

Volume II
No. 7



Wednesday
27th April, 1960

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

CONTENTS

ANNOUNCEMENTS BY Mr. SPEAKER:

Message from D.Y.M.M. Tengku Kurshiah [Col. 703]

Assent to Bills Passed [Col. 703]

BILLS—

The Local Government Elections Bill [Col. 704]

**The Employees' Provident Fund (Amendment) Bill
[Col. 744]**

The Group Settlement Areas Bill [Col. 802]

WRITTEN ANSWERS TO QUESTIONS [Col. 813]

PRINTED AT THE GOVERNMENT PRESS
BY THOR BENG CHONG, ACTING GOVERNMENT PRINTER
FEDERATION OF MALAYA

1960

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

Official Report

Second Session of the First Dewan Ra'ayat

Wednesday, 27th April, 1960

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

PRESENT:

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

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

- The Honourable ENCHE' LIU YOONG PENG (Rawang).
- „ ENCHE' T. MAHIMA SINGH (Port Dickson).
- „ ENCHE' MOHAMED BIN UJANG (Jelebu-Jempol).
- „ ENCHE' MOHAMED ABAS BIN AHMAD (Hilir Perak).
- „ ENCHE' MOHAMED ASRI BIN HAJI MUDA (Pasir Puteh).
- „ ENCHE' MOHAMED DAHARI BIN HAJI MOHD. ALI (Kuala Selangor).
- „ ENCHE' MOHAMED NOR BIN MOHD. DAHAN (Ulu Perak).
- „ DATO' MOHAMED HANIFAH BIN HAJI ABDUL GHANI, P.J.K. (Pasir Mas Hulu).
- „ ENCHE' MOHAMED SULONG BIN MOHD. ALI, J.M.N. (Lipis).
- „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ NIK MAN BIN NIK MOHAMED (Pasir Mas Hilir).
- „ ENCHE' NG ANN TECK (Batu).
- „ DATO' ONN BIN JA'AFAR, D.K., D.P.M.J. (Kuala Trengganu Selatan).
- „ ENCHE' OTHMAN BIN ABDULLAH (Tanah Merah).
- „ ENCHE' OTHMAN BIN ABDULLAH (Perlis Utara).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID (Rembau-Tampin).
- „ ENCHE' SEAH TENG NGIAB (Muar Pantai).
- „ ENCHE' D. R. SEENIVASAGAM (Ipoh).
- „ ENCHE' S. P. SEENIVASAGAM (Menglembu).
- „ TUAN SYED ESA BIN ALWEE, S.M.J., P.I.S. (Batu Pahat Dalam).
- „ TUAN SYED HASHIM BIN SYED AJAM, A.M.N., P.J.K. (Sabak Bernam).
- „ ENCHE' TAJUDIN BIN ALI (Larut Utara).
- „ ENCHE' TAN CHENG BEE, J.P. (Bagan).
- „ ENCHE' TAN KEE GAK (Bandar Malacca).
- „ ENCHE' TAN PHOCK KIN (Tanjong).
- „ ENCHE' TAN TYE CHEK (Kulim-Bandar Bahru).
- „ TENGKU INDRA PETRA IBNI SULTAN IBRAHIM, J.M.N. (Ulu Kelantan).
- „ DATO' TEOH CHZE CHONG, D.P.M.J., J.P. (Segamat Selatan).
- „ ENCHE' V. VEERAPPEN (Seberang Selatan).
- „ WAN SULAIMAN BIN WAN TAM (Kota Star Selatan).
- „ WAN YAHYA BIN HAJI WAN MOHAMED (Kemaman).
- „ ENCHE' WOO SAIK HONG (Telok Anson).
- „ ENCHE' YAHYA BIN HAJI AHMAD (Bagan Datoh).
- „ ENCHE' YEOH TAT BENG (Bruas).
- „ ENCHE' YONG WOO MING (Sitiawan).
- „ HAJJAH ZAIN BINTI SULAIMAN, J.M.N., P.I.S. (Pontian Selatan).
- „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB (Langat).
- „ ENCHE' ZULKIFLEE BIN MUHAMMAD (Bachok).

ABSENT:

- The Honourable the Prime Minister, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- „ the Minister of Agriculture and Co-operatives, ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S. (Segamat Utara).
- „ DR. LIM SWEE AUN, J.P. (Larut Selatan).
- „ ENCHE' QUEK KAI DONG (Seremban Barat).
- „ WAN MUSTAPHA BIN HAJI ALI (Kelantan Hilir).

IN ATTENDANCE:

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

PRAYERS

(Mr. Speaker *in the Chair*)

ANNOUNCEMENTS BY
MR. SPEAKERMESSAGE FROM D.Y.M.M.
TENGGU KURSHIAH

Mr. Speaker: Ahli² Yang Berhormat, saya telah mendapat sa-puchok surat daripada Setia Usaha Sulit Istana Negara seperti di-bawah ini:

“Tuan² Yang Berhormat saya telah di-titahkan oleh Duli Yang Maha Mulia Tunku Kurshiah menyampaikan kepada tuan² terima kaseh-nya, kerana kalongan bunga yang telah di-hantar pada hari kemangkatan Duli Yang Maha Mulia Al-marhum Tuanku Abdul Rahman ibni Al-marhum Tuanku Muhammad.

Demikian juga saya hendak ma'alumkan kepada tuan² bagaimana sejok-nya hati Yang Maha Mulia dengan kerana tuan² telah menunjukkan perasaan sedeh dan tanda² kehormatan yang mulia kepada Duli Yang Maha Mulia Al-marhum Tuanku Abdul Rahman yang telah di-tunjukkan oleh sa-kalian hamba ra'ayat-nya.

Tanda tangan: Setia Usaha Sulit.”

ASSENT TO BILLS PASSED

I wish to inform the House also that His Majesty the Yang di-Pertuan Agong on the 23rd April, 1960, signified his assent to the following Bills, which

were passed recently by both Houses of Parliament:

- (1) The Attestation of Registrable Instruments Bill.
- (2) The President of the Senate (Remuneration) Bill.
- (3) The Land Conservation Bill.
- (4) The Parliament (Members Remuneration) Bill.
- (5) The Assistant Ministers Bill.
- (6) The Census Bill.
- (7) The Speaker (Remuneration) Bill.
- (8) The Exchange Control (Amendment) Bill.

BILLS

THE LOCAL GOVERNMENT
ELECTIONS BILL

Mr. Speaker: The debate on the second reading of the Bill before the House will now resume.

Enche' V. David (Bungsar): Mr. Speaker, Sir, at the close of the debate yesterday we heard a lengthy speech by the Honourable Minister of the Interior regarding the Bill on Local Government Elections. Several reasons were given by the Minister of the Interior for postponing the elections. The first reason was that the electoral rolls were inaccurate and in disorder, and for these reasons elections have been postponed until March next year. The new Bill here contains various new proposals in regard to the elections

to local governments. Mr. Speaker, Sir, according to the former regulations a member was elected for three years and there have been periodical retirements every year. This gave an opportunity to the taxpayers to judge the merits and demerits of each and every party at the end of each year, but now it would be once in three years. Mr. Speaker, Sir, it may be a safeguard to the members of the Government side in this: there is no necessity for them to go to the polls for three years.

As far as the Kuala Lumpur Municipal Council is concerned the new Bill makes provision for the Federal Government to take over the entire control of the Kuala Lumpur Municipal Council. This is in fact a danger; and it also places the Members of the Opposition in suspicion for the very reason that according to Clause 24 of this Bill, once the Federal Government assumes control of the Kuala Lumpur Municipal Council, any time at the will and pleasure of the Government it can dissolve the Council. Mr. Speaker, Sir, I would not hesitate to say that the Members of the Government bench are losing hold as far as Kuala Lumpur is concerned. The taxpayers in Kuala Lumpur are civic conscious enough and they are aspiring towards a change in the local government. Towards a change means that they would like to have a new set up in the Kuala Lumpur Municipal Council. They have been disgusted over the past many years of Alliance control over the Kuala Lumpur Municipal Council and the taxpayers of Kuala Lumpur are convinced that their interests have not been properly or adequately safeguarded. Mr. Speaker, Sir, it is going to be a threat to the members of the Opposition who are serving in the Kuala Lumpur Municipal Council, as in time to come the Government can dissolve the Kuala Lumpur Municipal Council if they think that the Opposition is going to control it. The mandate by the people to the candidates at the previous elections was given only for a three years' period. The Government, without having a mandate from the people, has extended the period by one year. Mr. Speaker, Sir, being a

member of the Kuala Lumpur Municipal Council I would not at this moment hesitate to say that the Kuala Lumpur Municipal Council has degraded in its structure and it is outliving its purpose for the very reason that we still suffer from a nominated system of Municipal Council. We have been advocating a fully elected Council for the past so many years, but this has met with disappointment. The Party in power has preserved the colonial tradition as far as the Municipal Council of Kuala Lumpur is concerned. They did not want a fully elected Council for the very reason that they know that the Kuala Lumpur people were not going to return them back to the Municipal Council. In seeking refuge, the Government is trying to bring the control of the Kuala Lumpur Municipal Council directly under the Federal Government. The Selangor State Government so far was in direct control of the Kuala Lumpur Municipal Council and the Federal Government taking control of the Municipal Council would mean that in time to come the Kuala Lumpur Municipal Council can be dissolved.

Mr. Speaker, Sir, coming to elections to local councils, we have been informed that candidates wishing to fight local council elections cannot use their party symbols. It may be that the Alliance symbol at the local councils in the new villages is becoming unpopular and to deceive the public in the new villages the Alliance is introducing new symbols for the respective candidates. They are also aware that the Socialist Front is quite popular at the new villages and that its symbol is quite wellknown. Therefore, it is a deliberate attempt to prevent the victory of the Socialist Front and to arouse confusion in the minds of the electors that party symbols have been prevented from use.

I am against the Government's move to take control of the Kuala Lumpur Municipal Council. I charge that the Government is making a deliberate and calculated attempt to systematically evade from the responsibility of going to the polls. By adopting the new Bill the Kuala Lumpur Municipal Council will lose its power and it will have to

depend on the mercy of the Honourable Minister of the Interior and his Cabinet.

The Minister of External Affairs (Dato' Dr. Ismail): On a point of information, Sir.

Enche' V. David: I refuse to allow the Minister.

Dato' Dr. Ismail: On a point of order.

Mr. Speaker: Under what order is that?

Dato' Dr. Ismail: Under Standing Order 36 (1).

Mr. Speaker: 36 (1)?

Dato' Dr. Ismail: 36 (4), Sir. I think it is very offensive to the Prime Minister when he refers to the Minister of the Interior and his Cabinet (*Laughter*).

Enche' V. David: Mr. Speaker, Sir, at no time did I intend to abuse the Prime Minister.

Mr. Speaker: Please proceed!

Enche' V. David: In the speech of the Honourable Minister of the Interior it was stated: "we had to delay elections in order to obtain a high level of accuracy in the electoral rolls." As far as I am concerned, Mr. Speaker, Sir, I feel this is purely an administrative matter and it could have been regularised within a couple of months.

Mr. Speaker: You have been repeating that several times.

Enche' V. David: The other thing is in connection with the Kuala Lumpur Municipal Council. The Minister stated that Parliament has exclusive powers to enact law in regard to the Kuala Lumpur Municipal Council. I cannot say what form of law it will be. It may be a law which would end the long tradition of the Kuala Lumpur Municipal Council and at the time a Socialist Front mayor is elected to the Kuala Lumpur Municipal Council (*Laughter*) the Minister of the Interior would immediately proceed to act in order to proclaim dissolution of the K.L.M.C. and to bring its various departments directly under his control.

The Minister of Health and Social Welfare (Dato' Ong Yoke Lin): For the sake of Kuala Lumpur!

Enche' V. David: Mr. Speaker, Sir, in view of this, I feel that the Government is fearing to go back to the polls and to avoid meeting the taxpayers they are trying to seek refuge. Therefore, Sir, in my submission I strongly oppose the move by the Government to bring the Kuala Lumpur local government under the Federal Government.

Enche' Khong Kok Yat (Batu Gajah): Mr. Speaker, Sir, I would only refer to the First Schedule, paragraph 2 (e) where it reads:

"A person shall be disqualified for being a Councillor if he has been convicted of an offence by a Court of Law in the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000 and has not received a free pardon."

Sir, my objection is that the fine of \$2,000, being the penalty to bar a person from being a Councillor, is rather unfair in that it did not state in this paragraph here specifically the type of offences that would bring a person from being disqualified under this section. There are various types of offences which under normal circumstances would automatically bring on a fine of \$2,000; like, for instance, a traffic offence of a serious nature tried by the Sessions Court, which would, if a person were to be found guilty, bring on a fine of \$2,000—that is within the jurisdiction of the Sessions Court. That, Sir, I submit, if one were to interpret this section correctly, would bar that person from being a Councillor, I believe, Sir, that the intention of this section is purely to see that undesirable persons do not become Councillors, but I submit also that to bring this section into play purely to bar persons who were convicted of traffic offences or offences of a similar nature or type which does not bring into disrepute the character of a person is unfair and unjustifiable. Under those circumstances, Sir, I trust the Honourable Minister concerned would consider deleting or amplifying on this particular section to state whether a person committing an offence

as enumerated by me would automatically be barred from standing as a Councillor.

Enche' D. R. Seenivasagam (Ipoh): Mr. Speaker, Sir, in speaking on this Bill, it is my intention to look at it objectively and to criticise it where it deserves to be criticised, but I do not propose to move any amendments, because I feel fairly sure that the Honourable Minister of the Interior, after hearing me, will himself move some amendments at the Committee stage, and amendments moved by the Honourable Minister of the Interior will certainly receive more support from the Government benches than one moved by me.

Mr. Speaker, Sir, the first thing I would like to say is that we are indeed happy that this Bill has come before this House, because it will pave the way for elections to be resumed at Local Council levels. That is a thing which has been suspended for a year, then further suspended now for a further period of three months—I think until March next year—and Local Councils are operating not as one would wish them by elected members but by partly elected, partly statutory members by virtue of the suspension of local elections. That is an unsatisfactory state of affairs, and the sooner it is put right, the better it is. Whoever may control the Local Councils doesn't matter—Alliance, Socialist Front or Progressive Party, but it must be controlled by elected members of this nation. That is the important principle, and the principle which this Bill lays the foundation for.

Mr. Speaker, Sir, reference was made by the Honourable Member for Bungsar with regard to Local Council elections. First of all, I should be happy to have an assurance from the Honourable Minister of the Interior that this Bill has no reference whatever to Local Council elections as such, and on party symbols at least that there is no intention on the part of the Government to bar party symbols from Municipal, Town Council or Rural Council elections, because that is essentially the one with which this Bill deals. With regard to Local Councils,

I confirm and support the Honourable Member for Bungsar that party symbols are not allowed in these new village elections, or Local Council elections, as they are called. Be that as it may, whether it is desirable or not is another point, but I think the Honourable Minister of the Interior will agree that there should be uniformity in the elections to the Local Councils. I will give an example. There is now a Local Council election—a very small one—in progress in the State of Perak. The party symbols of the People's Progressive Party were allowed to be used, the Alliance's party symbol is there—the Socialist Front is of course not in the battle at all. In that Local Council elections, party symbols are allowed. In another Local Council elections which is going on, party symbols were not allowed. In an election which has taken place far north in Lenggong, party symbols were allowed. Therefore, I ask that uniformity should prevail in these Local Council elections.

The Alliance Government, through their Ministers, through their Members, have preached non-communalism in this country—non-communalism on all levels. Very good! But what is happening in Local Council elections? In certain Local Council elections, Malays must vote only for Malays, Chinese must vote only for Chinese, and Indians only for Indians—and that is happening in the State of Perak! How does that coincide with the policy of non-communalism in this country? And that state of affairs exists in the Chenderiang New Village, near Tapah. Each District Officer does what he likes, he is master, he is dictator, and if he says Chinese vote for Chinese, Malays for Malays, that is the law, and that is the law. Mr. Speaker, I ask the Minister of the Interior to urgently look into this matter, because it is vital if this country is to be non-communal that that sort of thing must be banished from this country, it must be finished, otherwise we are just perpetuating it and not trying to get rid of it.

Dato' Ong Yoke Lin: Sir, could the Honourable Member explain what he means by Malays voting for Malays, Chinese for Chinese? How does it

work? I don't understand. Perhaps the Honourable Member might like to explain.

Enche' D. R. Seenivasagam: Certainly! It is a very strange position. Where you have a predominantly Malay population in the area, then the electors of that area can only vote for a Malay candidate, and a Malay person is the only one who can stand in that area as a candidate. In the Chinese and Indian areas, only Chinese and Indians can stand as candidates, and the electors of course have to vote for only those candidates. It is, I think, a most unsatisfactory matter, and it should be—I am sure the Government side would agree that it should be looked into and put a stop to. As I say, I ask for an assurance that this Bill does not deal with Local Council elections at all, and on that basis I make my comments on this Bill.

Mr. Speaker, Sir, with regard to the three-year term proposed in this Bill, it has its advantages as it has its disadvantages. Its advantages have been put to this House by the Honourable mover. Now, what are the disadvantages? One of the greatest disadvantages is this: that electors to a Town Council or Municipal or Rural Area will not have the opportunity of changing their Councillors as frequently as once a year. Now, is it desirable that they should have that opportunity? I say it is, because a Local Council, a local authority is on an entirely different footing from a State or a Parliamentary Member—on an entirely different footing, because the policies of the local authorities are policies which are carried out quickly, which by their very nature must be carried out very quickly, and when those policies are carried out, if the elected members carry out a policy which is contrary to the wishes of the electorate, then they can be changed at the end of that year. Therefore, there is no question of saying: "Well, our policy must be carried out throughout a number of years." That is not so, because the majority of policies are of everyday importance, affecting the everyday lives of citizens, and they would certainly feel the effect of the policies in very

quick time. But I myself have no very strong objections, because we of the People's Progressive Party hope to control many local authorities, and we hope to do that for some time.

Mr. Speaker, Sir, we come now to far more important provisions in this Bill, and some of those provisions are of great significance. But before I put forward my suggestions, on which I hope the Honourable Minister of the Interior will move his amendment, may I say this: that I know that in this House there is an absolute two-thirds majority and more on the Alliance side; that they can push through any Bill they like; that they can outvote the Opposition at any time. But since the debate on the Constitution (Amendment) Bill, I have been doing some research, and I find that although there are so many people here on the Alliance side, the total number of votes received by the Alliance is 780,000-odd votes, and the total votes received by the Opposition is 740,000-odd, and that is the position of this House to-day. Therefore, what we speak, we speak with almost equal authority in this House from a mandate from the people. That is the position. And these are not my figures. Those are the figures of a Report on the last General Elections.

Mr. Speaker, Sir, in this Bill there is a provision under Clause 7 which says that a person can be a Councillor only in one electoral ward. Clause 7 reads:

"A person shall not be elected as a Councillor for more than one electoral ward, nor be elected or appointed a Councillor."

That is a good provision, because one man cannot serve two wards in a local authority. But I find that on the principle of this Bill there is no provision to say that a person from Kuala Lumpur cannot come to Ipoh and stand as a Councillor for a Local Council election at Ipoh. Neither is there a provision to say that a person from Johore cannot go to Penang and stand for local authority elections there. If I remember correctly, the previous law with regard to local elections specified that a person must be a registered elector to stand for election within the local electoral area; he

could be registered in one ward, but stand in another ward in that local election. That is quite fair. But I think it would be unfair to say that anybody from any part of Malaya can go to another part of Malaya and contest the local elections in that area. I ask the Honourable Minister to consider that principle of the Bill. It may have been unintentionally omitted. If it has been intentionally omitted, then I am sure this House would like to know what is the policy of the Government with regard to that point, and if we refer to the First Schedule we will find that the principle on qualification for a Councillor is:

"A person shall be qualified to be a councillor under Section 6 if he is not less than 21 years in the case of an elected Councillor, if he is a citizen, and if he is not disqualified under paragraph (2) of this Schedule."

Therefore any person in Malaya has a perfect right, will have a perfect right, to stand in any other part of the country for a local election. That, I think, is undesirable because local interests are such that local people are best suited to serve within those particular areas.

Now, the disqualifications as set out in this Bill are also of importance on a matter of principle, and the First Schedule, page 14, of the Bill, says

"A person shall be disqualified from being a Councillor if—

- (a) he is and has been found or declared to be of unsound mind; or
- (b) he is undischarged bankrupt; or
- (c) he has been convicted of an offence under the Election Offences Ordinance, 1954, or has in proceedings relating to any election in the Federation been proved guilty of an act constituting such offence; or
- (d) having been nominated for election to either House of Parliament or the Legislative Assembly of a State or a local authority, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required; or
- (e) he has been convicted of an offence by a court of law in the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars and has not received a free pardon;"

Now, the Honourable Member for Batu Gajah has dealt with that point I think

it is too severe, it is too dangerous, because that disqualification will apply to any offence in this country, and I think it is the intention of the Government to see that only undesirable criminals are not elected to local authorities, because in a strict sense anybody convicted of a criminal offence is a criminal—even of a traffic offence, he is a criminal, technically. But I think it is the intention of the Government and the intention of this House to see that undesirable criminals—criminals of dishonesty, of violence—are not elected to Councils in this country. There I ask the Honourable Minister of the Interior to consider whether an amendment should be moved by him to the Elections law so that no person convicted of a crime of violence or dishonesty may be a canvasser of votes or words to that effect. That, in my opinion, would be a proper and appropriate disqualification for any elections in this country, and not merely any criminal offence of which he is convicted.

