation for these displaced workers.

Enche' V. Manickavasagam: I am aware that the conversion of plantations into industrial or housing estates, etc., does displace a certain number of workers on those plantations but the problem is not anywhere as large as it is made out to be in the question.

In the case of plantations that have been affected so far, the workers have experienced little difficulty in finding suitable alternative employment. I have no doubt that in the cases that might arise in the future, too, alternative employment would be available to the workers affected, within the States of Malaya itself, if they are prepared to move to the places where vacancies exist.

I might mention that so far only a total of 31 rubber tappers have registered for employment with the Employment Exchanges in the States of Malaya.

MINISTRY OF LANDS AND MINES

Land owned by foreign persons

39. Enche' Amaluddin bin Darus bertanya kapada Menteri Tanah dan Galian (*a*) berapa-kah luas tanah didalam Malaysia yang di-mileki atau di-pajak kapada sharikat² atau orang² asing untok maksud pertanian dan sabagai-nya; (*b*) nyatakan satu persatu nama sharikat² dan orang² asing itu, serta dengan luas-nya tanah yang dimileki atau di-pajak kapada mereka itu dan juga berapa lama masa-nya mereka memajak tanah² tersebut; (*c*) berapa-kah chukai tanah yang dikenakan kapada sharikat² dan mereka² yang berkenaan; (*d*) dan ada-kah Kerajaan berchadang hendak memberi Kerajaan² Negeri kuasa menaikkan chukai tanah atas tanah² yang demikian itu.

Menteri Tanah dan Galian (Enche' Abdul-Rahman bin Ya'kub): Soalan² (*a*), (*b*) dan (*c*) itu ada-lah rumit untok mendapat butir² yang di-kehendaki kerana rekod² bagi tanah² tersebut hanya di-simpan oleh Kerajaan² Negeri masing². Butir² itu sedang di-pinta daripada semua Kerajaan² Negeri Malaysia tetapi akan mengambil masa yang panjang untok di-sempurnakan. Apabila siap nanti saya akan sampaikan kapada Ahli Yang Berhormat itu, jika maseh di-kehendaki.

Mengenai soalan (*d*)—Kerajaan² Negeri Tanah Melayu memang ada berkuasa pada masa ini untok meminda (di-kurang atau di-naikkan) chukai² tanah dari masa ka-samasa yang tertentu terhadap semua tanah sama ada yang di-mileki oleh orang² asing atau anak Negeri. Kuasa ini akan di-kemaskan lagi dalam Undang² Tanah baru "National Land Code" yang sedang di-timbang oleh Parlimen sekarang ini. Undang² Tanah Kebangsaan ini akan di-kuat-kuasakan bagi Negeri² Tanah Melayu sahaja.

MINISTRY OF LOCAL GOVERNMENT AND HOUSING

Low-Cost Housing Schemes

40. Enche' Andrew Jika Landau asks the Minister of Local Government and Housing whether his Ministry would include Sarawak in the implementation of the low-cost Housing Development Scheme, especially in the State Capital and Divisional Capitals in that State.

The Minister of Local Government and Housing (Enche' Khaw Kai-Boh): I stated at the last session of Parliament in reply to a similar question that the Ministry of Local Government and Housing will consider the extension of low-cost housing schemes into the State of Sarawak on receipt of application for such schemes from the State. The State Government has already been acquainted with the procedure and the details required during my visit to Sarawak in October, 1964. So far the Ministry of Local Government and Housing has not received any bids from the State of Sarawak for low-cost housing schemes. However, I propose to send officials from my Ministry to Sarawak for further discussion to assist the Sarawak State Government in formulating their application to my Ministry.

MINISTRY OF NATIONAL AND RURAL DEVELOPMENT

MARA

41. Enche' Andrew Jika Landau asks the Minister of National and Rural Development whether:

(*a*) he would extend the projects of MARA into the State of Sarawak in the not too distant future;

(*b*) he would include one of the indigenous people from Sarawak to serve on one of the Committee of MARA;

(*c*) a separate and distinct State Committee of MARA will be formed in each State in Malaysia to serve the needs of each individual State.