Now, if we refer to Clause 3 of the First Schedule, it says that the disqualification of a person under subparagraph (c), (d) or (e)—the proposed amendment before us includes (c)—of paragraph 2 may be removed by the Ruler or Governor of a State. Mr. Speaker, Sir, let us take paragraph (c):

"(c) he has been convicted of an offence under the Election Offences Ordinance, 1954, or has in proceedings relating to any election in the Federation been proved guilty of an act constituting such offence; or"

Now, if a person is guilty under the Election Offences Ordinance, he must be guilty either of a corrupt practice or an illegal practice. Now, what is "corrupt practice" and what is "illegal practice" is clearly defined in the Elections Ordinance with no difficulty at all, and under the Election Offences Ordinance, on a matter of principle, a person can either be found criminally guilty of a corrupt practice or of an illegal practice, or of both a corrupt and an illegal practice, say, on an elections petition that he is found guilty of such practice, whereas if a person is found either criminally guilty, or guilty under an elections petition, this law itself—the Elections Ordinance itself—under Section 27 makes provision for

an Elections Judge, makes provision for the man to apply to a court to be exempt from the penalties imposed on him by the Election Offences Ordinance. He can say: "Well, you find me guilty, but these are the mitigating circumstances. Will you please declare that I shall not be barred for five years?" Therefore, there is a remedy given to him in the Election Offences Ordinance, a remedy which he can seek and which the courts will give to him in a proper case. Why then must there be an additional power in the Ruler or Governor of a State to give him a pardon in respect of that offence when the Elections law itself gives power to the courts to give him a pardon if he deserves one? What is the intention, what is the purpose? I fail to understand why two remedies should be open to a person. Which one is going to have priority? Which step shall we take first? Apply for relief from the courts under this ordinance, or go straightaway to the Ruler or Governor and say: "Please excuse me", or is he entitled to choose his remedy—they are conflicting. This is an unnecessary provision because the courts have already got that power to give exemption. Why then should this ordinance specifically say the Ruler or Governor can exempt a man who has been illegal or corrupt in his election? It is true the wording says the Ruler may pardon. Now, the Ruler has power to pardon in almost every criminal case. Why is it necessary to specifically give power to the Ruler in this Ordinance, in this Bill? Is it possible that because the Ruler in all cases as a constitutional Ruler will be advised by his Cabinet or his advisers? Is it possible that the Alliance Government fear that if some of their members commit corrupt or illegal practices they can evade the court by going to the Rulers and saying: "Yes, absolve him from this. Let him stand again for elections"? Is that the intention? Otherwise why this provision? I hope the Minister of the Interior will explain to us. The remedy is there, why do you want to give another remedy and complicate the law?

Similarly, with regard to (d), a person who doesn't send in his election return, the Ordinance is very specific. Even if

he doesn't send in his returns, he can apply to the court for extension of time; he can apply to the court and say: "Sorry, I didn't send it. I was ill, my agent committed the mistake. It wasn't mine!" A number of grounds are set out on which the court can give him exemption if the court feels that it is honest, unintentional error on his part. Why then, again, must this Bill give power to the Ruler or Governor to give him a free pardon, particularly as the Ruler has full powers to give a free pardon to all citizens of this country? Again, I ask, is it the intention of the Alliance that if one of their men made a mistake, has committed the offence, to advise the Ruler: "Sorry, will you give us relief, although the courts may not give us relief".

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, mengikut Standing Orders 36 (8) "The conduct or character of His Majesty the Yang di-Pertuan Agong, of any of Their Highnesses the Rulers . . ." dia menyentoh perkara ini, saya minta, Tuan Yang di-Pertua,

Mr. Speaker: Dia tidak menyentoh fasal conduct itu. Proceed!

Enche' D. R. Seenivasagam: Thank you for your ruling, Mr. Speaker, I am learning Malay, and I will try to be proficient to speak in Malay.

Similarly in paragraph (e), a person who has been sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars, a Criminal Court can convict the man and the Ruler of a State has the power under the law to pardon that man, under the Constitution to pardon that man. Why then must it be inserted specifically in this Ordinance again? It is superfluous! It gives an indication, or at least it gives a suspicion in the minds of people that, in inserting this clause, the Alliance hopes to take advantage of this clause if and when the time arises, as indeed it has arisen.

Mr. Speaker, Sir, lastly, these are the main points of my attack, I do not call them an attack in the real sense but rather criticisms put up in all honesty not only for the good of the

Alliance Party but also for the good of all political organisations.

The Minister of the Interior (Dato' Suleiman bin Dato' Abdul Rahman): I will check that, Sir.

Enche' D. R. Seenivasagam: Thank you. I know that the Honourable Minister in this case will give that matter his very careful consideration. We are here trying to bring in a law dealing with the rights of citizens of this country and we must not have anything in it which may at a later stage be used, either for or against, in an unjust manner against somebody. And with regard to the other points I have raised, I hope the Honourable Minister himself will move the appropriate amendments at the Committee Stage.

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, dalam mengemukakan Rang Undang² ini Yang Berhormat Menteri yang bersangkutan telah menyebutkan kebajikan² undang² ini dan telah menunjukkan bahawa tujuan besar bagi undang² ini ia-lah hendak menyatukan undang² berkenaan dengan Local Government Elections di-seluruh Tanah Melayu. Ini, Tuan Yang di-Pertua, ada-lah satu langkah yang baik dan saya percaya negeri ini sudah sampai masa melakukan chara yang merupakan persamaan dalam hal² yang saperti ini. Yang Berhormat Menteri telah menyebutkan bahawa di-dalam rundingan-nya untuk mengemukakan undang² ini ia mengatakan hanya negeri Kelantan sahaja yang tidak menerima chadangan supaya Local Government Elections ini di-jalankan oleh Surohanjaya Pilehan Raya. Yang sa-benar-nya, Tuan Yang di-Pertua, hal ini saya ketahuⁱ dari awal-nya lagi, surat-menyerut telah berlaku dalam hal ini dan pehak Kerajaan di-Kelantan telah menyatakan bahawa perkara ini pada asas-nya ada-lah perkara negeri menurut Perlembagaan Persekutuan Tanah Melayu dan patut-lah di-tinggalkan pada Negeri itu sendiri bagi menjalankannya. Sa-sudah itu, Tuan Yang di-Pertua, hal ini mendapat jawapan yang panjang daripada pehak Surohanjaya Pilehan Raya Persekutuan Tanah Melayu menerangkan bagaimana mustahak-nya di-satukan hal ini

dan menerangkan bagaimana hal ini di-terima dengan baik oleh Surohanjaya itu. Saya dapat menyatakan kepada Majlis ini bahawa pada masa ini penimbangan untuk menerima-nya ini telah di-lakukan dan saya percaya hal ini akan di-terima dengan baik-nya oleh Kerajaan Kelantan itu sendiri. Tuan Yang di-Pertua, segala kesang-sian yang timbul dalam hal ini supaya jangan-lah banyak kuasa² negeri itu di-ambil, semata² kerana hendak mengambil kuasa. Tetapi sa-telah memerhatikan dari jawapan yang di-kemukakan oleh Surohanjaya Pilehan Raya itu, hal itu nampak-nya banyak memberi kebajikan dan sedikit masa lagi Kerajaan akan menjawab apa yang sudah saya katakan tadi. Tuan Yang di-Pertua, di-dalam Undang² ini banyak juga perkara² yang saya berpendapat maseh boleh di-betulkan dan banyak juga telah di-sebutkan oleh beberapa orang dari pehak di-sini yang saya tidak ingin hendak mengulangkan-nya. Saya berpendapat di-dalam Fasal 19 di-dalam Rang Undang² ini ada sedikit ketinggalan yang saya suka juga kalau Menteri itu membawa pindaan-nya sendiri sebab menurut kata wakil dari Ipoh tadi, kalau di-bawa perkara itu di-sini, kena prejudice walau bagaimanapun. Tuan Yang di-Pertua, hal pindaan ini, saya rasa ini bukan pula prejudice daripada orang yang di-sabelah sini tidak mahu menerima fikiran itu, sebab itu saya risau. Jadi, Tuan Yang di-Pertua, hal ini ada-lah berkenaan yang ke-19 Rang Undang² ini mengatakan:

"Subject to the provisions of the Election Offences Ordinance, 1954, the candidate for an electoral ward who polls the greatest number of valid votes cast by the registered electors of such ward shall be deemed to be the elected Councillor for such ward."

Tetapi saya rasa ada satu perkara yang patut di-tuliskan lagi di-sini ia-itu kalau sama² banyak dapat ya'ani kalau 280 dapat kepada chalon "A" dan 280 dapat kepada chalon "B". Ada orang mengatakan; ini agak-nya sa-akan² hendak jadi saja, tetapi sudah jadi, Tuan Yang di-Pertua. Di-satu tempat di-negeri Kelantan dalam pilehan raya Local Government dan kedua²-nya dapat 280. Jadi entah siapa menjatohkan hukoman, di-ishtiharkan orang itu

dengan di-ambil duit, di-lontarkan ka-atas; siapa hendak kepala dan siapa hendak ekor. Bagitu-lah rupa-nya orang menjadi Ahli Majlis itu. Tuan Yang di-Pertua tentu-lah kita di-Dewan ini tidak sedap hendak meluluskan kerja yang semacam ini sebab pilehan raya ini bukan-lah satu kerja di-letakkan kapada nasib tetapi di-letakkan kapada tenaga dan khidmatan-nya. Saya menhadangkan hal ini di-timbangkan dan pada fikiran saya kalau lebeh daripada sa-orang dapat undi yang sama banyak daripada undi sah maka membuang undi baharu hendak-lah di-lakukan. Sebab, Tuan Yang di-Pertua, ini akan menyenangkan kapada orang² yang bertanggung jawab dalam pilehan raya itu dan tidak-lah melakukan perkara² saperti yang pada hari ini melontar wang-nya, besok katakan kalau kucing itu mengiau maka orang ini jadi chalon, kalau tidak maka orang itu; jadi satu soal main².

Tuan Yang di-Pertua, yang saya hendak perhatikan lagi satu perkara hal yang berkenaan dengan qualification of elector. Di-muka 15 salah satu daripada kelayakan menjadi pengundi, orang itu mempunyai \$60.00 daripada annual assessment yang ada pada satu tempat atau pun \$500.00. Saya merasa, Tuan Yang di-Pertua, kepunyaan sa-orang di-dalam sa-buah bandar tentu-lah membawa kepentingan kapada-nya di-dalam hal bandar itu. Dan patut-lah dia mengambil bahagian di-dalam soal bandar itu, sebab keputusan pilehan raya umpama-nya, ada memberikan kesan kapada diri-nya sendiri. Tetapi bagi pehak diri saya sendiri merasa amat-lah sedikit nilai yang di-buatkan di-sini sebab membolehkan sa-saorang mengundi sedangkan dia tidak ada di-dalam kawasan. Dengan kerana wang-nya banyak biar-lah wang-nya itu sehingga terasa bahawa memang ada kepentingan. Sebab ini, Tuan Yang di-Pertua, dia akan membanyakkan pengundi² yang hanya kerana dia mempunyai beberapa buah rumah maka dia mengundi sama dengan orang lain.

Enche' Mohd. Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya bangun menyokong atas Bill ini di-atas beberapa sebab. Dalam

beberapa Town Council perkara pengundi banyak di-dapati mereka² yang tidak berhak mengundi telah mendaftarkan nama-nya, umpama-nya di-tempat saya ada tempat² yang pengundi² di-tempat itu mendaftarkan nama-nya di-beberapa ward. Perkara ini telah di-dapati pada masa baharu² ini sa-belum pilehan raya Federal lagi, maka telah di-sampaikan kapada pehak yang di-atas. Ini menunjukkan bahawa dasar pengundi di-pehak Town Council tidak betul dan wajib-lah di-pinda.

Yang kedua, perjalanan dalam Town Council yang mana saya dapati undang²-nya pada masa ini ada-lah berchampur adok dengan undang² Town Board. Oleh itu, dengan ada-nya kita mengadakan satu undang² dalam Tanah Melayu ini, saya per-chaya undang² Town Board yang dahulu itu tidak akan masok lagi ka-dalam Town Council, sebab undang² Town Board membolehkan Pengerusi-nya yang terdiri daripada Pegawai² Daerah tempat itu, menggunakan kuasa veto-nya atas tiap² perkara yang di-binchangkan dalam perkara Town Council. Saya beri satu chontoh, di-tempat saya, bahawa perkara yang telah di-luluskan oleh pehak² Majlis Tempatan atau Town Council yang mana Pengerusi ini telah menggunakan undang² Town Board dahulu untuk mengawasi kehendak² daripada wakil² pilihan ra'ayat. Dan bagitu juga ada satu perkara yang telah terjadi, mereka² yang hendak menjadi chalon dalam pilehan Town Council itu, yang baharu dudok di-tempat itu, tetapi dengan sebab chara dasar pengundi itu tidak betul, dan tidak di-selidiki dengan halus, membolehkan mereka² itu menjadi chalon dengan chuma nama-nya di-daftarkan di-dalam buku daftar pengundi di-masa hendak menjadi chalon itu. Saya rasa dengan ada-nya undang² ini kita akan dapat berjalan dengan terator supaya semua pilehan raya Town Council akan berjalan dengan puas hati yang mana selama ini dalam perjalanan² dan pilihan² raya Town Council itu tidak berjalan dengan memuaskan hati daripada wakil² ra'ayat atau daripada ra'ayat tempat itu.

Berkenaan dengan simbol pula saya berasa hairan, kerana di-tempat saya di-bolehkan party² menggunakan simbol parti-nya. Jadi, dalam Majlis ini kita telah mendengar pula yang mana ada tempat² yang tidak di-bolehkan menggunakan parti simbol, oleh itu, dengan ada-nya satu undang² saperti ini yang sama rata maka ini membolehkan pehak Jawatan-Kuasa Pilihan Raya mengadakan perentah yang sama di-seluruh Persekutuan Tanah Melayu. Dan lagi satu, tuduhan daripada wakil Socialist Front mengatakan bahawa Perikatan sengaja melambatkan pilihan raya kerana takut. Saya suka menegaskan kepada Yang Berhormat tadi, jikalau-lah rasa saya dengan ada-nya undang² ini, kita tengok-lah pada masa pilihan raya yang akan datang, apa yang akan terjadi ada-kah parti ini akan berjaya lebeh² lagi daripada parti Perikatan.

Enche' Chin See Yin (Seremban Timor): Mr. Speaker, Sir, I have just one point in connection with this Bill to suggest and it concerns the First Schedule. Paragraph 2 (e) says:

"if he has been convicted of an offence by a court of law in the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars and has not received a free pardon;"

Sir, in this case the nature of the offence has not been disclosed, as has been suggested. I agree that the purpose of this, I think, is to keep away the undesirables from the Councils, but if we were to go on and read paragraph 3 of the First Schedule, it says:

"The disqualification of a person under sub-paragraph (d) or (e) of paragraph 2 may be removed by the Ruler or Governor of the State and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the return mentioned in the said sub-paragraph (d) was required to be lodged" and so on.

I think that in this respect, I do not agree with the submission in part of the Honourable Member for Ipoh. In this case, it provides an outlet to the question of the two thousand dollars fine. In the case where the agent or a Councillor has failed to submit the election return, when he is convicted he can always apply to the Court for

extension and that is provided. But in the case of a fine of \$2,000, unless he appeals to the Court to get the conviction squashed it will remain there. In the case of a fine of \$2,000 just for a traffic offence, I think it is a good way to apply to the Ruler or the Governor, because you cannot make an application to the Court for permission to obtain a pardon. Therefore, the only way you can get a pardon is from the Ruler. No doubt, it can be suggested that it will give rise to a certain amount of suspicion to allow this man, but as I see it, the only way for an outlet from the question of a \$2,000 fine is to go to the Ruler or the Governor. That is my point.

Enche' Liu Yoong Peng (Rawang): Mr. Speaker, Sir, I now speak in respect of Part III, Town and Rural Boards. I think that it is the policy of the Government to provide for Town Boards or Rural Boards or Rural Councils wherever there is a population of a sufficient size. But I submit, Sir, there is a locality in Malaya which is in a state of anarchy—I refer to the town of Batu Arang. We find that the Malayan Collieries Limited is evacuating from the area and there is not a local authority which is prepared to take over the responsibility of looking after that area, with the result that we find that many of the local problems cannot be solved.

Mr. Speaker: How does that come under the principle of this Bill?

Enche' Liu Yoong Peng: Under the principle of this Bill, there must be a Local Council, Town Board or Rural Board for every sort of locality.

Mr. Speaker: Proceed!

Enche' Liu Yoong Peng: We find that some residents are being asked to leave their quarters, their place of residence, and they want alternative housing or alternative land where they can put up housing, but they have no one to turn to. They go to see the management of the Company and the Company says, "We are moving out; it is not our concern."

They go to see the Government and the Government says, "This land belongs to the Company; it is not our concern." This is the situation and this is why I urge the Government to look into this matter.

The Assistant Minister of Commerce and Industry (Enche' Cheah Theam Swee): In the course of the criticisms by the Honourable Member from Ipoh, the Honourable Member said that since the debate on the Constitution he made some research on the figures of the last election. Well, I would suggest that the Honourable Member take a little more trouble and do a further research and see how many Opposition Members lost their deposit, how many Opposition Members were in different Parties and how many Opposition Members collected how many votes for each of the Opposition Parties. Then we will see what is the mandate for the Opposition, Mr. Speaker.

As regards the point on the Federal capital, which is the only point on which I wish to speak here, let us see the recommendations of the Constitutional law experts. The Socialist Front Member from Bungsar criticised the Government to such an extent that he used words such as cowardly attempts, it creates suspicion that . . .

Enche' V. David: On a point of information. I did not say "cowardly attempts."

Mr. Speaker: No, he did not say "cowardly attempts."

Enche' Cheah Theam Swee: If my memory serves me right, he did make that remark when we were debating on the Constitution.

Mr. Speaker: We are not on the Constitution now! (*Laughter*).

Enche' Cheah Theam Swee: It is on the same subject matter, Mr. Speaker. Anyway, the Constitutional Law Commission has been praised for the last few days—it was said that they have produced a sacred document, they have made sacred recommendations and so on—and let us therefore look at the recommendations of these experts

whom we all accept as experts. Even then, they differ in their opinions in many parts. However, on the Constitution of Kuala Lumpur they do not seem to have differed and this is what they recommend on Kuala Lumpur—and I hope there will not be any remark that this was a cowardly opinion or cowardly recommendation. If Honourable Members would care to read, it is under paragraph 118, on page 49 of the Reid Report, and I quote—

"We think, however, that the Federal capital, Kuala Lumpur, is in a special position. We do not think it practicable to make Kuala Lumpur federal territory and we have received no representation that this should be done."

The important part is that nobody has made representation to them. I would continue to quote—

"But we think that the Federation ought to be able to control the development and administration of its capital and seat of Government. We therefore recommend (Article 14 in the Draft Constitution) that the Federation and not the State of Selangor should have power to legislate with regard to the local government and town planning of Kuala Lumpur, and that for administration that Municipality should be directly under the Federation."

Mr. Speaker, Sir, this is not my opinion, nor is it the opinion of anybody else, but it is the opinion of those experts, and if at all Honourable Members do fear or suspect the motives which has been all the time improperly imputed on the Alliance Government I would recommend that they try and read a bit more of the Reid Report.

Enche' K. Karam Singh (Damansara): Mr. Speaker, Sir, I would like to tell something to this House which probably it does not know and that is that certain fundamental change has taken place regarding the report of the Auditor-General on the accounts of the Municipality of Kuala Lumpur. Recently at the Selangor State Legislature an amendment was moved to section 54 of the Municipal Ordinance; and section 54 of the Municipal Ordinance reads as follows:

"(1) The Auditor or Auditors shall submit a monthly report of his or their audit to the Commissioners, and shall also submit to the Commissioners on or before the thirtieth day of June in the following year a final report

of such audit, and shall send a duplicate of every such report to the Governor.

(2) Every such report shall state whether or not the expenditure is in accordance with the Budget and shall draw attention to every item of expenditure which is not authorized by or in accordance with the Budget.

(3) Any ratepayer may attend at any time before the Auditor and make any objection to the accounts."

But this was amended by substituting sub-section (1) of section 54 with the following:

"(1) The Auditor or Auditors shall submit an annual report or observations on the accounts to the Councillors and shall send a copy of such report or observations to the Ruler."

Mr. Speaker, Sir, we were told by the Legal Adviser of the Government of Selangor that the purpose of this amendment to the Municipal Ordinance was to enable the Auditor-General to submit an observation instead of a report. Now, if a report is submitted by the Auditor-General on the Municipality of Kuala Lumpur

The Assistant Minister of the Interior (Enche' Mohamed Ismail): Sir, on a point of order under Standing Order 36 (1). We are not debating on the Municipality of Kuala Lumpur at the moment, and I think the Honourable Member should confine his remarks to the Bill before this House.

Mr. Speaker: Are you coming to the subject matter before the House? We are now debating on the principles of the Bill before the House.

Enche' K. Karam Singh: I quite understand, Sir. So, if the Auditor-General makes a report, it has to come to the Ruler, i.e. the Yang di-Pertuan Agong, and come to Parliament. But if he is enabled to submit observations only, then they need not come to Parliament. Mr. Speaker, Sir, what is happening is that slowly the supervision of the representatives of the people over the Municipality of Kuala Lumpur is being taken away and the Parliament will not be able even to have the reports of the Auditor-General on the Municipality of Kuala Lumpur which is a very great denial of democracy because not only are elections not being held in Kuala Lumpur but the representatives of the people will not be able to

have a chance of debating in a democratic way the expenditure and accounts of the Municipality in this House, in this sacred Chamber.

Regarding local government, I have a few observations to make which I think would be useful to the Government. For instance, we would like the Government to see that the local councils are not burdened with the responsibilities of the Federal Government. Now, why do I say this? In my constituency

Dato' Suleiman: May I explain to the Honourable Member? He is speaking about local councils, but this Bill affects only Municipalities and Town Councils.

Mr. Speaker: The Bill doesn't affect the local councils.

Enche' K. Karam Singh: But it deals with the principle of local government and I have some suggestions on that point, Sir. Now, why do I say that the local government should not be burdened with the responsibilities of the Federal Government. In my constituency, in the new village of Serdang Bharu, we find very strangely that the local council there is supporting about 30 destitute people from its own funds. This responsibility should actually be borne by the Ministry of Health and Social Welfare and it is a great hardship on the residents of that village to have to support these people. I think it is time for the Federal Government to come in and support these 30 people so that they are not a burden on the ratepayers of Serdang Bharu new village. For the information of the Minister of Health the people in the local council in Serdang Bharu new village pay \$150 per month for the services of an Assistant Nurse and \$90 per month for an Attendant at a dispensary run by a foreign mission.

Dato' Suleiman: On a point of order. I think what the Honourable Member says still does not come under this Bill and I am very surprised indeed because the Honourable Member is a member of the legal profession.

Mr. Speaker: The Bill does not deal with local councils at all.

Enche' K. Karam Singh: But, Sir, for the sake of uniformity of policy . . .

Mr. Speaker: But since it is not on the subject matter of the debate before the House, I think you better drop that.

Enche' K. Karam Singh: Very well, Sir. I would now like to touch on the Municipality of Kuala Lumpur. I think the Alliance Government can't swallow the fact that there may be a Socialist Mayor in this Municipality and they will find it very embarrassing to their dignity before the whole country when a Socialist Mayor goes out to welcome important visitors—Prime Ministers, Presidents and other dignitaries. I think it is a question of prestige for them that they do not allow a fully elected Municipality in Kuala Lumpur and allow city status to our capital. Now what we find happening in Kuala Lumpur is that the Municipality of Kuala Lumpur is being treated in the same way as the Senate has been treated by the Alliance Government. We find that even those candidates who were defeated in previous Municipal elections by the Opposition are now being nominated as Councillors to the Kuala Lumpur Municipality and they are entirely from Alliance Party. Mr. Speaker, Sir, what is happening? Democracy is being superseded and imposed upon by a system of nominated Councillors. Now, in the heart of our country, in the capital of our country, can this sort of thing be allowed to happen? I think it is a challenge to the Alliance Government and if they have a conscience they will hold elections as soon as possible to fill every seat in the Municipal Council of Kuala Lumpur. If they do not do that, then we know that they do not have a clear conscience with regard to real democracy in the Municipality of Kuala Lumpur. We must inform the Alliance Government that there are 300,000 people or more who live within Kuala Lumpur, and if you deny democracy to 300,000 people what is the meaning of all your talk of liberties, of charters and all that? To make things clear we would like on behalf of the people of Kuala

Lumpur to reiterate our stand that as soon as possible the Alliance should introduce free and full democracy into the Municipality of Kuala Lumpur.

Enche' Hamzah bin Alang (Kapar): Tuan Yang di-Pertua, di-dalam menyokong Bill ini, saya hendak mengunchapkan terima kasih banyak kepada Menteri yang membawa pindaan Bill ini. Pertama, tentang perubahan² pengundi. Saya, dalam Kuala Lumpur ini telah mengikuti pilihan raya semenjak tahun 1952 dahulu. Saya rasa, banyak pengalaman yang saya dapat tentang keadaan² pilihan raya Municipal, kadang² saya geli, Tuan Yang di-Pertua. Di-dalam Daftar Pengundi² umpama-nya, sa-orang telah tinggal di-Bungsar Ward dan dia sudah berpindah pula di-kawasan Sentul Ward maka nama-nya kedua tempat ini ada. Jadi, di-Sentul Ward dia boleh mengundi dan di-Bungsar pun dia boleh mengundi. Dalam perkara ini di-sebabkan dia telah berjumpa dengan saya kata-nya: "boleh-kah saya mengundi kedua² tempat? Saya mengatakan, "salah", undi-lah di-sebelah Sentul Ward sebab itu kawasan kami." Jadi, dia pun mengundi dan tidak pergi ka-kawasan Bungsar. Dalam perkara ini, Tuan Yang di-Pertua, saya tengok pilihan² raya di-Kuala Lumpur ini, pengundi²nya sudah kechoh bila di-adakan pilihan raya. Orang² pergi mengundi itu bergelot² dari pukul 6.00 dan 8.00 malam dan kadang² dalam gelap itu orang yang tidak ada daftar pun dimasokan. Ini-lah yang terjadi di-Kuala Lumpur ini. Kadang² saya hairan memikirkan keadaan itu. Saya fikir sudah tidak ada lagi democracy. Jadi, patut-lah pindaan ini di-adakan kerana membolehkan orang ramai benar² menjadi sa-orang pengundi yang betul² berdaftar.

Dalam beberapa bulan yang lalu, Kerajaan telah mengatakan penanggo-han pilihan raya Municipal Kuala Lumpur ini, parti Socialist mengatakan Kerajaan Perikatan takut kerana kalau pilihan raya itu di-adakan Perikatan akan kalah di-Kuala Lumpur. Ini, saya berpendapat, Tuan Yang di-Pertua, belum lawan belum tahu. Sebab saya mengatakan demikian,

perasaan orang ramai di-Kuala Lumpur sekarang ini kalau pada lahir-nya tidak ada, tetapi pada batin-nya maseh banyak menyokong Perikatan. Terutama-nya orang² yang ada mempunyai fikiran, yang sehat, menyokong Perikatan. Chuma beberapa orang sahaja. Saya fikir ta' mahu berchakap perkara itu lebeh lanjut. Tetapi keadaan di-Kuala Lumpur ini, kami bukan takut malahan kami ada mempunyai faham parti spiritual. Kalah ini tahun, ta' apa, lain tahun kami chuba sa-hingga kami menang. Itu kami punya principle. Tidak-lah benar, Tuan Yang di-Pertua, bahawa mengatakan Kerajaan Federal menanggohkan pilihan raya Municipal Kuala Lumpur kerana Mayor Kuala Lumpur itu nanti di-bulot oleh Socialist Front. Itu kalau sakira-nya siapa menang, dia-lah dapat tetapi belum lawan, kita belum tahu. Jadi, yang sa-benar-nya, penanggohan itu ada beberapa perkara, yang mustahak-nya, yang pertama Kerajaan Perikatan sa-bagai orang yang bertanggung jawab kepada beberapa buah negeri dan memang dalam Persekutuan Tanah Melayu ini mengadakan peratoran yang sama tidak ada lagi sa-bagaimana yang sudah² itu kalau di-Ipoh lain, di-Kuala Lumpur lain, di-Seremban lain. Jadi, sekarang ini, soal-nya hendak menyamakan dalam Persekutuan Tanah Melayu ini. Ini bukan erti-nya kita tanggohkan kerana kita takut, kerana kami tidak mahu Kerajaan Perikatan di-tudoh mengatakan tidak ada satu peratoran yang di-buat oleh Kerajaan Perikatan. Jadi, ini-lah sekarang peratoran yang di-buat oleh Kerajaan Perikatan dengan chara yang sama supaya negeri² dalam Persekutuan Tanah Melayu ini dapat-lah diikuti oleh orang ramai atas perjalanannya.

The Minister of Finance (Enche' Tan Siew Sin): Mr. Speaker, Sir, I rise to reply to some of the points which have been made by the Honourable Member for Damansara. He alleges that the Alliance has decided to turn Kuala Lumpur into the Federal capital without any form of local elections whatsoever out of fear for the formidable Socialist Front. I should add that this is nothing abnormal or revolutionary.

In fact, it is in accord with advanced and progressive practice in other countries of the world. For example, both Canberra and Washington, which are federal capitals, are in the same position in which we intend to place Kuala Lumpur, and the reason for this is obvious. It is that a federal capital is far too serious a matter to be made a subject of party politics, especially in Municipal elections. It is as simple as all that.

The second point which I wish to reply to is this. The Honourable Member alleges that with the absorption of Kuala Lumpur Municipality as a department of the Government there would be no audit of its accounts. That, of course, is utterly untrue. The Honourable Member should be fully aware that every Government department and every quasi-Government department and statutory body have to submit their accounts to be duly audited in due course by competent auditors.

I should like to say one thing here. While comment is free, facts are sacred. Honourable Members of the Socialist Front are very voluminous in their criticisms of the Alliance Government. That is something which they are entitled to do and it is their job to do so in this Parliament. But I would respectfully advise these Honourable Members who have proved to be so voluminous that the volume of their output would perhaps bear some relation to its value if they were prepared to ascertain the facts beforehand before making any criticisms.

Enche' S. P. Seenivasagam (Menglembu): Mr. Speaker, Sir, I have just a few observations which I would like to make. We welcome the Bill on the whole, and it should receive our support. We particularly welcome the transfer of the supervisory powers to the Elections Commission, but mere transfer alone wouldn't amount to much, and I hope the Government will take steps to urge upon the Elections Commission the necessity of effective supervision, particularly during the period of the campaigning and on polling day. Recently, after judicial inquiry, it came out that many things were done for

which nobody was responsible, and secondly that neither the candidates themselves nor anybody else was able to say how money was spent, and who spent it. These are things which are quite openly done and I think, if the purpose of this Bill is to be achieved, the Elections Commission should, in the matter of local government elections, set up an investigation section or an observation section and see that things are done according to the intentions of the Government, which, I have no reason to doubt, are to ensure that the elections are conducted in a free manner and free from all corruption.

Now, on the question of the Kuala Lumpur Municipality, the Honourable Assistant Minister referred to the Reid Commission Report. It may well be that the Government is implementing what was recommended by the Reid Commission Report. At the same time, one cannot blame the Opposition for making these observations and becoming suspicious because—unfortunately perhaps for the Government—it is a coincidence that they decided to implement the recommendations of the Reid Commission Report at a time when the Opposition political parties are gaining power in the principal towns of the Federation. It may be a coincidence. It may be that Government is really implementing the Reid Report, but then I would also like to say that in Ipoh it seems to be repeating itself. Only last year, the Alliance Councillors voted unanimously in favour of a Municipality in Ipoh, and when indications now are that the People's Progressive Party will probably take over, the Alliance in Ipoh is having second thoughts: "Well, a Municipality is likely to be expensive; we will have to tax the people and so on. Why not we think it over?" When people change their minds like that, the Opposition cannot really be blamed for these suspicions.

Dato' Suleiman: Mr. Speaker, Sir, to those Honourable Members who have given their support and constructive criticism of this Bill, I am very grateful and thankful. To those Honourable Members who have said most things

which are outside the scope of this Bill, I will deal with them as the Honourable Member for Damansara has dealt with us just now with regard to some things he alleged the House did not know.

Now, let me first tackle the Honourable Member for Bungsar. The Member for Bungsar has before this morning spoken a lot of things about the Kuala Lumpur Municipality which have appeared in the papers, which I have read with great interest. Now, the question of Kuala Lumpur is a special question for the Federal Government. It concerns the Federal Capital. When the Federal Government decided to introduce the Bill to this House to amend the Constitution—which has been passed—to delete Clause (3) of Article 154, and so enable this Dewan Ra'ayat to take over Kuala Lumpur, it was only with the intention of improving Kuala Lumpur and to legislate for its good—not only for the good of the capital, but also for the people of Kuala Lumpur. I can tell the Honourable Member for Bungsar that it will be to the advantage of people living in Kuala Lumpur that the Capital comes under the Federal Government. We will be able to give and do all we could for Kuala Lumpur. There is no political fear in this at all, as alleged by the Honourable Member for Bungsar and the Honourable Member for Damansara. To say that the Alliance Government is scared or is afraid to face the Socialist Front in Kuala Lumpur is simply beyond our imagination, but certainly within the flights of imagination of the Members for Bungsar and Damansara. We, the Alliance Members, are intelligent people, and we say we are democratic. We mean to adopt democratic policies, democratic ways, democratic methods. If we lose at the polls, we will try again, and if we lose again or if any of our members have been disqualified—as in the Perak election—we take it sportingly. We deal with it through the proper authorities. But we are not in the habit of challenging any political party. We believe in the habit of going to the polls, and win or lose—but I believe so far, in the majority of cases, we have won.

I am reminded of a story where a milkmaid was carrying a pail of milk, and she thought: "If I sell the milk in this pail, then I would buy some eggs. I would hatch the eggs and get chicks, and when the chickens have grown up, they will lay more eggs. I would hatch these eggs and get more chickens, and I will get more money, and after I have got the money, I will buy a big blue dress and then there will be a prince who will admire me, and I'll toss my head, like this!" And she didn't realise that she still had the pail of milk on her head, and the milk was spilt, and all her dreams too.

So, let me advise the Socialist Front: If you have the power, do not show it, if you do have it, do not boast about it! (*Applause*).

Now, Sir, that is my reply on the subject of Kuala Lumpur.

As for all the other criticisms, I think there is no need for me to reply because they do not affect this Bill very much nor the various provisions in this Bill. But I would like to take the criticism of the Honourable Member from Batu Gajah, together with that of the Honourable Member from Ipoh. I would like to thank these two Members for their constructive criticism, but I would like first of all to assure the Honourable Member for Ipoh that this Bill does not deal with local councils; it deals only with City Councils, Municipalities and Town Councils. With regard to communalism in the voting in the local councils, I believe, Sir, it is up to us, the leaders, to try to teach the voters not to vote in a communal way. In one election, I also suffered from it, but I would like to try to encourage voters to vote in a non-communalistic way. Regarding this, I would ask the Honourable Member for Ipoh also that we will together try to educate the voters.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, if I may clarify—it is not a question of the voters not wanting to vote non-communally: they are not allowed to.

Dato' Suleiman: Well, Sir, I am sorry I misunderstood him. Well, we will try to encourage the voters and to

prevent people from voting in a communal way.

Sir, the disadvantages of the three-year period which were described by the Honourable Member for Ipoh just now—I would not like to say anything on it because the Honourable Member has said so himself—that he has not very strong views—and so far as we are concerned, after weighing the advantages and disadvantages, we feel that the period of three years would be not only good and advantageous to the electorate, but also to the elected members. They would be able to frame up their policy and carry out that policy. I am talking here about all parties—any parties that come into power in any local authority bodies, be it the Alliance, the People's Progressive Party, the P.M.I.P., or the Socialist Front—their members will be able to formulate the policy and carry it out during the period of three years. But if the period were to be one year, two years and three years—and it has happened—it may be that the really intelligent member gets only one year, while the less intelligent get three years, and then the benefit of that intelligent member will be lost if he decides not to contest the elections again, because he gets very tired standing for elections every year. And it is these intelligent people who should get tired over the waste of money. That is one of the reasons also why we feel this period should be extended to three years for holding elections to local authorities.

Sir, with regard to Clause 7 of the Bill, I agree with the Member for Ipoh that an elected member in one ward in a State could go to another State and stand for election there. But here we are following the State and Federal Elections Ordinance. We feel that if we were to restrict it to only one ward, Sir, then we will not be following the State and the Federal Government legislation, and while the P.P.P. may appreciate us, the Socialist Front will attack us. Thus we have got a problem and so we say we will bring it into line with the State and Federal law, but if afterwards we find that this is not workable then, since this is not a part

of the Constitution, we can always make amendments to it. Let us see it in practice first. We would prefer to leave this matter of one elected Member in one ward in a State to be elected or not by another ward in another State to the good sense of the electorate. We are much inclined to underrate the commonsense of the electors and the people who live in the kampongs. I feel, Sir, that if I were to go and stand in Ipoh, I don't think I have much chance contesting with people of the stature of the Honourable Members for Ipoh and Menglembu. Nobody would elect me, because they know I won't be able to stay there! (*Laughter*).

Mr. Speaker, with reference to the pardon which may be granted by the Ruler or Governor of a State, in view of the fact that the political situations are so involved during an election, here it is intended that those people who had been convicted and who did not appeal, to give them a chance to ask for pardon. We of the Alliance, Sir, do not intend to use it, but if we do, I can assure the Honourable Member that if a member of the Peoples' Progressive Party, or for that matter any other party, were to ask for the same thing he will be treated on the same basis.

Sir, I admit that so far as the \$2,000 is concerned, it is to keep in conformity with the amendment to the Constitution which has been passed. Since this is not—I repeat once again—this is not an amendment to the Constitution, I would ask Honourable Members to let it go and see how it works in practice. And if in practice it does not work, we can always bring an amendment before the House.

Ahli Yang Berhormat dari Bachok, berkenaan dengan Kelantan, saya tidak sakali² pada masa berchakap mengemukakan Rang Undang² ini di-sini hendak menyentoh parti P.M.I.P. dalam perkara ini atau pun Kelantan di-bawah Kerajaan P.M.I.P. Sa-masa saya menyebutkan Kelantan ta' terima itu saya memberi tahu fact dan semua² negeri lain bersetuju. Saya fikir terpaksa-lah berunding dengan tiap² negeri. Mithal-nya, Trengganu

bersetuju dan lain² negeri bersetuju tetapi Kelantan tidak, dia hendak menjalankan sendiri. Itu-lah sebab² saya mengemukakan di-sini dengan tidak berniat hendak menyentoh atau mengusek P.M.I.P. dalam perkara ini. Jika sakira-nya kata Ahli Yang Berhormat dari Bachok tadi, Kelantan akan menerima-nya, bagus dan saya terima kaseh banyak². Tujuan Rang Undang² ini hendak menyatukan perjalanan berkenaan dengan Kerajaan Tempatan seluruh negeri kalau boleh.

Berkenaan dengan Bab 19 ia-itu apabila undi sama, telah di-chadangkan di-masokkan perkara ini di-dalam Peratoran² yang akan di-luluskan. Dan berkenaan dengan perkara harga harta yang memberi kuasa pengundi itu, sa-benar-nya bukan-nya harga harta, itu ia-lah assessment \$60.00. Boleh jadi perkara Assessment, harta itu mahal harga-nya tetapi oleh kerana Kerajaan Tempatan telah menetapkan sa-dikit sa-banyak percentage assessment-nya. Dengan itu jadi-lah kurang tetapi \$60.00 itu tidak-lah berm'ana yang harta itu sedikit.

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, saya bukan pula bermaksud bagitu tadi.

Dato' Suleiman bin Dato' Abdul Raman: Terima kaseh!

Mr. Speaker: I shall put the question to the House.

Dato' Suleiman: Sir, I have not finished yet. I was only giving way just now.

Mr. Speaker: Proceed!

Dato' Suleiman: The Honourable Member for Rawang, I think, should seek his reply from somewhere else. With regard to the Honourable Member for Damansara, what he has said does not concern this Bill. This Honourable Member does not give due respect to the House and he does not give due respect to me. I have only heard him saying about the denial of democracy and anarchy and that sort of thing. One of the Honourable Members of his party has often said that the Alliance is bankrupt of ideas, but I am beginning to wonder whether

people living in glass houses should throw stones. Here in this case I do not want to throw stones, because we have plenty of ideas but they have none. They keep on saying or uttering words like a parrot "denial of democracy", "democratic ways" and "democratic method" and so on. Let me assure the Honourable Member from Damansara that he is completely wrong when he says that if the Federation Government takes over Kuala Lumpur this House will not have the chance to debate the financial report, the audit report, of the Kuala Lumpur Municipality, because

Enche' K. Karam Singh: Sir, I think I have been misinterpreted. I referred to the law which was passed in the Selangor State Legislature. I did not say what the Honourable Minister is now saying.

Dato' Suleiman: Well, Sir, to that remark my reply is that what happens in the Selangor State Legislative Assembly and in the Municipality is no concern of mine. I do not know what goes on in the Selangor State Legislative Assembly nor in the Kuala Lumpur Municipality. I am a Minister and I do not try to deal in such a way only to favour Councils which have an Alliance majority.

Sir, I can assure the Honourable Member for Damansara that when the Federation Government takes over Kuala Lumpur, the Honourable Member will have every opportunity of discussing financial matters or what is going on in Kuala Lumpur in this House, because then the Minister—whoever he may be—in charge of Kuala Lumpur will be responsible to this House. There is no such thing as "denial of democracy". In fact, it is an enlargement of democracy—that is, if democracy could be enlarged, Sir.

Sir, coming to the subject of this Socialist Front Mayor, may I refer the Honourable Member to the story of the dairy maid which I have described to this House just now? I do not think that at this moment the Socialist Front is in a position to nominate or appoint a Mayor—may be when the time comes, and this is rather problematical,

the Socialist Front then will itself appoint a Mayor. If Kuala Lumpur is taken over by the Federation Government, though there may not be elected Councillors, there will be an elected Minister who will be responsible for Kuala Lumpur. Sir, if Kuala Lumpur is going to be governed by debates, by the flow of words, by the use of terms such as denial of democracy and such like, then the people of Kuala Lumpur, the electorates, will have something nice to hear probably—I do not know—about the high verbosity of the elected Members, but I can assure this House that all this is like an empty tin: when you beat an empty tin, you produce the loudest sound. In a Council where there is less talk, where there are constructive criticisms and the debate is short, then I say to this House that the Councillors mean action and the electorates will benefit from such a Council. Sir, there may be ten elected Councillors and there may be only one elected Minister to look after Kuala Lumpur, but there are times, I am sure, and the electorate will agree with me, that it is better to have one Minister than to have ten who keep on quarrelling all the time, who try to use words which are not ordinarily used in conversation—I mean highfalutin, high sounding words—ideology and so on. I leave it just at that, because it is not easy to carry out this high idea: it is easier said than done.

Sir, with regard to the Honourable Member for Menglembu, I would like to assure the Honourable Member that as the Minister responsible for Local Government I have not the intention to make Ipoh the capital of the Federation. (*Laughter*). So, therefore, there is no proposal for that, and I do not think that the Ipon Town Council's Constitution will be suspended. Whether Ipoh should become a Municipality or not depends entirely on the elected Members there; and if the elected Members feel that they would like to take over the responsibility, finance, and so on, and raising taxation I will be very glad to go along with them to raise the status of Ipoh to that of a Municipality. (*Applause*).

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker in the Chair)

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

Clause 4—

Dato' Suleiman: Sir, I beg to move that Clause 4 (2) be amended as follows:

- (i) Insert after the word "appointed" at the end of paragraph (f) the words "and, subject to the provisions of this Act, the term of office of appointed Councillors".
- (ii) Substitute for paragraph (i) the following new paragraph:
 - (i) provide for the payment to Councillors of allowances and other privileges and of a salary or allowance to the Councillor for the time being performing the duties of President or Deputy President."

Amendment put, and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5—

Dato' Suleiman: Sir, I beg to move that Clause 5 (2) be amended as follows:

- (i) Insert after the word "appointed" at the end of paragraph (f) the words "and, subject to the provisions of this Act, the term of office of appointed Councillors".
- (ii) Substitute a semi-colon for the full-stop at the end thereof and add thereto the following new paragraph:
 - (h) provide for the payment to Councillors of allowances and other privileges."

Amendment put, and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clauses 6 and 7 ordered to stand part of the Bill.

Clause 8—

Dato' Suleiman: Sir, I beg to move that a new sub-section be added to Clause 8, as follows:

"(5) The provisions of sub-section (4) shall not apply to any public officer who is

appointed as an official or *ex officio* Councillor."

Amendment put, and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clauses 9 to 14 inclusive ordered to stand part of the Bill.

Clause 15—

Dato' Suleiman: Sir, I beg to move that Clause 15 be amended by substituting the word "Elections" for the word "Election" appearing in line 1.

Amendment put, and agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16—

Dato' Suleiman: Sir, I beg to move that Clause 16 be amended as follows:

Re-number clause 16 as 16 (1), and add immediately thereafter the following new sub-sections:

"(2) The Election Commission may use free of charge as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made, out of monies provided by any Government in the Federation.

(3) The Election Commission shall make good any damage done to, and defray any expense incurred by the persons having control over any school or portion thereof by reason of its being used as a polling station under sub-section (2)."