The Minister of National and Rural Development (Tun Haji Abdul Razak):

(*a*) The MARA will certainly carry out certain projects in Sarawak as soon as it is found practicable. In fact, the MARA has established its branch office in Kuching;

(*b*) When the appointment of membership of the MARA is made, consideration will be given to the appointment of a representative from the State of Sarawak;

(*c*) A sub-committee of the existing State Rural Development Committee has been appointed in each State of the States of Malaya for the purpose of co-ordinating and supervising not only the activities of the MARA but also the activities directed towards obtaining effective participation by the Bumiputra in the fields of Commerce and Industry. It is proposed to form similar sub-committees in the Borneo States as soon as the MARA Act is brought into force there.

PRIME MINISTER'S DEPARTMENT

The Industrial and Manual Group Employees Claim for Salary Increases

42. Enche' S. P. S. Nathan asks the Prime Minister to state whether the Government has decided on the claims by 56,000 industrial and manual group of workers for an interim award, and if so, when the Government intends to make it known.

The Prime Minister: The claim from the Industrial and Manual Group employees for an interim salary increase is under consideration. It is hoped that a decision will be made soon.

The Salaries Commission

43. Enche' S. P. S. Nathan asks the Prime Minister to give an assurance that the Government would accept the Commission's report *in toto* when it is ready.

The Prime Minister: The Salaries Commission was appointed by the Government and the Government would of course give serious and careful consideration to the recommendations of the Commission. It is not proper for the Government to announce its decision before the Commission has put up its report and before the Government has even time to consider.

44. Enche' S. P. S. Nathan asks the Prime Minister to state whether there are any difficulties in obtaining the services of experts from foreign countries, and if so, whether the Prime Minister will consider nominating qualified people from Malaysia so that the Commission can get on with its work without delay.

The Prime Minister: There has been some difficulty in appointing two members from overseas. In many instances, the difficulties arose after suitable candidates have been offered and accepted. These candidates have not been able to take up the appointment for medical or other personal reasons. If it transpires that there are no suitable candi- have to consider alternative arrangements.

The Special Commission on Salaries

45. Enche' S. P. S. Nathan asks the Prime Minister to state when exactly the Salaries Commission will be constituted in full and what are the reasons for the delay in even deciding on the procedure the Commission should adopt in its work.

The Prime Minister: The Special Commission on Salaries is to consist of six members including the Chairman. Four members have already been appointed but there has been difficulty with regard to the other two. I can assure the House that Government is doing its best to get the full Commission constituted as early as possible. I do not wish to go into details at the present time but I should like to inform the House that the delays which have occured are beyond our control.

I am informed that the Special Commission has already decided on the procedures to be adopted in its work.

Women Teachers' Claim for Equal Pay for Equal Work

46. Enche' S. P. S. Nathan asks the Prime Minister to state whether the Government is prepared to make an interim offer to the women teachers' claim for equal pay for equal work.

The Prime Minister: The Government does not consider it necessary to make an offer and no claim has been received.

MINISTRY OF TRANSPORT

Port in Kelantan

47. Enche' Amaluddin bin Darus bertanya kapada Menteri Pengangkutan ada-kah Kerajaan akan segera membena sa-buah pelabohan yang berpadanan besar-nya di-Kelantan untok memperbaiki perjalanan laut sa-lain daripada chadangan membuat jalan-raya menghubongi Pantai Barat dengan Pantai Timor.

Menteri Pengangkutan (Dato' Haji Sardon bin Haji Jubir): Ahli Yang Berhormat telah membangkitkan soal lama dan rumit itu dan saya yakin Ahli² Yang Berhormat akan mema'afkan saya kira-nya saya binchangkan perkara ini dengan panjang lebar.

Kejadian 'alam tidak bagitu menguntongkan Negeri Kelantan. Sa-panjang pantai negeri itu daripada Cherang Ruku sampai ka-sempadan Negeri Thai, menerima seluroh pukolan angin monsoon timor laut. Oleh itu mustahil boleh di-bena sa-buah pelabohan di-Kelantan bagi kapal² besar melainkan dengan mengeluarkan belanja yang sangat banyak, dan ini tentu-lah tidak berekonomi. Kedua-nya Sungai Kelantan nampak-nya ashik menimbunkan

lumpur jerlus (silt) sa-panjang pantai di-Tumpat dan memang-lah sukar bagi kita melawan kejadian 'alam. Dengan itu maka tinggal-lah kita dengan Kuala Sungai Kelantan sahaja bagi timbangan untok maksud mendirikan pelabohan ini. Di-sini pula kesulitan-nya ia-lah bahawa Sungai Kelantan ini boleh di-laluï hanya dengan melaluï beting atau alangan di-kuala sungai itu yang menjadi sekatan besar kapada kapal² hendak masok ka-sungai itu dan sa-sudah masok beting itu. Sungai Kelantan sangat-lah chetek.