Amendment put, and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clauses 17 and 18 ordered to stand part of the Bill.

Clause 19—

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya hendak kemukakan satu pindaan berhubung dengan Clause 19 ini. (Surat pindaan di-hantarkan kepada Tuan Pengerusi). Ia-itu Clause 19 ini di-pinda sechara yang membolehkan undang² ini mengatasi kesulitan yang telah saya sebutkan tadi ia-itu di-beri sama dengan menambah kalimah "ward: Provided that if more than one" dan sa-bagai-nya.

Mr. Speaker: Itu yang di-tambah sana.

Enche' Zulkiflee bin Muhammad: Di-atas sana.

Mr. Speaker: Ini ada satu pindaan pada Clause 19 sa-lepas kalimah "ward" terlebih dahulu daripada proviso yang ada dalam Bill ini, dan ada lagi yang hendak di-pinda, bunyinya—saya tak tahu, ini-lah yang diberikan-nya ia-itu—

"Provided that if more than one candidate poll an equal number of valid votes, a fresh poll shall be held."

Ada-kah itu betul yang hendak diberikan sebab²-nya? Boleh saya benarkan.

Enche' Zulkiflee bin Muhammad: Sudah saya terangkan tadi.

Dato' Suleiman: Tuan Pengerusi, saya tak dapat menerima-nya, kerana perkara itu telah di-jawab tadi supaya perkara itu akan di-masokkan ka-dalam rules and regulations yang akan di-adakan dalam undang² ini.

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, boleh-kah Menteri yang bersangkutan menerangkan bahawa peratoran yang hendak di-masokkan itu dalam clause mana?

Mr. Speaker: Clause 21.

Enche' Zulkiflee bin Muhammad: Tetapi, Tuan Pengerusi, apa salah-nya kalau di-masokkan di-sini.

Dato' Suleiman: Tuan Pengerusi, perkara itu bukan-lah perkara undang² yang patut ada dalam undang² tuboh, tetapi perkara itu akan boleh di-buat di-bawah undang² ini, dan jikalau hendak meminda pun senang, menurut bagaimana chara² yang di-buat. Itu-lah tujuan kuasa itu mengikut undang² ini, dan jikalau hendak di-ubah peratoran ini senang dan mudah.

Enche' Zulkiflee bin Muhammad: Tuan Pengerusi, kalau mendapat jaminan daripada Menteri yang bersangkutan bahawa pindaan ini akan di-beri perhatian, saya tarek balek.

Mr. Speaker: Do you want to give the assurance?

Dato' Suleiman: Tuan Pengerusi, oleh kerana di-bawah Undang² Pilihan Raya Persekutuan yang mana perkara yang sa-macham ini di-buat ia-lah di-bawah rules and regulations itu akan di-adakan.

Clause 19 ordered to stand part of the Bill.

Clauses 20 to 22 inclusive ordered to stand part of the Bill.

Clause 23—

Dato' Suleiman: Sir, I move that the words "or appointed" in line 2 of Clause 23 (2) be deleted.

Amendment put, and agreed to.

Clause 23, as amended, ordered to stand part of the Bill.

Clause 24 ordered to stand part of the Bill.

First Schedule—

Enche' V. Veerappen (Seberang Selatan): Mr. Speaker, Sir, I beg to move that the words "in the case of an elected Councillor," in paragraph 1 (b) of the First Schedule be deleted.

I think the provision as it stands is to permit non-citizens to be appointed as Councillors. My submission is that those who are appointed as Councillors should also be citizens of this country.

Mr. Speaker: Your amendment is to make the sub-clause read: "A person shall be qualified to be a Councillor under section 6 if he is a citizen." Is that right?

Enche' V. Veerappen: That is right, Sir.

Mr. Speaker: The amendment is open to debate.

Dato' Suleiman: I cannot accept the amendment because at the moment in some Town Councils non-citizen officers are appointed. These officers are already in the service and we require them for their special skills and technical knowledge—engineering, for instance. In some other cases they are also required for their experience. We will be prepared to amend this clause when the Town Councils have got their own officers who are Federal citizens. At the moment they have got to have some expatriate officers—for instance, some P.W.D. engineers and medical officers in the States are non-citizens.

Enche' Tan Phock Kin (Tanjong): I cannot see the logic of the argument put forward by the Honourable Minister of the Interior. If the services

of an expatriate officer are necessary in a Town Council, he can be present at the meetings of the Council in an *ex officio* capacity and advise the Council on any matters that require his special skill. I cannot agree that just because the services of expatriate officers are needed in Town Councils, therefore we have to make special provision to enable non-citizens to be nominated to the Town Councils. It is my submission that this is illogical. Perhaps the intention is not so much to enable expatriate officers to serve as Councillors but more to enable people with property qualifications to serve in Town Councils because as we can see in the Bill itself people who are non-citizens can become Councillors if they have property qualifications and property qualifications will enable a person, even if he is a foreigner, to be a candidate for a Town Council election and to serve in the Town Council. This particular deletion submitted by my Honourable friend the Member for Seberang Selatan will get rid of this anomaly. I strongly think that our Town Councils should only have citizens who owe undivided loyalty to this country as Councillors. So in the light of this explanation I hope the Honourable Minister of the Interior will agree to this amendment.

Dato' Suleiman: Sir, I cannot agree with the views of the Honourable Member who spoke just now, because under "Qualifications of Elector" in the Second Schedule, it says: "A citizen shall be entitled to vote in an electoral ward under section 17 . . .". The Bill specifies that only citizens can vote and stand as candidates. So, it is in order to make provisions for expatriate officers—expatriate officers need not necessarily be Europeans but they may be Indians, Chinese or others who work here—to remain in the Town Councils that this provision is put here, and I am surprised to see that whenever I say anything, because I am a member of the Alliance, the Socialist Front Members always disagree with me. In this case from experience we have found out that if we leave this matter of having technical men for advice to the Councils, some of them do not want them. In fact,

I have been opposed when trying to suggest that they should have the advice of these men in most Councils. That is why this provision is put here to appoint these men. It is the only reason to put this here and there is no other reason.

Mr. Speaker: If you do not withdraw, I shall put the question to the House. Are you prepared to withdraw?

Enche' V. Veerappen: I am not withdrawing, Sir.

Amendment put, and negatived.

Dato' Suleiman: Sir, I beg to move that the First Schedule to the Bill be amended as follows:

- (i) Substitute for the words "sub-paragraph (d) or (e)" in line 1 of paragraph 3 the words "sub-paragraphs (c), (d) or (e)";
- (ii) Insert after the words "beginning with" in line 4 of paragraph 3 the words "the date on which the person convicted as mentioned in the said paragraph (c) was convicted or released from imprisonment or proved guilty, whichever shall be later, or"

Amendment put, and agreed to.

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

Second Schedule—

Dato' Suleiman: Sir, I beg to move that the Second Schedule to the Bill be amended as follows:

- (i) Re-letter sub-paragraph (c) of paragraph 1 as sub-paragraph (d);
- (ii) Insert immediately after sub-paragraph (b) of paragraph 1 the following new sub-paragraph:
 "(c) his name is on the current electoral roll relating to such ward in accordance with the provisions of this Act and any regulations made thereunder; and"

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

THE EMPLOYEES PROVIDENT FUND (AMENDMENT) BILL

Second Reading

Enche' Tan Siew Sin: Mr. Speaker, Sir, I beg to move that the Employees Provident Fund (Amendment) Bill, 1960, be read a second time.

Section 3 of the Employees Provident Fund Ordinance provides for the establishment of a Provident Fund Board which is responsible for the administration of the Fund. The Board consists of 18 persons, i.e., 6 persons holding offices of emolument under the Federation Government, 6 persons representing employers and 6 persons representing employees, all of whom are appointed by the Minister of Finance.

Under the present Ordinance, members of the Board elect their Chairman from amongst themselves, and the purpose of this Bill is to empower the Minister to appoint the Chairman.

The Employees Provident Fund Board is responsible for the savings of over a million contributors. Furthermore, the security of the contributions made to the Fund is guaranteed by the Federation Government.

The Fund, therefore, has an important part to play in the lives of a large number of Malaysians and by virtue of its size, the investment of the monies in the Fund has a considerable impact on the Government's own finances. I consider it right and proper therefore, that Government, both in the national interest and in the interest of the contributors themselves, should have the power to decide who shall be the Chairman of the Board and in saying this, I do not wish to imply any lack of confidence in the present Board or its conduct of the Fund's affairs.

It is a generally accepted practice that the Chairman of important statutory bodies should be appointed by the Government. This is so in the case of the Central Provident Fund in Singapore and also in the Federation with regard to the Central Electricity Board, the Federal Land Development Authority and the Rural and Industrial Development Authority, amongst others. I am convinced that this principle should be adopted in the case of the Employees Provident Fund and Honourable Members can rest assured that this measure will not militate against the independent status

of the Board at its constitution, whereby there are only six Government officers, will remain unaltered.

Sir, I beg to move.

The Minister of Labour (Enche' Bahaman): Sir, I beg to second the motion.

Enche' V. David: In proposing this alteration to the practice of the Chairman being elected by the members of the Employees Provident Fund Board, the Minister of Finance is trying to bring it under his control. The Minister failed to inform the House the defects discovered in the past in having a Chairman elected by the Board. Definitely, Sir, the Minister would have experienced a lot of complaints or would have observed irregularities during the past in order to force him to make this change through this Bill. Mr. Speaker, Sir, when I talk about the Employees Provident Fund I can talk at length about the mismanagement of the funds that is prevailing to-day. However, on the same subject I have tabled a motion and when the motion is debated I will elaborate on this subject.

In the meantime, Mr. Speaker, Sir, I feel it is my duty to make certain observations on this Bill. The Employees Provident Fund was started during 1951 and for some time this was managed directly by the Government without allowing its functions to a Board. Later the Government thought it fit that it should be entrusted in the hands of a Board and the Board, as the Minister said, consists of, in addition to Government representatives, 6 representatives from the employers, who I think are elected by the Employers' Federation, and 6 representatives from the workers, who are nominated by the Malayan Trade Union Congress, subject to the confirmation of the Finance Minister.

With regard to the management of this Fund, I must emphasise that these funds are contributed by the public and the public have an interest in this Fund. The public should be informed where the funds have been invested and why this amendment is being made. At present an ordinary contributor wishing to withdraw his money

from the Fund cannot withdraw it easily—after his retirement or after attaining the age of 55 years he finds tremendous difficulties in withdrawing his money. But these are things which I will explain when we debate my motion.

However, I again ask the Minister of Finance to elaborate the reasons for making this change at this moment. Has he discovered any irregularities or mismanagement of the funds, or is he dissatisfied with the present management of these funds with an elected Chairman on the Board? Sir, I again would remind this House that it is public money and public interests are involved and every action taken by the Minister should be in the interests of the public.

Enche' D. R. Seenivasagam: Mr. Speaker, I rise on one point. Whatever the reasons for this change, which I am not going to speculate, except to say that I hope that the change will bring about better administration of the Provident Fund—from the last speaker's remarks, it would appear that something is wrong, and indeed I will not be the only speaker when the motion comes up about the Provident Fund. In the last few days in this Chamber, we have heard people, we have seen people like the Honourable the Assistant Minister of Labour waving the Alliance Manifesto in this House. I would ask that Honourable Member and other Members of this House to take the Alliance Manifesto, 1954, and wave it before themselves. They will find specific promises in that Manifesto: "To take steps to look into the Provident Fund laws with a view to enabling withdrawal of those funds by contributors in time of necessity". We wave it again, we will still find it there, but we will find nothing mentioned about it here.

Tuan Haji Ahmad bin Abdullah (Kota Bharu Hilir): Tuan Yang di-Pertua, saya bangun ada-lah untuk menyokong di-atas Bill ini, tetapi disamping itu saya suka hendak memberi pandangan kepada Kerajaan terhadap kesusahan orang² yang menjadi anggota dalam Provident Fund. Sa-bagaimana yang kita telah ketahui bahawa Bill ini

ada bersangkutan dengan orang² yang menjadi anggota dalam Provident Fund. Syarat² yang membolehkan tiap² sa-orang menarek balek Fund itu ia-lah pertama-nya orang² yang sudah sampai 55 tahun umur-nya. Yang kedua orang² yang telah di-beri satu kenyataan oleh Doctor bahwa-sanya ia telah mengidapi penyakit yang tidak boleh baik

Mr. Speaker: Saya bukan hendak menegor dalam perkara ini, tetapi adalah Rang Undang² ini ia-lah hendak meminda satu fasal sahaja ia-itu "Chairman" ia-lah hendak orang yang di-angkat atau di-lantek oleh Menteri Kewangan sa-bagaimana membahathkan bagi bacaan yang kedua ini.

Tuan Haji Ahmad bin Abdullah: Saya sudah menarek pandangan di-atas kesusahan orang²

Mr. Speaker: Tetapi tidak ada di-dalam pindaan ini, kalau hendak berchakap jangan panjang.

Tuan Haji Ahmad bin Abdullah: jadi, kalau orang² yang hendak balek ka-India atau China mereka itu boleh menarek balek wang yang sudah di-masokkan ka-dalam Provident Fund kerana ada syarat yang membolehkan dibuat demikian. Maka dengan syarat ini nampak-nya orang² Melayu kita tertinggal, kerana mereka tidak ada negeri lain yang dapat mereka pergi. Jadi apabila mereka telah keluar dari kerja, mereka tidak dapat peluang sama sekali untuk menarek balek wang mereka yang ada di-dalam Provident Fund itu, wal-hal ramai dari orang² kita itu yang menderita dengan pahit-nya dan kesusahan, tetapi wang mereka ada di-dalam Provident Fund. Sa-olah² undang² ini menegahkan orang kita, tetapi tidak orang² India dan China, dari menggunakan wang mereka di-dalam masa kesusahan dan kechemasan. Hal ini sama-lah dengan hal orang² yang mempunyai ayer dan dahaga tetapi di-larang oleh Kerajaan ka-atas mereka itu meminum-nya sa-hingga mati mereka di-dalam kedahagaan ayer. Perkara orang² asing boleh menarek balek wang mereka itu jika hendak pulang ka-negeri mereka telah di-aku² oleh pehak Kerajaan pada masa yang lalu, wal-hal orang² asing itu tidak pulang ka-negeri mereka sa-telah mereka terima

wang Provident Fund. Oleh itu saya harap supaya di-benarkan orang² kita yang susah untuk menarek balek wang mereka dan dengan demikian jadi-lah ke'adilan bagi sekalian ra'ayat negeri ini.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, salah satu daripada sebab saya menyokong bahawa "Chairman" bagi Lembaga ini di-lantek oleh Kerajaan ia-lah supaya Kerajaan dapat mengemaskan lagi peratoran dalam Provident Fund dimasa yang akan datang. Saya telah mendengar dari Menteri Yang Berhormat tadi bahawa dia meminta supaya di-tukarkan dengan Bill ini menerusi Lembaga ini bukanlah meminda atau memberi ma'ana perjalanan Provident Fund ini pada masa yang telah lalu tidak memuaskan. Jadi, walau pun itu tidak menjadi sebab, saya berharap dengan penukaran yang kami sokong benar² ini dapat-lah soal yang berupa kelonggaran² di-perbetulkan, sebab saya katakan begitu bila Kerajaan memberi sa-orang "Chairman" maka hendak-lah orang itu memerhatikan benar² peratoran² yang menyebabkan beberapa kejadian, sa-hingga orang² kampung tak di-ganggu kelonggaran itu.

Enche' Tan Phock Kin: Mr. Speaker, Sir, this amendment to the Employees Provident Fund Ordinance is by no means a surprise to us because it seems to me that it has been a trend, as far as the Government is concerned, for Ministers to exert more and more influence, particularly in the appointment of members to statutory bodies. I feel, Sir, that we should get clarification from the Government with regard to its intentions to this. The principle of establishing statutory bodies in various spheres—the underlying principle—is to enable such statutory bodies to have a certain amount of autonomy and to prevent undue interference by Ministers on their day-to-day conduct of affairs in that particular sphere. We find here, Sir, that since the Alliance is in power, a number of statutory bodies' constitutions have been changed to enable Ministers to exercise more and more control. I am not suggesting that Ministers should

not exercise any control. What I am suggesting here is this: that if a Minister is going to exercise undue control, then why have a statutory body? We might as well run it as a Government department. So, whatever Government proposes to do, it is my earnest hope that they will not exert too much influence for reasons which may not be to the public interest. As we are all aware, membership of statutory bodies, and particularly chairmanship of statutory bodies, enables the holder of such position to derive very substantial remuneration. It is my earnest hope, and I think it is the earnest hope of the people of this country, that the Government will not merely use its powers or the Ministers will not merely use their powers—as a means of rewarding people for services rendered to the party. Whether the Government has done so or not, it is not for me to judge—the public can see for themselves by scrutinising the list of appointments to various statutory bodies, whether as members or as chairmen. Appointments to statutory bodies should be determined not by services rendered to the Party but by the ability of the person holding that position to serve in that capacity. I speak here, Sir, with the earnest hope that Government will heed what I have just said.

Enche' Tan Siew Sin: Mr. Speaker, Sir, I shall try to deal with the points raised in the course of the debate in the order in which they arose.

Firstly, I have, as far as I can recollect in the course of the debate on this issue in the last Budget Session of this House, disposed, I hope, of the argument or the contention that the Employees Provident Fund should be turned into either a sickness insurance fund or an unemployment insurance fund. I made it perfectly clear that to do so would destroy the very objectives of this Fund, which is designed to provide for an employee in his old age, and once you allow withdrawals to take place in the event of sickness or unemployment, you obviously destroy the very purpose and main objective of this Fund. So I do not think there is

any need for me to elaborate further on this point.

The second point was made by Honourable Members of the Socialist Front. The Honourable Member for Bungsar alleged that this Fund was being mismanaged, and that a number of irregularities have come to light. I do not know where he obtained his information from, but I sincerely hope that it didn't come from a disgruntled member—rather, ex-member of the Staff of the Fund who was recently dismissed for misconduct. This gentleman wrote letters to everybody who cared to listen to him.

Enche' V. David: Mr. Speaker, I am telling him I did not make any reference to any ex-member of the Employees Provident Fund.

Enche' Tan Siew Sin: This gentleman, as I said, wrote to any number of persons who cared to listen to him, and even went so far as to write to the Auditor-General complaining of this alleged irregularity, and the Auditor-General in fact went so far as to investigate the affairs of the Fund and, I am glad to say, he found nothing to complain about. In view of recent events, I think even Honourable Members of the Socialist Front will concede that the Auditor-General is not unduly prejudiced in favour of the Government.

Another point, brought up by the Honourable Member for Tanjong, was that Government had some ulterior motive for wishing to change the constitution of this Board. I took pains to point out in my speech in moving the second reading of this Bill that this is nothing unusual, that many, if not all the statutory bodies of this country have chairmen appointed by the Government, and in the case of this Fund it is even more important that the Government should appoint its Chairman, because this Fund provides the biggest single source of savings in this country, and it is common knowledge that this Fund is a major contributor to Government loans, and in such a case I think it is essential in the public interest that there should be some reasonable assurance that this Fund will not be mismanaged. At the same time, I took care to point out that by bringing in

this provision the Fund would certainly not be controlled by the Government, for the simple reason that the Government would have only six members out of a total of 18, which is one-third, and as Honourable Members of the Socialist Front know, one-third is not a very strong majority! (*Laughter*).

I hate to say so, but the Honourable Members of the Socialist Front seem to have an uncanny knack amounting almost to genius for making wildly exaggerated statements. One such statement is the allegation made by the Honourable Member for Tanjong that the motive for changing the constitution of this Board—or rather the motive for Government wishing to appoint the Chairman of this Board—is that this is a device to enhance the allowances to be paid to the Chairman. I should say that no allowances whatever are paid to members of the Board, and certainly none to the Chairman, who happens to be the Secretary to the Treasury and who, being a Government official, would not be entitled to an allowance even if it were decided at a later date to pay such allowances. But, as far as I know, there is no intention at the moment to pay any allowances to any member of the Board.

Enche' Tan Phock Kin: On a point of clarification, Sir—I spoke generally on members of statutory bodies, and not particularly to the Employees Provident Fund.

Question put, and agreed to.

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

Bill considered in Committee.

(*Mr. Speaker 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 GROUP SETTLEMENT AREAS BILL

Second Reading

The Deputy Prime Minister (Tun Abdul Razak): Tuan Yang di-Pertua,

saya menhadapkan bahawa Rang Undang² "Group Settlement Areas Bill 1960" di-bacha bagi kali yang kedua.

Pada Meshuarat Belanjawan yang lalu bagi Dewan ini saya telah menerangkan bahawa Kerajaan berhadang hendak membentangkan satu Rang Undang² dengan tujuan hendak menyegera dan melekaskan lagi Rancangan Kemajuan Tanah di-Luar Bandar. Saperti Ahli² Yang Berhormat mengetahui Kerajaan telah memberi keutamaan yang tinggi sa-kali kapada Rancangan Kemajuan Tanah sa-bagai suatu langkah yang mustahak sa-kali bagi membaiki keadaan hidup ra'ayat jelata di-luar bandar. Rang Undang² itu-lah mempunyai tujuan yang tersebut dan juga menhadangkan pindaan² pada peraturan Pejabat Tanah bagi membaiki perjalanan-nya itu. Akan tetapi sa-belum saya menerangkan butir² didalam Rang Undang² ini saya suka menegaskan ia-itu Rang Undang² ini di-bentangkan di-Dewan ini di-bawah Fasal 76 (4) Perlembagaan Persekutuan Tanah Melayu, dengan tujuan hendak menyama dan menyatukan undang² dan dasar berkenaan dengan membuka tanah dengan berkumpul dan mengeluarkan Gran Tanah di-dalam kawasan² yang di-namakan "Group Settlement" itu. Undang² ini apabila di-persetujukan boleh-lah di-pakai di-semua² negeri melainkan Pulau Pinang dan Melaka dengan tidak payah di-adakan undang² yang lain. Akan tetapi mustahak-lah tiap² negeri ini mengishtiharkan kawasan² yang tertentu menurut kehendak undang² ini sa-belum undang² itu berjalan kuat-kuasa-nya.

Sekarang saya suka-lah menerangkan dengan ringkas-nya sahaja tujuan² mengadakan Rang Undang² ini. Sunggoh pun telah kerap kali di-sebut baik di-dalam atau pun di-luar Dewan ini bahawa kita di-Tanah Melayu ini mempunyai taraf hidup yang tinggi sa-kali di-seluruh Benua Asia, akan tetapi mustahak-lah kita ingat bahawa penduduk² di-luar bandar tidak menerima atau pun mempunyai kekayaan dan kesenangan yang sama dengan penduduk² di-bandar. Perkara yang demikian ia-lah di-sebabkan oleh dasar penjajahan yang dahulu dan juga di-sebabkan orang² di-luar bandar, ini

biasa berlaku di-mana² negeri sa-kali pun ia-itu biasa-nya penduduk di-luar bandar itu tidak begitu suka hendak menukar chara hidup-nya dengan segera atau pun menerima perubahan² baharu. Oleh yang demikian itu-lah menyebabkan tanah² yang ada itu tidak di-jayakan dengan sempurna-nya dan juga ada sa-tengah² tempat sangat ramai orang yang dudok dalam satu keping tanah, yang tidak boleh menchukupi bagi mereka menchari nafkah yang sempurna. Tambahan pula di-negeri kita ini bilangan anak negeri bertambah dengan banyak-nya dari satu tahun kasatu tahun. Oleh itu bagi mengatasi soalan tanah ini dan bagi membaiki keadaan di-kampong² Kerajaan telah mengadakan dasar yang baharu. Dasar yang baharu ini ia-lah berma'ana ia-itu tanah² yang akan di-beri kapada penduduk² di-luar bandar hendak-lah chukup luas-nya bagi mereka untok menchari nafkah dan tanah itu tidak-lah boleh di-bagi kurang daripada luas yang di-tentukan itu. Dan yang kedua-nya, kapada penduduk² yang sekarang ini ada tanah tetapi yang kurang luas-nya untok menchukupi kehendak sa-suatu famili hendak-lah di-tambah supaya chukup luas-nya.

Menurut nasihat dan pandangan yang di-dapati bahawa luas tanah yang boleh menchukupi bagi satu kelamin atau family di-Tanah Melayu ini untok mendapat taraf hidup yang sempurna ia-lah lebeh kurang 8 ekar. Daripada tanah yang luas 8 ekar itu 6 ekar hendak-lah di-tanami dengan barang² yang boleh mendatangkan hasil yang tertentu saperti getah dan yang 2 ekar lagi itu di-tanami dengan pokok² yang lain saperti buah²-an, sayur²-an dan sa-bagai-nya untok penggunaan orang² itu sendiri. Di-mana² yang boleh di-adakan 2 ekar lagi untok pertanaman padi akan tetapi di-kebanyakan tempat oleh sebab kekurangan tanah tentu-lah tidak dapat di-adakan kawasan² yang terlalu luas.

Dasar bagi memberi tanah kapada sa-saorang itu untok menchukupi kehendak-nya bagi menchari nafkah hidup bukan-lah sa-suatu dasar yang baharu bahkan Lembaga Kemajuan Tanah telah menjalankan dasar ini dengan kejayaan yang besar akan tetapi dasar ini belum-lah tertulis di-mana Undang²

Tanah yang ada sekarang ini dan tiada satu pun Undang² Tanah yang boleh memaksakan kemajuan yang seperti itu di-jalankan. Oleh itu bagi Rang Undang² ini di-adakan dengan tujuan yang tersebut itu. Di-bawah Undang² ini tanah yang di-berikan itu yang di-fikirkan menchukupi bagi sa-saorang menchari nafkah, hendak-lah sama luas-nya, kemudian hendak-lah di-sukat sa-belum tanah itu di-beri kepada penduduk² itu. Sukatan itu di-jalankan dalam satu kawasan yang besar jika ada tanah yang boleh di-dapati. Tujuan ranchangan ini ia-lah hendak memberi peluang kepada orang yang tidak ada mempunyai tanah, dan yang mempunyai tanah tetapi tidak menchukupi untuk pencharian hidupnya. Oleh itu chadangan ini di-adakan 2 bahagian ranchangan kemajuan tanah. Satu kerana mereka² yang tiada mempunyai tanah, chadangan ia-lah kawasan yang besar 3 atau 4 ribu ekar dan di-adakan kampong yang tertentu dalam kawasan itu. Kawasan yang semacam ini boleh-lah menempatkan lebeh kurang 4 ratus atau 5 ratus family yang mempunyai tanah 8 ekar satu kelamin. Yang kedua kepada orang² yang dudok dalam kawasan² lain yang kechil sadikit berdekatan dengan kampong² yang sedia hendak-lah di-adakan tanah² bagi menambah tanah² yang sedia di-kampong² itu. Dalam kawasan² ini tanah² yang baharu di-adakan itu ia-lah luas-nya lebeh kurang 3 atau 4 ekar.

Ahli² Yang Berhormat mengetahui bahawa tidak ada bedza di-antara dasar ranchangan ini dengan ranchangan yang di-jalankan oleh Lembaga Kemajuan Tanah akan tetapi saya harap faham bahawa Lembaga Kemajuan Tanah

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, on a point of order, I notice that the Honourable the Deputy Prime Minister is reading his speech.

Mr. Speaker: I do not think so.

Enche' Lim Kean Siew: On a point of clarification, may we know who prepared his speech?

Mr. Speaker: There is no need to reply to that. Please proceed!

Tun Abdul Razak: Tuan Yang di-Pertua, saya harap Ahli² Yang Berhormat mengetahui bahawa ranchangan yang di-chadangkan ini tidak ada bedza-nya dengan Ranchangan Kemajuan Tanah yang ada sekarang ini, yang di-jalankan oleh Lembaga Kemajuan Tanah. Akan tetapi Lembaga Kemajuan Tanah hanya-lah boleh memenohi ka-hendak² orang² yang tidak ada mempunyai tanah langsung. Dan lagi Lembaga Kemajuan Tanah itu hendak-lah menjalankan ranchangan²-nya di-tempat² yang jauh daripada kampong ia-itu tempat² yang besar². Kerajaan berpendapatan bahawa ada orang² yang berkehendakkan tanah yang boleh menjayakan tanah itu dengan perbelanjaan-nya sendiri dan ranchangan ini hendak di-hadkan kepada orang yang semacam itu. Oleh itu tujuan Undang² ini ia-lah supaya dapat di-adakan satu ranchangan membuka tanah yang senang segera dapat di-jalankan bagi mereka² yang bertenga yang tidak berkehendakkan pertolongan Kerajaan yang banyak. Dengan persetujuan dan juga dengan pertolongan Kerajaan Negeri di-chadangkan bantuan² hendak di-beri kepada orang² yang membuka tanah menurut ranchangan ini ia-lah 3. Yang pertama, ia-lah menanguhkan bayaran premium, survey dan bayaran² yang lain sa-hingga tanah itu dapat mengeluarkan hasil. Yang ka-dua-nya, hendak memberi bantuan dengan mengadakan benih dan juga pertolongan² yang lain. Yang ketiga-nya hendak di-adakan jalan² raya di-tempat itu, di-adakan paip ayer, lampu elektrik dan juga kesenangan² yang lain. Barangkali Ahli² Yang Berhormat boleh faham dengan lebeh lanjut lagi jika saya bandingkan ranchangan ini dengan orang² yang menjual barang². Jadi dalam ranchangan ini Kerajaan berchadang hendak mengadakan perniagaan dalam hal tanah ini dan menjual tanah yang telah di-sukat dan di-terangkan dengan chara bahasa Inggeris "hire purchase", ia-itu di-benarkan barang² itu di-beli dengan pembayaran beransor². Ini berma'ana penduduk² tidak di-kehendaki membayar apa² hanya-lah wang untuk perbelanjaan menjayakan tanah itu sahaja dan kemudian daripada itu boleh-lah ia membayar dengan beransor² dan

dengan chara yang di-fikirkan patut apabila mereka telah mendapat hasil daripada tanah-nya itu. Pada masa ini tidak-lah dapat saya hendak menentukan bagaimana chara-nya wang bantuan atau pun wang yang di-dahulukan, peratoran itu akan di-bayar balek sebab perkara ini sedang dalam siasatan oleh Menteri Kewangan akan tetapi saya boleh-lah memberi akaun di-sini bahawa dengan sa-berapa boleh Kerajaan akan menentukan bayaran² yang senang tidak boleh menyusahkan kepada penduduk² itu. Itu-lah sahaja. Tuan Yang di-Pertua, berkenaan dengan dasar Undang² ini dan sekarang ini saya akan menerangkan satu persatu berkenaan dengan butir² dalam Rang Undang² ini tetapi sa-belum saya terangkan saya suka-lah berchakap ringkas sahaja dalam bahasa Inggeris di-atas tujuan-nya di-adakan Undang² ini.

Sir, as I have said in Malay just now, the purpose of this Bill is to enable the Government to solve the physical land problem that we have now and also to alleviate poverty in the rural areas. As the House is aware, there is an increasing demand for land throughout the country and the various Land Offices are inundated with applications for new land, and it is desirable that Government should evolve a simplified procedure by which land can be alienated to people. As has been agreed to with the various State Governments, in future land as far as possible will be alienated in group settlements. Therefore, it is necessary to have legislation to do so.

Now, as I have said also, in order to overcome this serious land problem, the Government has adopted a new policy and this policy is that it is necessary to ensure that in future smallholdings when alienated shall be of an adequate size and thereafter be maintained at that size and not allowed to become fragmented into non-viable units, and also that existing smallholdings which are too small to support a family should, where possible, be brought up to an economic size. These are the best policies which the Government has decided to adopt—and according to the best advice we have, the basic economic

unit sufficient to support a family is in the order of eight acres per family. Of this eight acres, six acres are to be planted with rubber and the two remaining acres with other crops principally fruit trees, vegetables, etc., for the use of the family.

There is nothing new in this principle of economic unit of land, or in this matter of group settlements. The Federal Land Development Authority has been following this policy for some time with a certain measure of success. But the Federal Land Development Authority will only be able to deal with landless people, who have no means to develop land themselves. The Government feels that there are people in this country who are landless but have the means to develop the land themselves and, therefore, the scheme envisaged in this Bill is intended principally for those people, who are landless and who have the means to develop land; and it is also the intention to help people who at the moment have not enough land to support themselves. They may have two, three, or four acres, and it is Government's intention that such areas are to be supplemented by further areas of two, three, or four acres in adjoining areas.

It is also the intention of Government, with the co-operation of State Government, as land is principally a State matter, to assist people who will want to settle on land as envisaged here by various means. In fact, there are three means: firstly, by a waiver for a period of years of the usual Government charges—viz: premium, survey and other fees and by relief from paying any rent until the land is bearing fruit; secondly, by Government helping to fell and clear the trees and also by the provision of planting material, fertilizer and other agricultural aid; and thirdly, by building access roads and by providing other amenities such as water supply, electricity and other services.

Now, of course, this help or assistance to be given will have to be repaid to some extent by the settlers themselves. It is Government's intention that the repayment is to be made by easy instalments, but I cannot

give a definite assurance to the House to-day what the rate of payment will be. The matter is to be examined by my colleague and Honourable friend the Minister of Finance, but I can assure the House that the repayment will be made as easy as we possibly can.

Now, Sir, in regard to the various provisions of this Bill, Section 7 provides for economic holdings of uniform size to be fixed; Sections 14, 15 and 16 require that there shall be one single proprietor for a holding and prohibit the sub-letting, subdivision or fragmentation of the holding in any circumstances; Section 17 requires the planting of specific crops only and the full cultivation of every holding; Sections 8, 13 and 20 provide for the waiver of charges, the initial clearing of land and the recouplement of costs of these and of the agricultural materials provided by a subsequent enhanced rent known as "consolidated annual charge"; Section 19 provides that settlers will not be considered unless they are virtually landless—and this means that they must own less than two acres of land as provided under Section 19, unless, of course, it is a fresh alienation in which case they can own up to a maximum of six acres.

Now, under Section 19 too, Honourable Members will observe that that Section provides that only citizens of the country will be accepted as settlers within the Group Settlement Areas. I do not think that it is necessary for me to put up any defence of this principle, because it is considered that Government cannot subsidise the opening up of land for people other than citizens of the country. I think, in the course of debate on the King's Speech, the Honourable Member for Ipoh raised this point and I can assure him that this provision will only be applied in areas declared under this Act—that is designated areas or Group Settlement Areas. This provision will not apply to land which has already been alienated or to land to be alienated in the ordinary way. For land alienated in the ordinary way, the existing Land Code will apply.

Now, Sir, I would like to explain in greater detail Section 16 of the Bill. Section 16 prohibits, upon the death of a holder, the distribution of a holding among a number of beneficiaries. It will be necessary for the beneficiaries to agree that the interests in the land should be assigned to a single holder, and, in default of such assignment, the Collector has the right to close the holding and dispose of the proceeds. I have been advised that this provision will not infringe the principles of the Islamic Law, as the land before alienation is subject to this condition already and, therefore, the settlers when they take up the land must accept the land together with the condition already attached to the land.

Now, Sir, with this explanation, the House will have a fair understanding of this Bill. As I have said, it is necessary to have this provision in order to facilitate the alienation of land. There are, of course, other provisions in the Bill which tend to improve the existing procedure of land alienation. I would like to bring to the attention of Honourable Members that the proposal here of pre-survey will relieve Land Offices of the process known as "settlement", the preparation of detailed requisitions for survey, etc., and also that the fixing of a uniform size of holding will make it unnecessary for the calculation of individual liabilities. Under Section 12, there will be a new "Register of Holdings" which will supersede what is known as the "A.A. Register" which is more complicated. With all these provisions, it is Government's hope that we will be able to alienate land to those in need more expeditiously.

Sir, as I have said at the beginning, this Bill is brought to Parliament under Article 76 (4) of the Constitution for the purpose of ensuring uniformity of law on land. Land is a State matter and this Bill has been discussed in the National Land Council and the agreement of State Governments had been obtained. I would, therefore, ask Honourable Members, if possible, to try not to amend this Bill, or to suggest amendments more than absolutely necessary, because any

amendment to the Bill will have to be discussed with the State Governments. In a matter like this, we have to carry the State Governments with us, because this Bill will be of no use unless the State Governments are prepared to make use of it. However, I should like to assure the House that any observations that any Honourable Member might have on the Bill I will be prepared to consider them, and if necessary I shall be prepared to discuss them in the National Land Council with the State Governments.

Sir, I beg to move. (*Applause*).

The Assistant Minister of Rural Development (Tuan Haji Abdul Khalid bin Awang Osman): Sir, I beg to second the motion.

Sitting adjourned at 1 p.m.

Sitting resumed at 2.30 o'clock p.m.

(*Mr. Speaker in the Chair*)

THE GROUP SETTLEMENT AREAS BILL

Mr. Speaker: The debate on the second reading of the Bill before the House resumes.

Enche' Chin See Yin: Mr. Speaker, Sir, I have only a few things to say in connection with this Bill. We were told this morning that this Bill when it becomes law will enable the Government to help to solve the land problem and thereby the problem of poverty.

Sir, what concerns me really is clause 19. According to paragraph 3 of the explanatory statement, clause 19 provides that no person other than a citizen who substantially has no land of his own is eligible to occupy a rural holding. So long as a person is a citizen he is entitled to enjoy the benefits provided under this Bill, but, Sir, what about the non-citizen who has lived so long in this country and has worked so hard to provide for his wife and children and who has worked so hard to bring produce to the markets of this country and for export. Is such a man, because he has not got the time to learn the Malay language and so under the citizenship clause in the Constitution fails to obtain citizenship—you can say it is

only his fault but in reality he has no time to learn from his neighbour—to be deprived of the benefits? What happens to this man who contributes towards the Federal Treasury's coffers? These are the men who will live in this country and who will make this country their own. Sir, I hope the Government will give consideration to these people. We have spoken so much on fundamental principles, human rights and liberties, and I hope the Government will give consideration to these men who have loved and helped to build up this country. They have made this country their own and yet they are unable to become citizens through no fault of their own. I hope something will be done by Government to make provision for such men and that they will be given a chance to enjoy the benefits that are provided under this Bill.

Regarding the distribution of land in the group settlement areas, Sir, from experience I know that a very unsatisfactory state of affairs exist, at least in my own State, on the question of land distribution. At first I wanted to quote an example, but if I do that I may be accused of preaching communal issues and creating misunderstanding. Therefore, I choose to remain silent on that point. However, I would like to say that if the distribution of land is not done fairly, then it will create discontentment and bad feeling. Under this Bill, when it becomes law, I hope some form of land distribution can be made. I also hope that a fair basis of distribution can be found in order to bring about a fair distribution, and that everybody here will be provided with sufficient land without race distinction. If that is done, this Bill will become a success.

Enche' D. R. Seenivasagam: Mr. Speaker, Sir, I rise to reiterate what I said in the debate on His Majesty's Speech and that is the fears which I had expressed and which the Honourable Member for Seremban stated just now. Mr. Speaker, Sir, whilst it is true that every independent nation must first protect its own nationals or citizens and, therefore, what is available in the country should be available

for the citizens of that country, we must appreciate that in Malaya a situation perhaps unlike any other country in the world exists to-day, and that is the question of the non-citizens—non-citizens who would like to be citizens of this country but who cannot become citizens because they lack one or two qualifications which are requirements to citizenship. It is a fact known and a fact which must be accepted that these people are going to stay here, work here and perhaps die in this land. Now, some of them hold land; some of them hold land near areas or in areas which could very well become group settlement areas under this Bill when it becomes law. I hope that if such a situation arises, Mr. Speaker, Sir, every step will be taken to see that they are not dispossessed in the attempt to do this very good thing, that is, having group settlement areas to give land to the landless. If there are cases where there are non-citizens who are now holding land and tilling that land, it is to be hoped that they will not be dispossessed when the time comes.

Secondly, with regard to non-citizens, there is complete exclusion in this Group Settlement Areas Bill of non-citizens in rural areas which will to an extent cause untold difficulties, because in our group settlement areas there will be dozens and dozens of people who are not citizens but who could qualify for citizenship at some date. It has been said by the Honourable the Deputy Prime Minister in moving this Bill that the fears I expressed on the question of non-citizens would not arise because this will apply only to group settlement areas. That is quite so. But if it is intended to put this Bill into operation then it is very likely that these group settlement areas will cover very large areas of land in this country and these areas of land may be land within the areas of these people who are not citizens but who live there. On that point, Sir, great care should be taken. And the second point—again the same point mentioned by the Honourable Member for Seremban is that if this is a Bill for the benefit of all citizens of the country, distribution must be

fair, distribution must be properly and genuinely done in an effort to give the citizens, the landless citizens, land. If it is done fairly and squarely then it may work.

There is one observation I wish to make on the powers. The powers seem to be given exclusively to either the Collector or the District Officer or some individual officer, even to the extent of saying that the man who gets a piece of land is supposed to plant his crop and if he does not do it, then that individual can take away that land from him; or at least on the recommendation of that individual that land can be taken back. We know as a matter of practice and as a matter of daily experience that time and again there are complaints—many times genuine, sometimes not—that these individual officers are at times unreasonable, at times prejudiced, at times vindictive. Therefore, Sir, this is a point which I bring for the consideration of this House. I think that such extreme powers of taking away from someone who has been given land for non-compliance of any condition that this Bill may impose on them should be exercised not by one individual officer but by, perhaps, a board or something like that, because it is a very serious step to take back land when it has been given to somebody and when he has already cultivated that land. These are the dangers of this Bill and I ask that these matters be considered.

Enche' Lim Kean Siew (Dato Kramat): Mr. Speaker, Sir, before I speak I would like to ask a few questions which perhaps the Honourable Minister of Rural Development could answer at this point if he so wishes. Does the Government know how much land will be affected by this Bill and how much of it will be old kampong land and how much of it will be new land? Why is there the distinction between the rights of non-citizens who may not hold rural land before alienation but who apparently can hold rural land after alienation when such land no longer becomes State land? What is the system of alienation which would take out such designated areas or

group settlement areas from the category of State land? Why is it that there is no proper restrictive measures for urban holdings while there is such a restrictive system on rural areas?

Mr. Speaker, Sir, we must, of course, rise to congratulate the Minister of Rural Development for creating before us a Walt Disney land. This apparently effective Bill, which is supposed to be of assistance to developers of rural areas, in fact is not as wonderful as it appears. I would like to say that perhaps we may refer to this Bill as a sop to the helpless hopefuls. But when I first picked up this Bill and saw the title, I was a bit surprised. It says "Group Settlement Areas Act, 1960". I thought that this was an attempt to introduce the commune system into Malaya. After all, it says "group" and it talks of "settlement", and that is what a commune system is—a group settlement area! So when I picked it up. I thought perhaps this was a subversive document and someone who was trying to be funny had sent it to me. But when, after taking courage in both my hands, I glanced through the Bill, I chanced to come across the chapter on rural development and received the second shock, because the principle behind this rural development was a principle set out by us of the Socialist Front in the first meeting of Parliament when we asked for restrictive land alienation policy and requested that land be given to the tillers, and it now appears that land is being given to the tillers as requested by us during that first meeting of Parliament. But since we have been accused of being subversive, I am wondering if the Government in trying to imitate us are also being themselves subversive because, after all, this principle of giving 10 acres to each tiller was a system that was tried out in Russia—and therefore it would appear that what the Government is trying out is a communist system. India later followed this Russian system but produced the *kulak* system where each individual became a small petty *zamindari* without directional control and therefore became a block to progress.

I then fingered through the Bill and came to the chapter on urban holdings

and I knew at once that this was no subversive document but a genuine Government Bill. I knew this was no subversive Bill because it disclosed such a conflict of principles between the chapter on rural and urban development which was typical of the Government's attitude in their policies—the attitude of the chameleon, the attitude of three bodies trying to work together under one head, the attitude of the Alliance trying to work with the three bodies and one head. As you will see, if you will look through the Bill, the policy on urban holdings is diametrically opposed to the policy on rural holdings. It is diametrically opposite because you will find that there is practically no restriction in urban areas. I say practically; I do not say there is none; but there is practically no restriction at all on urban holdings so that monopoly industrialists and land speculators are able to use land as a monopoly or speculative commodity.

Now, it is true that formerly there were mistakes of the Colonial Administration, as the Honourable the Minister of Rural Development has said, which have brought about such a great deal of uneconomic holdings in Malaya and that we need a new and progressive policy. We entirely agree that we need a progressive policy. The question is, why wait till we are confronted with an impossible situation before an attempt is made? People might well say that perhaps the Government never knew of this chaos before such a situation has arisen. But that is not correct. Even before I became a Member of Parliament I was aware of Mr. Wilson's Report on Land Holdings in North Malaya. There the evil of absentee landlordism was made very plain; there the evil of land fragmentation and control by the landlord class was made very clear. And then we had various Reports and various works in the field, especially those done by Ungku Aziz of the University of Malaya and in one of his papers I think he dealt entirely with land fragmentation. In the Annual Report of 1957 too, we had the same criticism on the question of the devolution of property on death in Muslim

areas, and also the evils of fragmentation. And yet nothing has been done.