Masaalah hendak memperbaiki kemudahan² pelabohan di-Kelantan telah pun di-pereksa dua kali dalam tempoh lima belas tahun yang lampau. Pada tahun 1951, Kerajaan Negeri Kelantan telah melantek sa-buah sharikat perunding British yang telah mengeshorkan supaya Tumpat di-ketepikan sahaja sa-bagai pelabohan dan bahawa beting dan Kuala Sungai Kelantan di-korek sampai Kampong Che Latiff di-mana patut di-bena kemudahan² pelabohan bagi kapal² pantai. Ranchangan ini di-anggarkan memakan belanja $850,000, luar daripada belanja membeli pengorek, tetapi sekarang ini harus berharga antara $1.25 juta dengan $1.5 juta. Apa pun tidak di-buat berkenaan ranchangan ini.

Pada tahun 1961, Kerajaan mendapat perkhidmatan sa-orang pakar korek Belanda yang menyuarakan pendapat nya bahawa harus-lah susah dan mungkin rugi untok mengorek beting dan Kuala Sungai Kelantan. Ia mengeshorkan supaya di-korek kawasan dasar laut dekat tebing pantai di-Tumpat dan di-buat pelabohan kapal². Dengan ini menunjokkan bahawa pakar² ini mempunyaï berlainan pendapat.

Baharu² ini sa-buah Sharikat Jurutera pelabohan² Jepun telah berunding dengan Kerajaan Negeri Kelantan untok membuat penyiasatan dan mengeluarkan chadangan mereka untok memperelokkan pelabohan² di-Kelantan dan perkara ini telah di-rojokkan kapada Kementerian Pengangkutan. Pelabohan², sa-bagaimana Ahli² Yang Berhormat ma'alum, ada-lah dalam tanggongan Kerajaan Federal dan masaalah hendak menerima nasihat pakar seberang laut untok pelabohan Kelantan baik menurut Ranchangan Colombo atau sa-balek-nya, ada-lah dalam timbangan Kementerian saya.

Sementara itu, suction dredge sedang di-bena bagi kegunaan Jabatan Laut dengan belanja kira² $2 juta dan akan dapat di-guna dalam tahun 1967 di-pelabohan pantai timor yang boleh mendatangkan hasil jika di-jalankan kerja mengorek.

The Minister of Transport (Dato' Haji Sardon bin Haji Jubir): The Honourable Senator has raised the old and delicate question and I am sure Honourable Senators will forgive me if I deal with it at some length.

Nature has not been very kind to the State of Kelantan. The whole of the coast line from Cherang Ruku to the Thai border is exposed to the full force of the north-east monsoon and it would be impossible to build a port in Kelantan for ocean-going ships except at enormous expense and therefore is not economical. Secondly, the Kelantan River appears determined to deposit silt along the coast line at Tumpat and it is very difficult to fight against nature. This leaves only the mouth of the Kelantan River for consideration for development for port purposes. The difficulty here is that the Kelantan River can only be entered by crossing a bar which severely limits the size of ships which can enter the river, while once inside the bar, the Kelantan River is very shallow.

The question of improving port facilities in Kelantan has been examined twice in the last fifteen years. In 1951, the Kelantan Government appointed a firm of British consultants who recommended that Tumpat should be abandoned as a port and that the bar and the mouth of the Kelantan River should be dredged to Kampong Che' Latiff where port facilities should be developed for coastal ships. This scheme was then estimated to cost $850,000, excluding the cost of the dredger, but at current prices would probably cost between $1.25 million and $1.5 million. Nothing was done to implement this scheme.

In 1961, Government obtained the services of a Dutch dredging expert

who expressed the opinion that it would be a difficult and risky business to try to dredge the bar and the mouth of the Kelantan River and recommended that the area of sea bed off the coast line at Tumpat should be dredged to accommodate coastal ships. It will thus be seen that the experts differ.

Recently a firm of Japanese port engineers have approached the Kelantan State Government to carry out a survey and make proposals for improving the Kelantan ports and the matter has been referred to the Ministry of Transport. Ports are, as Honourable Senators are aware, Federal matters and the question of obtaining expert advice from overseas for the Kelantan ports, under the Colombo Plan or otherwise, is under consideration by my Ministry.

Meanwhile, a suction dredge is being constructed for the Marine Department at a cost of nearly $2 million and will be in service in 1967 at such east coast ports where dredging can be carried out to advantage.

THE MALAYAN RAILWAY

Mr N. A. Cameron

48. Enche' S. P. S. Nathan asks the Minister of Transport whether:

(*a*) it is a fact that a United Nations expert. Mr N. A. Cameron, seconded to the Malayan Railways, was asked to study the costings and tariffs of the Malayan Railway and suggest ways and means of improving the present set up;

(*b*) it is a fact that he has submitted a detailed report of his study with recommendations to the administration of the Malayan Railway;

(*c*) he is prepared to publish the report in view of the fact that the Railway is now considered to be a government department; and, if not, to state the reasons preventing him from publishing the report, bearing in mind that the tax payers have an interest in the Railway Administration.

Dato' Haji Sardon bin Haji Jubir:

(*a*) Mr N. A. Cameron was seconded to the Malayan Railway to draw up a sound system of traffic costing and to help develop the costing section in the Administration.

(*b*) Mr Cameron submitted a report of his work which included a sample survey of certain services far the information and guidance of the Administration.

(*c*) The Railway is not a Government Department but a Corporation Sole as defined under Section 4 (1) of the Railway Ordinance, 1948. The report submitted by Mr Cameron contained information and figures on costings which are highly confidential to the Railway Administration. It is therefore not desirable to publish the report for public information.

General Manager of Malayan Railway

49. Enche' S. P. S. Nathan asks the Minister of Transport whether he is aware that the railwaymen are dissatisfied to work under a Civil Servant as their head, instead of a member of the Railway Service; and if so, whether he can give an assurance that an officer from the Railway Service will succeed the present General Manager, who is a Civil Servant, after his retirement.

Dato' Haji Sardon bin Haji Jubir: The Minister of Transport has received no representation nor is he aware that railwaymen are dissatisfied to work under a Civil Servant as their Head. In fact the Minister of Transport is aware that the present General Manager is popular with the staff.

The Minister of Transport cannot give an assurance as to who will succeed the present General Manager as the appointment is the prerogative of D.Y.M.M. Seri Paduka Baginda Yang di-Pertuan Agong in accordance with Section 3 (1) of the Railway Ordinance. 1948.

MINISTRY OF WORKS, POSTS AND TELECOMMUNICATIONS

Malayan Times

50. Enche' S. P. S. Nathan asks the Minister of Works, Posts and Telecommunications to state whether it is a fact that some of the telephone lines connected to a Malayan English language newspaper—The *Malayan Times*—were cut off for non-payment of dues.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Yes, Some of the telephone lines rented by the *Malayan Times* were cut off for delay in payment of dues.

East-West Highway

51. Enche' S. P. S. Nathan asks the Minister of Works, Posts and Telecommunications to state the amount of money spent on preliminary works connected with the opening of the East-West coast main road connecting Kelantan and Sungei Siput, which is now being abandoned or suspended and the reasons for doing so.

Dato' V. T. Sambanthan: The amount of money spent on providing a pilot track is about $878,000.

The route of the East-West Highway has been based upon a feasibility study made by Canadian Consulting Engineers under Colombo Plan Aid. Following this report, a pilot track has had to be cut by the Public Works Department, so as to enable detailed ground survey to be carried out. The route surveyed by the Canadian Report is a road running east of Lasah through Gua Musang to Kuala Brang in Trengganu. However, bearing in mind defence and economic requirements, a more northerly route is under study. As such, it is not possible to say what the final alignment of the track would be.

Road Connection Grik and East Coast

52. Enche' S. P. S. Nathan asks the Minister of Works, Post and Telecommunications to state the estimated costs involved in finalising the opening of a new road connecting Grik and East Coast and then extending to South Kedah up to Perlis.

Dato' V. T. Sambanthan: There has been no expenditure incurred with regard to the road referred to by the Honourable Member. As regards extending the road up to Perlis, there is no such proposal because the road connecting South Kedah to Perlis already exists.

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