But coming back to the first point we must ask concerning the provisions of the Bill itself: has this Bill actually attempted to solve our problem?

The first observation I would like to make is this: the Honourable Minister of Rural Development did in his speech end up by appealing to us not to amend this Bill, because he said that uniformity from State Governments had to be obtained, I presume because the Constitution says that land is a State matter. In reply to his appeal I would say this: If the Constitution could be amended—if Article 149 of the Constitution can be amended—why cannot the sections on land be amended as well to bring about uniformity of land development in Malaya. Land is utilised in Malaya primarily for agriculture. The meaning of land we need not go into, but certainly land in an urban area and land in a rural area has the same definition, although it may be used for different purposes, and in our policy we must be very clear on this point. Land must be used for the benefit of those who till the land; land must be used for the benefit of those who work on the land; land cannot be used as a means of exploitation, land cannot be used as a commodity for trade. In other words, land ought not to be bought and sold as a business, because if land can be accumulated and if land can be used as a commodity, those people who do not practise Islam would be at an advantage as against those who practise Islam because they can accumulate and they are able to pass land on to one person without division on death thus bringing about constant accumulation. For those who believe in Islam, the transmission on death is decided by the Holy Koran which has laid down the law on succession to property on death to ensure proper apportionment to various categories of dependents. Now, when we look at the distinction between rural and urban land, we begin to notice that this is the distinction which would work unfairly in the case of the father who has two sons and who tells the rich son: "Look here, my son, I have land

in town. Since you have so much money do you want to buy with your money?" And the son says: "Certainly, I want to buy the land. It's the best security to have". He then advises that son: "You can sell the land or mortgage the land and with the money buy other pieces of land and speculate on them and soon you will become a millionaire." He then turns round to his other and poor son and says: "Well, my son, I think you should be a farmer." And the poor son says: "As you wish, father. I am very loyal to you." And the father says: "That's good. Be loyal to me and be good. Go to the rural areas, have ten acres of land, stay on the ten acres, but be honest and be good, and die a slave." The present Government behaves like such a father with the two sons, one favoured and the other unfavoured. Why do I say a slave? Because under the present circumstances the farmer cannot prosper. He cannot prosper because he is at the mercy of the middleman. In other words, if he plants padi, he must sell his padi; if he plants rubber, he must sell his rubber; if he plants vegetables, he must sell his vegetables. And to where must the padi and rubber go? To the urban areas. The urban areas contain the people with the millions to buy the produce. To reach these people the farmer must go through the middlemen who are therefore able to hold them perpetually under control.

The first distinction we will notice between the urban and the rural areas is this. According to Section 19, no person but a citizen can own a rural holding. Under Section 26 (under "Urban Holdings") any person—whether a citizen or not—may hold an urban holding.

The second distinction—and this is typical of this Bill—is that there are six pages of law—six pages of law regarding rural holdings whereas there is only half a page of law regarding urban holdings—four sections: 26, 27, 28, 29 to be exact—without a penalty section. It merely says every document of title on an urban holding is that there shall be the condition that the holding shall be used for no other purpose. In other words, you can

have an urban holding, and we will tell you what to do, and you shall do it. What if you do not, what then? What if you do not care for that condition? Nothing is said about that! And as for limitation on urban holdings? Does the Bill contain any limitation on the total number of acreage any person can hold? Does the Bill say for example that no person shall own more than ten acres, or more than one gold mine or more than one tin mine? Nothing! Not a word. But if we refer to the rural areas we see a great number of limitations. For example, we find that if a person does not pay the money he owes the Government, the Government can re-enter the land and sell the land. And it says here, under Section 23 that where a land is re-entered,

“The Collector shall make a valuation of any dwelling house remaining on any land which has been re-entered in accordance with the provisions of section 22 and shall pay as compensation to the former holder the amount of such valuation after deducting the cost of any material or other service supplied to the holder for the erection of such dwelling house and such sum for expenses as the Collector, with the approval of the Ruler in Council, shall fix.”

Again in Section 16 we find another limitation. For example when a person dies, the Bill provides that:

“Where, but for the provisions of section 15 the land comprised in any rural holding would on the death of the holder or proprietor or otherwise be liable to transmission by way of subdivision or in undivided shares, the persons entitled to interests in the holding may assign their interests to a single holder, and, in default of such assignment, the holding shall be disposed of on the order of the Collector and the proceeds of sale of the holding or any interest therein shall be dealt with according to law.”

In these sections we notice certain discrepancies: what, for example, will happen to the house that a man has built on land which he cannot take away? Under Section 23 (2), a holder whose holding has been re-entered in accordance with Section 22 “may, if he so desires, with the approval of the Collector, remove the dwelling house which he has erected on the land at his own sole expense.” But this is not so with section 16 and does not apply to it. So, obviously, if I die and I leave it to my children, they cannot take the house away, but if I owe the

Government my taxes and assessments, the Government can re-enter and I will be allowed to remove my house under section 23.

There is another weakness in section 16: the principle of land utilisation ought to be land to the person who works on the land, land to the person who tills the land. But this is not applied in section 16. Under this section the Collector can sell the land, but it does not stipulate here that the Collector ought first to give the first offer of the land to the person who is in actual occupation of that land and who is actually working on that land, so the case may arise that when the father dies and I, the son, who may be working on that land, may find that the land is to be given by the Collector to someone else, for example, to my friend the Honourable Member from Seberang Selatan who has not been working on the land. Therefore, to get round such injustice we must have provision so that the first choice and the first offer ought to be given to the man who is the actual farmer on the land. And since the Honourable Minister of Rural Development has said that the Government will allow hire purchase then the person who works on the land who has insufficient capital to purchase the land will thus be provided the chance to purchase the land and pay by instalments from profit on his crops.

The Government has stated that only citizens would be eligible to occupy rural holdings and Section 19 says that no person other than a citizen shall be eligible to occupy rural holdings but only so long as such holdings continue to be State land. This is a limitation on a limitation, there is a limitation to this citizenship clause, namely, that so long as the land is State land only citizens may hold it, but once such land is alienated and is no longer State land, anybody can own it, citizen or not. In other words, once the State alienates the land, then anybody can hold it. Section 19 says in effect that anyone other than a citizen may have rights over that land. Therefore, if we say this section is to protect the citizen, we ask ourselves this question: for how long are we going to protect the

citizen? Because we know that once a title—the “surat putus”—is granted, it no longer is State land, and therefore the restrictions on such land ceases to have effect and it can, for example, be mortgaged apart from many other things which can be done to that land according to our present State laws. According to the definition “alienation means alienation according to our State laws”. But since none of us can be very sure of similarity of our laws which may vary from State to State we can never be sure how effective Section 19 is going to be in fact.

The next point is that I would call upon the Government to set up a National Land Register and the reason for this is very simple. It says here under Section 19 (2) that:

“No person who is a proprietor or co-proprietor of any land other than—

- (a) country land not exceeding two acres in area; or
- (b) a single plot of town land used solely for his own residential purposes; or
- (c) both such country and town land,

shall be eligible to occupy a rural holding so long as such holding continues to be State land:”

How does the Collector of Land Revenue know if I have land, let us say, for example, in Malacca or in Pahang, if and when I apply for land in Penang? Again it is possible for me to go up to Kelantan and ask for ten acres of land when I may already own ten acres in Perlis, ten acres in Kedah, ten acres in Perak, ten acres in Selangor, ten acres in Pahang, ten acres in Trengganu and ten acres in Johore without the Government knowing that I already own more than ten acres of rural land in other States. (*Interruption*).

Mr. Speaker: Proceed!

Enche' Lim Kean Siew: I will, Sir, I am not disturbed by irrelevant remarks. As I was saying, it is only when we have a National Land Register that the Government will know the actual acreage a person is already holding when he applies for new land. If we have a National Register, when any person applies for new land, the District Officer can write to the National Land Registrar to inquire if

such a person is already holding land in any other State. So that if a person, for example, already has land in other States, say, 3,000 acres perhaps of jungle land in Johore, or 5,000 acres in Kelantan or Pahang or 20,000 acres here or there, the District Officer would be able to turn down his application. The first duty in the rural development is to give land to a person who has not yet got any land. So I would suggest that there ought to be a National Land Register to prevent exploitation or monopoly of our land.

The next point is this. We notice here that the Collector of Land Revenue is in fact virtually the person in control of the land. He is, although I do not mean in a bad sense, a dictator over the rural areas and with that dictatorship comes the overburdening of work. Anyone of us who knows anything about the work of a District Officer and who has spoken to District Officers, will always hear this complaint—“I am overloaded with work, I am too busy, I have no assistance and I have contradictory orders. The Ministry of Rural Development would write to me a note, the Ministry of Agriculture will give me another note, the P.W.D. will tell me to do something else, the Health authorities will tell me to go out to a jungle area to examine that jungle area for mosquitoes. And they would contradict one another. How can I do all these things?” Over and above his duties, we are now giving him the duty of carrying out the provisions of this Bill.

I would suggest—and this is a suggestion which I hope will be taken with due consideration—that in order to have proper land development, we must in those areas set up Group Settlement Committees to assist in the management and the day to day affairs of those areas. Now, what is a Group Settlement Committee? Supposing, as the Honourable the Minister of Rural Development has said, we are going to open 4,000 acres of land and we are going to settle 500 families there, what will happen? Whilst those settlers are working on a land, while it is still under the control of the State, out of

the 500, 10 may die leaving children. The District Officers will have to go to those areas and say, "Well, I have got to sell this land to ten other people". How are they to choose the 10 people, who have to be those who can get on with the rest? Now, supposing against that the land is cleared and planted and the settlers have all become a family and are working as such and then suddenly the rain starts to fall heavily and there is need to run channels to tap out excess rain which may destroy the crops, what are they to do? Are they to phone to the District Officer to come and wait for him to come whilst the rain is destroying the crops? No. The community will have to work together as a group to save the crops on the land and to supply its needs and its wants. Supposing again, I am living next to a person who dies and he is a good friend of mine and he is liked by everybody; and then his son cannot pay the taxes for the land to be developed. In such an instance the District Officer will come to the area, which perhaps he has not visited for the last two years, and say, "Oh, there is a land here and I must sell it": and here he may bring somebody from another part of Malaya—and he may be somebody whom we all dislike—and put that person in our midst. This new person may start quarrelling with his neighbours. In such an event the spirit of co-operation may die and we no longer will be able to work together as a group. Therefore in all these instances, to maintain the group solidarity and to work effectively as a group we would need Group Settlement Committees. This Bill is called the "Group Settlement Areas" Bill, and therefore the identity as a group must be kept together and the only way to keep it as such is to set up Committees in those settlement areas out of those settlers who shall elect Group Settlement Committees which shall be advisory to advise the District Officer, and it may be given delegated powers by the District Officers as such officers deem fit. The Chairman of the Group Settlement Committee may be the District Officer or his nominee. Why his nominee? Because the District Officer of a large District may be too

busy and he may then obtain an expert from RIDA, or perhaps from the Agricultural Department, or from the new Agricultural Department of the University who may act in his stead. He may take one of these men and say, "You become my nominee in this settlement. Therefore you become a Group Settlement Officer. You shall take charge of this settlement and you shall act as a father to all the people here".

In this way we will prevent a one man dictatorship. Such Committees shall advise the District Officers and they shall carry out their duties according to the wishes of the settlers.

I think the Committees ought to deal with proper land utilisation of those areas which should have social and welfare services, education in land techniques and land development and fourthly, marketing control and facilities to cut off the *orang tengah* who, as Ungku Aziz has said, is the man who ultimately becomes a millionaire by living off the efforts of the farmers.

Since the Group Settlement Committee can advise on social and welfare conditions, it can also advise the District Officer as to who ought to hold any land which is to be sold, because the members of such a Committee will know who is really working on the land, who is not really working on the land. It is no use giving land to a lazy person who does not work, when there is someone else who has proved himself to be a good worker. Only people living in the area will know who are the genuine farmers in that area. Only they will know who the real workers are and who ought to be assisted. Only they can work for the improvements of the general conditions of the people: they are the only people who will be genuinely interested in things such as facilities for hospitals, for first-aid, education for their children, co-operation in the form of nurseries so that the children can be kept there while the mothers go to work. Only they stand directly to benefit or lose by their own efforts.

The other thing I would like to point out is this: there is at present a long argument as to whether a Government

of a State will co-operate in any national decision on land. On that I would like to suggest that since there can be no effective utilisation of land on a national scale without co-operation of the States, a national consultative body ought to be set up. This may sound perhaps like the National Land Council, but it is by no means so. The reason why I say "consultative" is because until the Constitution is amended we, at least can have consultations with State participation so that each State will know how much land in Pahang, for example, is to be planted with cacao, or how much land in Kedah is to be planted with padi, or how much land in Pahang is to be planted with tea, or how much land within each State is to be put aside for market gardening, in order to decide on a policy for their own State. It is no use of having three or four District Officers in three or four States suddenly deciding that as cacao has gone up in price that they should all plant cacao in their respective States only to cause a glut in the market eventually. We must have a National Consultative Committee and gear planting to a national programme. And I would like to suggest that measures ought to be introduced to compel the State Governments to co-operate in such national plans.

Now, who should be in this Consultative Committee? I would suggest that the various District Officers of the States should be included, with the Minister of Agriculture—I am surprised he is not present here to-day on this important matter and I am also surprised that he has not presented this Bill—as the Chairman, and the Committee shall have as members the Assistant Minister of Rural Development, the Mentri Besars of the States or State nominees, a representative from the Agricultural Department for the rural side of this Group Settlements Act, and for the urban side I would substitute the Assistant Minister of Rural Development by the Assistant Minister of Commerce and Industry, and a representative from the Department of Agriculture by a representative from the Ministry of Commerce and Industry. In that way we may have a

National Council working on in two parts—one for the urban areas and the other for rural areas.

How can we make the State Governments to co-operate? It is very simple. All State Governments want money. Who controls the money? The Honourable the Minister of Finance. (*Laughter*). Since the Honourable the Minister of Rural Development has stated that we can give subsidies, through the form of subsidies, as decided by this National Consultative Committee, the State Governments can be told, "If you develop so much land for such a crop, we will give you so much hundreds of thousands of dollars for so many years," or "if you want to develop this padi land, we will give you rotary tillers"—but do not give them *seladang* as the Government has done in Malacca. When we are able to have rotary tillers that come from Japan for use in modern agriculture, there is no point giving farmers *seladang* costing \$400 each, because you will only be perpetuating the use of age-old uneconomic implements.

Mr. Speaker: *Seladang?* (*Laughter*).

Enche' Lim Kean Siew: Water Buffaloes, I am sorry.

Mr. Speaker: *Kerbau*—you are talking about?

Enche' Lim Kean Siew: On the question of urban holdings our views are very clear. We agree that urban holdings may be alienated, but we believe it ought to be alienated only to corporations and that "persons" shall mean corporations, and that all mining lands in future ought to be held by corporations and people having shares in them. We agree that there ought to be conditions on the title and we agree that if the conditions are flouted then the State Government has the right to re-enter that land.

Lastly, I come down to this small question which the Honourable the Minister of Rural Development did mention. He said that Section 16 does not offend the tenets of Islam because the Bill says that when a person dies only the shares are to be divided but not the land. The Collector of Land Revenue can, if the land is not to be

given to one person, take it and sell it and divide the money amongst the next-of-kin instead of subdividing the land. I would suggest this, that wherever possible instead of alienating land and allowing it to come out of the category of State land and therefore out of the control of this Ordinance partially, all lands, if possible, ought to be given to the farmers on lease and the conditions of the lease ought to be "for your lifetime or for as long as you can till and occupy the land as a tiller." In such a case when a person dies the lease lapses and then if in the lease we state that should the occupation of this land be lost by death, the land shall be given to a nominee of the lessee who shall have the first option to own the land—in other words the land holder may say, "I would like X to carry on after my death". He may then, if he so wishes, hand the land to X in his lifetime or if he passes away without handing over the land to his nominee, the Government can give X the first option to refuse. It is because of this complete or the near complete freedom of urban holdings in contrast to that of rural holdings that I think the restrictions on rural holdings are too severe and put the farmer at too great a disadvantage. This Bill is inclined towards leniency and the accumulation of wealth in urban holdings. And it allows for the utilisation of land in those areas as a means of exploitation. It is because of this that I say that this Bill looks like a cartoon by Walt Disney—it looks beautiful on the surface but when you look through it, you find that it is nothing but cellophane: in this case it is nothing but a piece of paper. It is very unfortunate that such an effective section on rural holdings should be upset by certain flaws which would indicate that perhaps a Select Committee ought to consider this Bill when we go into Committee. This is an important Bill and to some extent we are still trying to smooth out the difficulties which, if left without solution, may make nonsense of the Bill and create new phantasies just as we, in our haste, have introduced measures which have made the Language Institute in the Pantai Valley

a structure very beautiful to look at but with very little inside—I mean its library which is not worth talking about.

Sir, in closing I hope that the Honourable the Minister of Rural Development will give serious consideration to bringing this Bill before a Select Committee so that we could quietly at our leisure sit down and find out all the flaws which still exist which perhaps I myself have not noticed.

Tuan Haji Abdul Khalid bin Awang Osman: No wonder you are talking nonsense!

Dato' Suleiman: Mr. Speaker, Sir, while I was sitting in the lounge listening, I was reminded of a Malay proverb which goes like this: "*Tikus membaiki labu*". Now, when I hear the Honourable Member for Dato Kramat, my Socialist Front friend, trying to suggest that this Bill should go to a Select Committee, I cannot help feeling that he would like to be a member of that Committee.

Enche' Lim Kean Siew: Not necessarily!

Dato' Suleiman: If he is nominated a member to the Committee

Enche' Lim Kean Siew: Sir, on a point of order. Is that not imputing an improper motive to me?

Mr. Speaker: I do not think that it is improper.

Dato' Suleiman: Sir, if the Honourable Member for Dato Kramat were there and his suggestions were carried out, then the Malay proverb, "*Tikus membaiki labu*" will be very apt indeed. Also when opening his speech he has said that the idea behind this Bill is so much like a commune system—and that is a system that is adopted in China and Russia; and later on he says that these are the suggestions put forward by the Socialist Front. (*Laughter*).

Enche' Lim Kean Siew: Sir, I do not like to interrupt . . .

Dato' Suleiman: I do not give way.

Enche' Lim Kean Siew: Obviously he wants to hide something.

Dato' Suleiman: Again there is another proverb which comes to my mind and that is "*Lembu punya susu sapi dapat nama*". Now if these ideas were a commune system adopted in China and Russia and put forward in this country by the Socialist Front and now attributed as the basis of this Bill, I am beginning to wonder if the Socialist Front is trying to shift that label of a Communist ideology and Communism to us, which we cannot accept. (*Laughter*).

We are quite happy to agree with the Socialist Front. When a doctor, Sir, goes to court and tries to be an advocate, it seems to me it is very much like a lawyer who wants to become at once an administrator and a R.I.D.A. officer and puts forward innumerable suggestions—very much like a character of Walt Disney. Sir, as one learns, it is not easy to carry out all the suggestions put forward by the Honourable Member from Dato Kramat. Again I was reminded, this time of an English proverb: "Where ignorance is bliss, 'Tis folly to be wise". In your ignorance it is easy to put forward all sorts of suggestions without thinking how it is to be carried out. If criticism is mainly put forward with the idea of shattering to pieces a constructive idea put forward, then the Honourable Member can be given a gold medal. I happen to be the Minister for Local Government and I have to deal with the States. I have not found it at all easy to get land from the States or their co-operation. The Honourable Member for Dato Kramat might have read in the newspapers how I found it very difficult to get land for low cost housing, and that is not a very big area either. When my colleague the Deputy Prime Minister and Minister of Rural Development tries to get all this land, Sir, you can just imagine how difficult it is going to be. But then, of course, when you fly in the realm of flights of fancy and you have no wish to come down to earth, you can put forward all sorts of suggestions—select committees and so on, especially when a member of a select committee repudiates what has been agreed to before. (*Laughter*). Sir, I

would like to thank the Honourable Member for Dato Kramat for the length and the time taken (*Laughter*) in his discourse, but beyond that, Sir, I will leave him in his land of fantasy.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, Rang Undang² yang di-hadapan Majlis ini ada-lah satu Rang Undang² yang di-belakangnya mempunyai rancangan yang ditujukan oleh Kerajaan Persekutuan Tanah Melayu. Saya perchaya Rang Undang² ini ada-lah bertujuan hendak membolehkan supaya rancangan² yang di-rangkakan itu di-jalankan. Saya ada beberapa perkara di-dalam Rang Undang² ini yang hendak saya beri fikiran dan saya berharap kepada Menteri yang bersangkutan supaya memberi pertimbangan-nya dalam soal² ini. Pada asas-nya, Tuan Yang di-Pertua, pembahagian tanah yang disebutkan di-dalam Rang Undang² ini ada-lah satu kerja yang baik, ini tidak-lah, Tuan Yang di-Pertua, merupakan apa² yang akan di-lakukan, sebab ini hanya-lah undang² yang boleh melakukan sa-suatu.

Saya bersetuju dengan dasar Kerajaan bahawa pemberian tanah ini hendak di-beri kepada ra'ayat Persekutuan Tanah Melayu ini seperti yang di-nyatakan di-dalam Fasal 19. Bagi fahaman saya sendiri, Tuan Yang di-Pertua, memberi tanah kepada orang yang bukan ra'ayat negeri ini ada-lah satu perbuatan yang tidak sesuai dengan kepentingan sa-sabuah negeri. Dua, tiga Ahli² Yang Berhormat yang berchakap dahulu daripada saya telah mengemukakan soal ini supaya mereka yang tidak menjadi ra'ayat negeri ini mendapat tanah. Bagi saya, saya maseh berfahaman bahawa tanah mestilah di-beri kepada ra'ayat sahaja, dan kesulitan yang di-kemukakan oleh dua orang wakil² itu sudah ta' ada di-sini—saya rasa dapat di-selesaikan, sebab ia telah berchakap dengan tegasnya bahawa orang² ini patut di-beri tanah, kerana mereka itu ada-lah orang² yang dudok di-sini; hanya ta' chukup satu dua syarat sahaja untuk menjadi ra'ayat—menunggu chukup syarat itu patut-lah di-beri tanah. Kalau itu-lah hujah-nya, maka tunggulah masa supaya chukup syarat² itu

dan pada masa itu-lah mereka itu berkecukupan mendapat tanah. Berdasar kepada itu, Tuan Yang di-Pertua, saya tidak bersetuju dengan Fasal 26 ini yang menerangkan berkenaan dengan urban holding di-beri kepada siapa juga dengan tidak membedzakan sama ada orang itu ra'ayat atau bukan ra'ayat. Tuan Yang di-Pertua, bagi negeri kita ini penyakit memberi tanah kepada orang lain, ini bukan sahaja di-dalam kawasan kampung atau luar bandar tetapi juga dalam bandar yang tanah²-nya sedikit mempunyai nilai yang tinggi kita berikan kepada orang² yang bukan ra'ayat negeri ini, sedangkan di-luar bandar yang tanahnya murah kita tidak berikan; maka ta' berapa terang-lah logic-nya dalam perkara ini. Oleh sebab itu, Tuan Yang di-Pertua, saya berharap supaya Menteri yang bersangkutan memikirkan hal ini dengan panjang-nya, tetapi saya percaya pemikiran itu seperti mana yang telah saya saksikan dalam Dewan ini akan menunjukkan bahawa benda ini ta' dapat di-ubah lagi dan Timbalan Perdana Menteri telah meminta supaya jangan-lah ada pindaan² kepada Rang Undang² ini. Saya mengabarkan walau apa pun dikatakan, kita ada-lah berkewajipan mengawal kepentingan ra'ayat negeri ini dan ka-arah itu-lah saya kemukakan fikiran saya ini tadi.

Tuan Yang di-Pertua, menurut yang di-tetapkan dalam undang² ini seperti Fasal 19, orang² yang akan di-beri tanah dengan chara bagini ia-lah orang² yang lemah di-dalam kewangannya dan tidak mempunyai kesanggupan kewangan yang besar. Oleh sebab yang demikian, saya berpendapat perkara ini menimboldkan satu keadaan yang istimewa, sa-telah saya perhatikan dalam undang² ini banyak hak² yang asasi kepada sa-saorang itu kita ketepikan, ia ta' boleh menjual, ia ta' boleh menanam, melainkan apa yang di-tetapkan oleh dasar undang² ini, ia terpaksa mengikut masa yang di-tetapkan hinggalah kepada baja, menchuchi tanah dan sa-bagai-nya seperti yang ada di-dalam keterangan ini. Tuan Yang di-Pertua, sa-bagai satu ranchangan yang mempunyai dasar economic planning, saya rasa patut-lah perkara ini di-jalankan.

Tetapi, Tuan Yang di-Pertua, dalam kita menjalankan satu dasar ranchangan yang kita aturkan yang dengan peraturan kita itu tersekat beberapa hak yang pada awal-nya ada pada sa-saorang yang mempunyai tanah itu. Di-dalam kita menjalankan ini patut-lah kita bayar harga hak menurut apa yang di-terangkan oleh Timbalan Perdana Menteri, pembayaran-nya ia-lah dengan bantuan² yang akan dikemukakan oleh Kerajaan. Tetapi dalam undang² ini nampak-nya tidak-lah di-sebutkan soal bantuan itu, hanya-lah di-terangkan kewajipan "public expense" dalam Fasal 9 dalam membersekan kawasan atau sa-bagai-nya—itu sahaja. Jadi, Tuan Yang di-Pertua, yang saya harap benar ia-lah supaya oleh kerana ra'ayat yang mendapat tanah itu telah mengorbankan hak² yang mustahak kepada hak kepunyaan sa-saorang, maka bantuan yang hendak di-berikan itu biar-lah besar dan berpadanan sa-panjang masa-nya itu. Sebab saya katakan bagitu, Tuan Yang di-Pertua, kita adalah berhadapan dengan sifat seperti cheraian (2) dalam Fasal 19 ia-itu orang yang tidak mempunyai tanah di-luar bandar dan di-bandar. Orang² yang macham ini apabila kita kenakan syarat seperti syarat Fasal 11 bahagian 4, saya rasa dalam bahagian 4 ini " . . . breach of or default in the observance of any of the conditions of the said document of title . . ." perkara yang akan di-tuliskan di-dalam title tanah² yang akan di-berikan kepada orang ini ada-lah mempunyai penjelasan dan ketetapan kepada apa yang hendak di-buat. Apabila ia kechiwa daripada menjalankan dan mengikut syarat itu dan apabila ia tidak menunaikan-nya, maka Kerajaan atau Kerajaan² Negeri boleh mengambil sa-mula tanah itu dan ia di-pandang sa-bagai m e l a k u k a n (breach) memechahkan syarat yang di-buat-nya. Tuan Yang di-Pertua, hal yang seperti ini pada asas-nya kita membuat perjanjian (contract) amat-lah baik-nya, tetapi pada asas-nya kita berhadapan dengan orang yang kita hendak tolong, saya maseh merasa bahawa undang² yang ada ini terlalu ketat dan tidak membolehkan dengan baik-nya peluang² bagi sa-saorang itu

menunjokkan kesungguhan menjalankan kerja-nya. Sebab, Tuan Yang di-Pertua, 5-6 tahun bagi pohon getah atau sa-tahun bagi pohon lain ada-lah masa yang lama bagi sa-orang petani itu menunggu-nya, hendak-lah kita berikhtiar di-dalam masa itu dan mendapatkan peluang² rahmat daripada Kerajaan dan tidak mengeraskan syarat² ka-atas mereka.

Tuan Yang di-Pertua, di-sini saya suka menarek pandangan Menteri yang bersangkutan berkenaan dengan Fasal 23 bersangkutan dengan orang² yang telah engkar daripada syarat² ini dan Commissioner atau Collector hendak mengambil balek tanah-nya. Bahagian (3) dalam Fasal ini menyatakan bahawa Collector boleh menilai rumah atau sa-bagai-nya dan memberi ganti rugi. Ganti rugi ini ia-lah berkenaan dengan rumah yang ada di-atas tanah itu. Kata-lah, Tuan Yang di-Pertua, sa-orang itu sudah menanam di-tempat yang tersebut itu sa-lama 4 tahun. Dalam 4 tahun harta-benda yang ada di-atas tanah itu ia-lah rumah-nya dan reban ayam umpamanya, tetapi pokok² yang di-tanam yang telah subur dan besar. Menurut peraturan ini ganti rugi (compensation) ada-lah di-beri menurut peraturan (2); rumah yang tidak di-pindahkan akan di-beri-lah ganti rugi. Ada pun tanaman² tidak-lah di-beri ganti rugi. "Re-entered" yang di-buat oleh Kerajaan di-lakukan dengan tidak mengindahkan tenaga dan peloh yang telah di-churahkan di-atas tanah itu. Tentu-lah Kerajaan boleh menjawab bahawa kalau kita hendak membayar ganti rugi seperti ini tentu-lah Kerajaan terpaksa membuat Anggaran Belanja yang ta' dapat di-asaskan di-atas sa-suatu, Tuan Yang di-Pertua, kita dapat melihat di-dalam Fasal ini juga bahagian (4) "The amount of any such compensation may be recovered from any subsequent holder . . ." saya merasa kalau-lah rumah ini di-nilaikan dan apabila Kerajaan telah mengambil balek tanah itu ia terpaksa membayar harga rumah yang tidak di-pindahkan oleh orang yang mempunyai tanah itu. Maka pada fikiran saya, ganti rugi seperti ini patut-lah di-gunakan ka-atas penanam², sementelahan-nya kerajaan akan mengambil "recovery"

—bayaran semula daripada orang yang akan mempunyai kepentingan daripada itu. Ini, Tuan Yang di-Pertua, biar-lah dengan ke'adilan dan biar-lah dengan kepentingan orang yang asal-nya hendak kita tolong. Tidak boleh di-katakan, Tuan Yang di-Pertua, bahawa orang itu sudah engkar dan patut kita balas dia dengan hukoman yang berat. Sebab, kalau kita lihat syarat² yang di-buat di-dalam Undang² ini nyata-lah kepada kita bahawa syarat² itu amat-lah berat. Syarat² "planning" saya tidak mahu mengubah syarat itu sebab ada baik kita membuat ranchangan terator di-dalam ekonomi. Tetapi orang² yang lemah seperti petani² itu tentu-lah memenohi syarat² itu, tetapi kadang² terpaksa-lah ia ta' dapat menjalankannya. Sebab, menurut kata-lah dasar bahagian 25, bahagian 25 ini sa-hinggakan bahagian (b) umpamanya dan bahagian (e) di-sebutkan chara membaja, chara menanam semula, menoreh dan sa-bagai-nya, semua-nya di-sharatkan di-dalam Surat Pembahagian Tanah itu telah di-nyatakan. Sa-barang engkar terhadap syarat itu boleh memindahkan sa-saorang yang mempunyai tanah itu, kalau di-tarek balek tanah yang akan menyebabkan tenaga-nya itu hilang. Ini, Tuan Yang di-Pertua, patut-lah kita beri timbangan yang lebeh lanjut lagi.

Di-sini, Tuan Yang di-Pertua, saya terpaksa berchakap sedikit berkenaan dengan Fasal 16, kerana kawan kita di-sana tadi ada menyebutkan Fasal 16 ini, ia-lah satu "alienation" tetapi kalau Islam tidak pula menyebutkan perkara ini, Tuan Yang di-Pertua. Saya bersetuju dengan Timbalan Perdana Menteri bahawa Fasal 16 tidak berlawanan dengan Undang² Islam. Tuan Yang di-Pertua, pada pendapat saya yang berdasar atas kajian ini, saya berasa bahawa bagi kepentingan orang yang hendak menjalankan ekonomi terator terpaksa-lah di-buat susunan. Dan ini, terutama susunan ekonomi tentu-lah mempunyai gaya² yang tertentu, walau pun di-masokkan di-dalam hak² kepunyaan manusia.

Tuan Yang di-Pertua, oleh kerana bumi itu pada asas-nya ini ada-lah pembahagian Tohan kepada kita untuk di-gunakan untuk kepentingan benar²

membawa fa'edah kepada kita, maka sa-barang Peratoran "wali amri" dalam hal ini tidak-lah berlawanan dengan Undang² Islam. Chuma, Tuan Yang di-Pertua, di-dalam bahagian 16 ini ada di-nyatakan berkenaan dengan kematian sa-orang yang pada awal-nya ada membolehkan bahawa apabila sa-saorang itu mati mereka "may assign their interests to a single holder". Ini ada-lah satu penyelesaian dan tentu-lah tidak terang tetapi yang saya hendak perhatikan hal apabila penyelesaian itu tidak dapat di-lakukan "and, in default of such assignment, the holding shall be disposed of on the order of the Collector". Tuan Yang di-Pertua, soal macham ini tentu-lah soal yang berat. Ya'ani apabila sa-orang itu mati maka hak-nya itu kita terek balek.

Saya bersetuju bahawa perkara ini boleh di-buat dengan di-betulkan pangkal Pemberian Tanah atas dasar apa. Dan kalau pangkal Pemberian Tanah itu atas dasar bersharat maka saya perchaya ini dapat di-selesaikan menurut Undang² Islam, yang menjaga "mutlak" di-dalam Undang²-nya. Walau bagaimana pun, Tuan Yang di-Pertua, jangan-lah di-perkecilkan oleh Dewan ini maksud "ta'rif" di-dalam Undang² Islam itu sendiri. Oleh sebab yang demikian Menteri yang bersangkutan patut-lah memikirkan apa² chara yang patut di-beri pemeliharaan dan pengawalan kepada asas² Undang², itu dan sa-kira-nya tidak benar² membahayakan dari segi ekonomi maka pemeliharaan ini mesti di-lakukan.

Tuan Yang di-Pertua, apabila kita memberikan hak mempunyai sa-suatu kepada sa-saorang maka hak mempunyai sa-suatu itu hendak-lah di-kekalkan. Dan kalau terpaksa di-keputusan kepentingan sa-saorang kerana kepentingan negara dan hendak-lah dipulangkan-nya dan di-jelaskan bahawa hendak-lah di-ikat kepentingan sa-saorang itu supaya terpelihara-lah kepentingan negara. Kalau tidak, Tuan Yang di-Pertua, maka saya kata-lah hal ini berlawanan dengan dasar Islam. Maka oleh sebab yang demikian, saya minta-lah kepada Menteri yang bersangkutan memberikan perhatian yang lebih panjang kepada hal ini yang

saya perchaya akan di-buat-nya sa-kira-nya hal ini di-kaji.

Tuan Yang di-Pertua, apa yang di-chakapkan oleh wakil Kelantan tadi, satu daripada-nya saya bersetuju supaya di-beri pandangan yang jauh ia-itu di-dalam menentukan tanaman atau di-dalam menentukan apa-kah yang hendak di-buat oleh mereka yang dudok di-dalam kawasan yang di-ishtiharkan sa-bagai kawasan "Rural Holding" itu hendak-lah di-pandang dari segi ekonomi-nya benar² menguntungkan. Chadangan ini dikeluarkan di-sini, Tuan Yang di-Pertua, kerana kita, dengan ada-nya Undang² ini hendak mengharapkan satu ekonomi "planning". Dalam hendak menjalankan ekonomi "planning" ini, jangan-lah hanyut dengan kebiasaan² kita sahaja, dengan tidak memikirkan hal itu lebih jauh. Kalau di-dalam perkara lain Kerajaan Persekutuan Tanah Melayu ada meminta pakar² kapal terbang, pakar pelabohan, pakar jambatan, pakar apa sahaja, biar-lah ada satu pakar pula menyusun tanaman² yang patut di-tanam menurut ka-hendak ekonomi. Bukan sahaja ka-hendak "supply and demand" yang ada di-dalam negeri ini tetapi ka-hendak² perkembangan ekonomi untuk negara dan membolehkan orang² yang dudok di-dalam kawasan itu benar² beruntung bagi ranchangan ini. Kalau tidak, Tuan Yang di-Pertua, maka jadi-lah mithal², jadi-lah keadaan² yang orang itu oleh kerana tidak "planning" daripada kita maka sesudah 6 tahun dia menggaru kepala. Tanah 6 ekar di-tanam barang chukup 6 tahun turun harga barang itu. Tuan Yang di-Pertua, itu-lah pandangan² saya.

Enche' Mohd. Yusof bin Mahmud: Tuan Yang di-Pertua, saya menguchapkan tahniah kepada Timbalan Perdana Menteri yang telah membawa satu usul ini yang mana menjadi satu penawar kepada mereka² yang chinta atau berkehendakkan tanah yang sa-bagitu banyak di-tanah ayer kita ini, terutama sa-kali daripada orang² Melayu khas-nya orang² kampong yang selalu kita dengar bahawa mereka itu ada-lah dalam keadaan kemiskinan. Untuk mendapat tanah maka dalam usaha ini

telah di-bentangkan di-mana Kerajaan akan memberi segala bantuan untuk mereka agar mendirikan perusahaan sendiri. Oleh sebab usul ini tidak dipinda, maka saya perchaya seluroh Rumah ini menerima-nya, dan mengikut Peratoran Tetap 40 saya menchadangkan supaya perbahathan ini ditutup.

Mr. Speaker: Tuan mesti minta kebenaran terlebih dahulu.

Enche' Mohd. Yusof bin Mahmud: Saya minta kebenaran.

Mr. Speaker: Saya belum lagi memberi kebenaran.

Enche' Lim Joo Kong (Alor Star): Mr. Speaker, Sir, His Majesty the Yang di-Pertuan Agong in his Gracious Speech had placed great stress on the development of land in this country. Moreover, His Majesty had also given much appreciation and great admiration of the people living in the new villages, who are living under conditions of fabulous strain in order to bring about the normal way of life. Now, the Minister in his Land Development Plan is going to open up much land, and I feel so glad to hear about this. Therefore, I give my wholehearted support to this Bill, and in doing so, I wish to say something about lands to be given to people in the new villages. During the emergency, these people have been actually living the lives of inmates of concentration camps, and now, when the end of the Emergency is in sight, I say it serves no useful purpose to keep them behind barbed wires and the Government would fail in its duty for not helping these pitiful new villagers. The best thing is to give lands, to allocate and alienate lands to these pitiful new villagers irrespective of whether they are citizens or not, because I fully realise that many of them are potential citizens, although they are not qualified at the moment. They have been kept in new villages for a number of years without coming into contact with their Malay friends, and therefore it is difficult for them to learn the National Language, and for this reason, if we don't allow them

to have any lands for cultivation, we have got naturally to afford them employment. That is one thing which I don't think our Government likes to do.

And on the question of uneconomic holdings of land—in Kedah the people have concentrated themselves along the flat lands of the coastal areas. Their forefathers owned lands big enough for them to plough and plant padi, but after a few generations, the rate of multiplication has caused the size of holdings to become very small and they are at present very uneconomic to carry on with the planting of padi. Most of these padi planters are Malays, and they should be given more land somewhere in accordance with the present Land Development Board scheme. In Kedah, only those who are landless are entitled to get land, and people who own some lands and have a few acres or relongs, if we don't allow them to get some land, they will be deprived of their means of living. That is why I say it is nobody's fault, as has been accused by my Socialist colleagues—that it is due to Europeans or the capitalists' fault. I think nobody is to be blamed, but that the rate of expansion of Asian families is responsible—which is a natural cause—and it is a problem that cannot be so easily solved by such simple theories, and therefore I hope more lands in Kedah should be allocated to these two categories of people—those who are holding uneconomic areas, and those in the new villages, where there is no land. These people need not have to depend on charity for their living, they are ready and able to help themselves if they are given the chance.

Tuan Haji Abdul Khalid: Mr. Speaker, Sir, the long-winded Honourable Member for Dato Kramat undoubtedly has made a very long-winded speech. The long-winded speech was wound up by him by an admission that he did not read the Bill and therefore I see no reason why

Enche' Lim Kean Siew: On a point of clarification, Mr. Speaker, Sir, .

Tuan Haji Abdul Khalid: I refuse to give way.

Mr. Speaker: (to Tuan Haji Abdul Khalid) He did not say that he did not read the Bill.

Tuan Haji Abdul Khalid: He has asked for it to be referred to a Select Committee on the ground that he did not go through the Bill properly, if I heard him correctly, and for that reason, he has made a lot of irrelevant remarks in his speech.

Enche' Lim Kean Siew: Sir, on a point of order

Tuan Haji Abdul Khalid: What Standing Order? I refuse to give way.

Mr. Speaker: (to Tuan Haji Abdul Khalid) You have to sit down when he says on a point of order. It is my duty to ask him under what Standing Order. You should not address one another in this House.

I have warned Honourable Members several times that they must direct their remarks to me as the Speaker.

Enche' Lim Kean Siew: I was addressing my remarks to you, Sir.

Mr. Speaker: What I say applies to everybody not to you only. Under what Standing Order?

Enche' Lim Kean Siew: I was wondering if this one comes under Standing Order 36 (6). It is an allegation about me which is so erroneous and untruthful that it would appear to amount to an imputation of an improper motive to me since he says that in asking for it to be sent to a Select Committee I had not read the Bill, because that was not entirely what I said.

Mr. Speaker: He has not made any improper motives. What he has said is that you did not study the Bill properly. (To Tuan Haji Abdul Khalid) He did not say that he did not read the Bill. He has only suggested that the Bill should be referred to a Select Committee. Proceed!

Tuan Haji Abdul Khalid: However, Sir, there were several irrelevant remarks made in the course of his long-winded speech. Mention was made that no compensation will be

given to those dwellers whose houses are being or will be removed. I would like to refer the Honourable Member to Section 23 (3) where it is stated very clearly that "the Collector shall make a valuation of any dwelling house remaining on any land which has been re-entered in accordance with the provisions of section 22."

Enche' Lim Kean Siew: Sir, on a point of order. He is suggesting that I am telling lies. I said that no provision was made under Section 16—not under Section 22. If he is saying that I am telling a lie, he should say so.

Mr. Speaker: (to Tuan Haji Abdul Khalid) He was referring to Section 16 and not Section 22.

Tuan Haji Abdul Khalid: If I remember correctly, and I have noted it down here, he has said that no provision had been made for the removal of the dwelling houses—and which comes under Section 23 which has the provision for that—this provision has been made under Section 23 (3).

At the same time the Honourable Member was suggesting that we should have a national Consultative Body. Yes, it is well and good, but I wish to inform the Honourable Member, and I hope that by this time he should be aware of it, that there is already a National Rural Development Council, and with the assistance of the National Rural Development Council, as what the Honourable Member has been suggesting, land matters can be well looked after by this body. In fact the Honourable Member was making a lot of suggestions which would all be dealt with administratively which need not necessarily come into this Bill and in the case of several land development schemes most of what he has suggested had already been put into practice.

Enche' Liu Yoong Peng: Mr. Speaker, Sir, I think that this new Bill is in effect giving more bureaucracy and officialdom to be practised in the rural areas. We find that in the past applications for land have been held up for a number of years and even under the new rural land development

scheme. Many applicants are already being held up for a number of months. Therefore, I urge upon the Government in implementing this new land development scheme to try its best to see that there is not too much red-tape by the officials carrying out the scheme.

Another matter which I would like to point out is the cutting down of pieces of land into a few acres each and letting them in the long run to run on their own. This is actually not helping the economic development of this country, because unless there is an overall planning, for instance as suggested by my learned colleague under group settlement co-operative basis, then it would not be easy to utilise modern farming methods, for example, mechanised farming, and therefore it will be rather uneconomic in the long run—that is why we think that in this sort of scheme there should be enough overall planning and enough method of introducing this by utilising modern methods.

Enche' Lee Siok Yew (Sepang): Mr. Speaker, Sir, I rise to support the Bill which was introduced by our Honourable Minister of Rural Development. Sir, I wish to urge upon the Minister concerned to look after the coffee industry in this country. The land in Kuala Langat, which is my constituency, is very suitable for the planting of coffee. And according to the figure given to me by the Honourable the Minister of Agriculture in regard to coffee plantation during the year 1958, only 2,327 acres have been planted. I feel that this figure is very small as the land particularly at Kuala Langat is good for farmers to plant coffee, and as far as I know the annual income of the coffee industry is better than rubber industry. So, Mr. Speaker, Sir, I would like to see that the land at Kuala Langat should have a very good scheme for the planting of coffee.

Enche' Abdul Ghani bin Ishak (Malacca Utara): Tuan Yang di-Pertua, saya bangun pada kali ini ia-lah hendak menguchapkan banyak² terima kaseh dan berasa shukor bagi pehak ra'ayat kapada Yang Berhormat Menteri yang

bersangkutan dalam hal Bakal Undang² yang sedang di-binchangkan ini. Saya berkata bagitu kerana dalam masa kita menchari jalan untok meninggikan taraf hidup ra'ayat dan sa-bagai-nya dalam negeri ini, terutama ra'ayat di-luar bandar, maka ini-lah jalan-nya yang kami nampak yang akan memberi pertolongan yang besar kapada penduduk² di-luar bandar. Saya suka-lah menyatakan pada suatu masa dahulu, sa-belum ada-nya apa² ranchangan berkenaan dengan pembukaan tanah yang di-ambil berat oleh pehak Kerajaan, kami sangat hiba! ada di-sa-tengah tempat, mithal-nya, di-Melaka, mereka dapat tanah 1-2 ekar, kemudian di-kerjakannya dengan chara yang tidak berperaturan, maka tanah yang 1-2 ekar ini akan jadi belukar dengan tidak tentu arah, kerana sa-bagaimana yang kita tahu kehidupan ra'ayat di-kampong dan pencharian-nya tidak menchukupi untok hendak menukar chara hidup-nya dengan chara yang saperti ini. Dengan ini saya rasa bila di-adakan satu undang² dan di-jaga pula perjalanan perkara itu dari satu masa ka-satu masa, tentu-lah bagi pehak kami orang² di-luar bandar, terutama sa-kali orang² yang miskin mengalu²kan ka-datangan undang² ini, moga² kita akan dapat melihat keadaan-nya lebeh baik dalam masa 4-5 tahun yang akan datang.

Kami di-Melaka, terutama sa-kali, di-Melaka Utara sudah pun melihat kesan² yang di-timbulkan oleh kemajuan ini. Chuba-lah tengok di-kawasan Menggong walau pun perkara ini berlainan daripada apa yang kita bahathkan di-sini tetapi ini saya buat mithalan sahaja. Ada sa-tengah² ibu-bapa di-kampong bercherita dengan saya kata-nya ia-itu kalau-lah dapat banyak tanah di-Melaka ini alang-kah baik-nya! kerana kita dapat mengubah chara kehidupan kita dan tidak-lah susah anak² kita di-masa yang akan datang, tetapi dukachita kerana di-Melaka tidak banyak tanah. Undang² ini harus-lah akan membolehkan ra'ayat di-Melaka, terutama-nya yang tidak mempunyai tanah lagi itu barangkali dapat kesempatan untok di-beri kapadanya, chara menyediakan tanah kapada mereka² sudah pun di-fikirkan menasabah, dan saya rasa undang² ini patut-lah di-alu²kan, kerana ini-lah satu

jalan yang besar sa-kali untuk mem-baiki kehidupan orang² di-luar bandar.

Mr. Speaker: Sekarang saya benar-kan, tuan boleh menhadangkan.

Enche' Mohamed Yusof bin Mahmud: Tuan Yang di-Pertua, di-bawah Peraturan Tetap 40, saya menhadangkan perbahathan ini di-tutup, dan soal ini di-ketengahkan.

Tuan Haji Mokhtar bin Haji Ismail (Perlis Selatan): Tuan Yang di-Pertua, saya menyokong chadangan ini.

Question, That the Question be now put, put and agreed to.

Mr. Speaker: Menurut Standing Orders pehak penchadang boleh men-jawab.

Tun Abdul Razak: Mr. Speaker, Sir, I would like to reply to the few points raised by Honourable Members in the debate on the second reading of this Bill. I am grateful to Honourable Members who supported the Bill in principle. However, there are three Honourable Members who have raised certain points, and the most important point is the question of Clause 19. In reply to this, I would like to say that we wish to allow only citizens to take advantage of the areas declared under this Act. I wish to make it quite clear that this provision is not intended to protect Federal citizens. This provision is merely put in for the sole purpose of allowing only Federal citizens to get the benefit from Government subsidy—that is why in Clause 26 there is no such restriction on urban holdings; also under Clause 19 it is stated that once the holding ceased to be State land then the owner is free to sell it to whomsoever he likes—there is no restriction. The restriction is imposed so long as the land is tied to Government subsidy. I think that it is only fair that the Government should only subsidise the citizens of the country and it should not subsidise those who are not citizens.

There are, of course, cases where people have got the qualifications to be a citizen but who have not the language qualification; and in these cases, they should wait for a little time to become citizens which will not be for long.

Now, a few Honourable Members also spoke on the question of the distribution of land—that there should be fair distribution. As I have said, land is a State matter; it is a matter for the various State Governments to implement the policy of land distribution. As far as I know, various State Governments have endeavoured to be fair and they have endeavoured to give priority of alienation to those who have no land or not enough land to live on.

One Honourable Member—I think the Honourable Member for Ipoh—did raise the question of powers given to the Collector, District Officers and others under this Bill. He says that these officers are being given far too much power, particularly the power to take away land from individuals. As far as I can see the powers given to the Collectors or Commissioners under this Bill are no more than the powers that such officers already have under the Land Code. Now, there is no power for the Collector to take away land from individuals. He has only power to take away land so long as it remains State land. Once the land ceases to be State land, the Collector has no power to take it away.

Now, I do not wish to reply at length to the Honourable Member for Dato Kramat. My Honourable friend and colleague has adequately replied to him. But there are one or two things which I would like to mention here. The Honourable Member spoke about the difference between rural holdings and urban holdings. When he mentioned this I wonder whether he made a close study of Clauses 5, 6 and 7 of the Bill which state quite clearly that rural and urban holdings are part of one Group Settlement Area. He has also said that this Bill gives about half a page to urban holdings, whereas it gives several pages to rural holdings. The answer to this is that for urban holdings they will be dealt with under the existing Land Code.

As regards Clause 16, the Honourable Member has stated that the question of the removal of a dwelling house is mentioned in Clause 23 but not mentioned under Clause 16. I should

like to explain to him that Clause 16 must be read in conjunction with the Small Estates Distribution Ordinance. As he knows, or he ought to know as a man learned in law that after a man's death his house may be disposed of either as chattel or as real property according to whether it is temporary or permanent—that is under the Small Estates Distribution Ordinance.

The Honourable Member for Sepang raises the question of the coffee industry. Of course, we are interested in all industries which can bring income to the people, and I think as Sepang is suitable for growing coffee it is obvious that we will look into this.

Saya suka hendak menjawab sedikit sahaja atas pandangan yang telah di-datangkan oleh Yang Berhormat wakil dari Bachok. Saya sudah terangkan tadi berkenaan dengan Fasal 26, fasal ini menentukan ia-itu tanah yang di-gunakan kerana kedai² dan sa-bagai-nya dan tanah samacham itu kita tidak adakan had kepada ra'ayat Persekutuan sahaja barangkali kita hendak bagi juga kepada co-operative society atau kepada company² dan sa-bagai-nya kerana hendak membuat perniagaan di-tempat itu.

Berkeanaan dengan bantuan yang hendak di-berikan kepada orang² yang di-sebutkan di-dalam Undang² ini, bantuan yang hendak di-beri itu banyak. Jadi, seperti yang saya katakan tadi, ada dua badan yang akan menjalankan rancangan membuka tanah baharu ini. "Land Development Authority" akan memberi bantuan kepada orang yang benar² ta' mampu langsung hendak menjalankan pembukaan tanah itu. Rancangan yang di-bawah Undang² ini akan di-jalankan kepada orang² yang tidak ada tanah tetapi berupaya hendak menjalankan dengan wang sendiri. Jadi, bantuan² yang akan di-berikan itu semata² seperti mana yang saya terangkan tadi termasuklah benih, baja dan juga membenarkan membayar "premium, survey fee" dan juga "rent" dengan beransor². Jadi, bantuan itu banyak dan saya ta' dapat hendak terangkan dengan jelas tetapi perkara itu masih lagi di-semak oleh pehak Kerajaan.

Tetapi nyata-lah Kerajaan hendak memberi pertolongan dengan sa-bberapa boleh-nya kepada mereka² yang hendak mempunyai tanah ini supaya mendapat kejayaan.

Dan Fasal 22 dalam Undang² ini, fasal kuasa itu ada di-beri kepada pegawai² "collector" bagi mengambil balek tanah itu kalau tidak di-jayakan tetapi biasa-nya kuasa itu di-gunakan hanya-lah kepada mereka yang telah di-beri tanah dan engkar hendak menjayakan-nya. Saya perchaya kuasa itu tidak di-gunakan kepada orang yang telah menjayakan tanah kerana tidak menasabah sa-saorang itu sa-telah berchochok tanam maka orang itu hendak meninggalkan tanah-nya, itu tidak menasabah. Jadi, kalau ada kuasa yang semacham itu di-gunakan kepada orang yang telah di-berikan tanah tetapi dia ta' menjayakan tanah itu, jadi keadaan semacham itu ta' dapat tidak Kerajaan terpaksa mengambil balek tanah itu. Jadi, kalau ada kuasa di-berikan; nampak-nya kuasa itu besar tetapi tentu-lah biasa-nya di-gunakan dengan chermat dan adil. Berkeanaan dengan rancangan yang semacham ini biasa-nya pehak Kerajaan negeri ia-itu Majlis Kerajaan Negeri atau State Legislative Council akan memberi dasar yang tertentu mengadakan satu rancangan yang terator. Jadi, kuasa-nya ada di-tangan collector itu boleh di-katakan bergantung-lah kepada dasar yang di-berikan oleh Kerajaan negeri. Jadi, kalau di-pandang bagitu tentu-lah ta' berapa besar-lah kuasa-nya yang ada di-tangan collector itu yang akan menggunakan-nya dengan chermat dan halus serta adil. Jadi, berkenaan Fasal 16 juga saya katakan di-sini dengan seberapa daya kita akan turut dasar ugama Islam kita ini ia-itu berkenaan dengan pembahagian harta yang boleh, harta itu hendak-lah turun kepada warith²-nya. Jikalau-lah tak ada sa-orang pun warith²-nya yang boleh memilekki tanah itu, atau pun tak mendapat persetujuan di-antara warith itu hendak membenarkan sa-saorang memilekki tanah itu pada masa itu harus-lah tanah yang suka hendak di-beri yang di-fikirkan layak mempunyai tanah dan di-usahakan itu

tentu-lah akan memberi kepada warith-nya terlebih dahulu daripada orang lain. Sekian-lah sahaja, Tuan Yang di-Pertua, jawapan saya terhadap pandangan² yang di-datangkan oleh Ahli Yang Berhormat itu.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, boleh-kah Tuan Menteri itu dapat menerangkan berhubung dengan Clause 23 (4) berkenaan compensation bagi tanah yang sudah siap sa-lain daripada rumah.

Tun Abdul Razak: Clause 23 (4) menerangkan ia-itu wang yang terpaksa Kerajaan kena membayar kepada orang yang telah di-suroh keluar daripada tanah itu berapa yang patut akan di-minta kepada orang yang di-benarkan masuk, maka tentulah begitu oleh sebab mendapat fa'edah daripada usaha orang yang lama itu dengan sedikit sa-banyak patut dia membayar-nya.

Enche' Zulkiflee bin Muhammad: Jadi, boleh-kah compensation itu, Tuan Yang di-Pertua, di-panjangkan sedikit, sebab compensation ini mengikut yang dua ini ia-lah kepada rumah sahaja. Oleh itu, boleh-kah umpamanya, harga tanah di-jadikan compensation?

Tun Abdul Razak: Tanah itu dan juga di-atas pertolongan yang di-beri oleh Kerajaan hanya-lah rumah sahaja di-punyai orang yang asal, maka itu-lah sebab-nya compensation itu di-beri pada rumah, dan yang lain itu ada-lah pertolongan daripada Kerajaan.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr. Speaker *in the Chair*)

Clause 1—

Tun Abdul Razak: Sir, I beg to move that the Short Title of the Bill be amended to read—

“The Land (Group Settlement Areas) Act, 1960”.

Amendment put, and agreed to.

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

Clause 2—

Tun Abdul Razak: Sir, I beg to move that the definition of “Commissioner” appearing in Clause 2 (2) of the Bill be amended by the substitution of the following:

“‘Commissioner’ means the officer designated by the Ruler in Council to be the Commissioner in the State for the purposes of this Act;”

Amendment put, and agreed to.

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

Clauses 3 to 6 inclusive ordered to stand part of the Bill.

Clause 7—

Tun Abdul Razak: Sir, I beg to move that Clause 7 (2) be amended by substituting the word “occupation” for the word “use” appearing in the second line of the proviso.

Amendment put, and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 12—

Enche' Lim Kean Siew: Mr. Speaker, Sir, I wonder if the Honourable Minister of Rural Development could explain Clause 10. Why are both the Commissioner and the Collector given the same powers? There seems to me to be a duplication of powers, because Clause 10 (1) says:

“Subject to the provisions of this Act, the Collector may, on behalf of the Ruler in Council—

(a) alienate any rural holding; and

(b) permit the occupation of any rural or urban holding in expectation of title;”

and sub-section (2) says—

“Subject to the provisions of this Act the Commissioner may, on behalf of the Ruler in Council, alienate any urban holding.”

It would appear that there is an overlapping of powers between Clause 10 (1) (b) and (2).

Tun Abdul Razak: Sir, there is a slight difference here. The practice is

that the Collector normally alienates land for rural holdings and the Commissioner alienates land for urban holdings. Here it says that the Collector is only to permit the occupation of any urban holding, but the Commissioner is permitted to alienate.

Enche' Lim Kean Siew: Occupation does not include alienation?

Tun Abdul Razak: You must alienate first before you can allow people to occupy the land.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya suka bertanya berhubung dengan pindaan ini, sebab saya tak payah-lah menerimanya ia-itu bahagian Clause 11 (2) yang berbunyi: ". will give immediate notice to the Collector or to the nearest Penghulu," sebab setahu saya di-sebelah Kelantan Penghulu itu tak ada, or Penggawa, if the Minister will accept my word.

Tun Abdul Razak: Tuan Yang di-Pertua, saya fikir Penggawa di-sini termasuk-lah Penghulu, walau bagaimana pun saya boleh siasat dalam perkara ini, tetapi saya fikir kalau di-katakan Penghulu itu berma'ana Ketua Kampong yang mana termasuk juga Penggawa. Perkara ini saya boleh siasat, kalau tak menepati akan chadangan pindaan ini.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, saya suka hendak mengingatkan sedikit, sebab di-Kelantan, Penghulu itu Ketua Kampong, jadi perlu sangat di-ubah.

Mr. Speaker: Dalam clause ini tak ada definition Penghulu itu.

Clauses 8 to 12 inclusive ordered to stand part of the Bill.

Clause 13—

Tun Abdul Razak: Sir, I beg to move that the word "thirty" be inserted in the blank space in the third line of Clause 13 (2).

Amendment put, and agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Clauses 14 and 15—

Enche' Tan Phock Kin: Mr. Speaker, Sir, I would like to have clarification from the Minister concerned with regard to the provisions in clause 14. Clause 14 stated that no joint ownership of a rural holding shall at any time be permitted. I would like clarification with regard to this matter of policy.

You will recollect, Sir, that His Majesty the Yang di-Pertuan Agong in his Speech stated in no uncertain terms—I refer to paragraph 10, page 8, of the Appendices under Agriculture—the importance of co-operation and co-operative ownership. Therefore, as far as rural holdings are concerned, which are actually for agricultural purposes, in order to be consistent with the general policy as stated by His Majesty the Yang di-Pertuan Agong with regard to organisation in agriculture, one would expect that provisions will have been made in this Bill for co-operative ownership of rural holdings. The advantages of that are set out very fully in the Speech of His Majesty in which it is stated that the solution to the problem of agriculture lies in the co-operative movement. It says further:

"Only by this method can these people reorganise their economy. They need good tools and equipment, financial assistance to improve the marketing of their produce and capital to establish co-operative shops to supply their needs. It is only through co-operation that they can overcome the obstacles that will be placed in their way by middlemen and capitalists. Thus the co-operative movement will play a vital part in all schemes and plans for fostering the economy of the farmers and the fishermen of this country."

I submit, Sir, that there is no provision whatsoever here for co-operative holdings and I also submit, Sir, that it is inconsistent with the policy Speech of His Majesty the Yang di-Pertuan Agong. I shall, therefore, be very grateful if the Honourable Minister of Rural Development can explain this to this House.

Tun Abdul Razak: Sir, it is quite true, as stated in His Majesty's Speech, that the policy of the Government is to encourage the establishment of co-operative societies throughout the country. But in our land alienation

policy, and particularly in the establishment of group settlement areas, we will not encourage co-operative holdings or joint holdings for the simple reason that we must try to discourage the fragmentation of holdings. Once you allow joint holdings or ownership of more than one person in a piece of land, you are bound to get into difficulties with fragmentation. That is why under its specific provision here it is stated that no joint ownership of a rural holding is permitted because, as I said, in our rural development or land development policy, we propose to alienate land of an economic size—a size which we consider is the minimum requirement of one family and not more than one. That is why there is no provision for co-operative ownership or joint ownership, and I suggest it is not inconsistent with our policy of encouraging the growth of co-operative societies.

Mr. Speaker: Order, order. We have already passed 4.30 p.m. and under Standing Order 16 (2), it says—

“At 4.30 p.m. Mr. Speaker shall interrupt any proceedings still in progress or if the House is in Committee the Chairman shall leave the Chair and report progress to the House.”

I am anxious to finish this Bill now before we adjourn. If the Minister would move that the House will continue sitting until we complete this Bill, I am prepared to sit until we complete the third reading of this Bill.

EXEMPTED BUSINESS

(Motion)

Tun Abdul Razak: Sir, I beg to move,

That this House shall not adjourn this day until after the conclusion of the proceedings on the Group Settlement Areas Bill.

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

Question put, and agreed to.

Resolved,

That this House shall not adjourn this day until after the conclusion of the proceedings on the Group Settlement Areas Bill.

THE GROUP SETTLEMENT AREAS BILL

House resolves itself into a Committee on the Bill.

Consideration of the Bill in the Committee resumed.

(Mr. Speaker *in the Chair*)

Clauses 14 and 15—

Enche' Tan Phock Kin: Mr. Speaker, Sir, I can't see the logic of the argument put forward by the Honourable Minister of Rural Development with regard to the fact that co-operative ownership will result in fragmentation. If provisions can be put in the Bill with regard to joint ownership, surely provisions can also be put in the Bill to the effect that should a co-operative fail, Sir, then there cannot be any joint ownership apart from the co-operative. So there should first of all be individual ownership as well as co-operative holdings; surely provisions can be made for that. I shall be very grateful if the Honourable Minister can explain his stand in the light of my remarks.

Dato' Ong Yoke Lin: Sir, even to one who has not been following this debate, it is quite clear that there are two different things. Joint ownership of one economic holding for one family here is, I think, 8 acres. You can't have a co-operative ownership of 8 acres because it becomes an uneconomic holding. But it does not discourage various people in a settlement to form other co-operative societies.

Enche' Tan Phock Kin: May I explain, Sir. My argument is that I am not suggesting that a co-operative organisation owns 10 acres of land. I am suggesting here that if 10 acres of land can be allotted for one person, then 10 persons or 100 persons can join themselves into a co-operative and make use of 1,000 acres of land. By so doing the people will enjoy the economies of large-scale production. They will be able to use machinery which will not be available to a single person. That is my point.

Mr. Speaker: You are only asking for clarification. If you want to amend, you must move an amendment to the

clause. If you are asking for clarification or information, you can do so. But don't try to argue; there will be no end to it.

Enche' Tan Phock Kin: I have not been arguing, Sir.

Mr. Speaker: You have been arguing!

Enche' Tan Phock Kin: Sir, I was merely clarifying in the light of some misunderstanding over my question.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I was wondering whether you ruled my friend out of order, or were you waiting for an answer to his question.

Mr. Speaker: I am waiting for an answer to the question he asked. I do not know whether there is any answer to that or not.

Tun Abdul Razak: Sir, the answer is obvious. We do not consider co-operative ownership desirable in these group settlement areas. This Group Settlement Areas Bill is only intended for individual holdings of an economic size of land.

Enche' Lim Kean Siew: Mr. Speaker, Sir, on clauses 14 and 15, I think the Honourable Minister of Rural Development said just now that this Bill would also cover people with sub-economic holdings in view of section 19 (2) which says—

"Provided that, where a group settlement area is established for the purpose of supplementing existing uneconomic small holdings, the Ruler in Council may direct that the maximum of two acres specified in paragraph (a) of this sub-section be increased to not more than six acres:"

But under section 14, Sir, it says that only a citizen can hold a rural holding. There would be no problem when it comes to new holdings. But supposing a rural holding is part of an old holding, say a non-citizen is holding a small acreage and we wish to give him an economic holding by an increase in size of his present holding, how then would we be able to do it under this section?

Tun Abdul Razak: Obviously you can't do it under this clause. In a group settlement area non-citizens cannot go there, and they cannot hold land in

that area. It can be done under the ordinary laws of the land but not under this clause.

Enche' Lim Kean Siew: Then, Sir, I would like to suggest an amendment—that the full stop be removed at the end of the sentence and the following words be added:

"subject to the exemption of citizenship requirements for the purposes of the proviso of section 19 (1)."

That would make it easier.

Mr. Speaker: You must give me the amendment in writing.

Enche' Lim Kean Siew: I am only suggesting it to him, would he consider that amendment?

Tun Abdul Razak: I would be prepared to consider, but I would not be prepared to accept the amendment now. As I said, this matter has to be discussed with the States.

Enche' Lim Kean Siew: Clause 15 says that no rural holdings may be leased or sublet in whole or in part—it does not say anything about mortgage. Can such land be mortgaged.

Enche' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Yang di-Pertua, saya hendak bertanya sedikit kepada Menteri yang berkenaan atas clause 14 ini. Bagaimana kedudukan orang yang di-beri membuka tanah itu seperti orang yang berkelamin atau beristeri membuka tanah yang dia mendapat 8 ekar, sedangkan dalam bahagian 14 ini tidak di-benarkan. Kadang² pernah saya dapati ada kejadian yang berlaku manakala sampai empat tahun tanah yang telah di-buka oleh suami isteri itu, bila hasil-nya sudah di-dapati maka suami isteri itu pun bercherai dan berlepek-lah hamba Allah itu, entah ka-mana pergi-nya. Jadi, keadaan yang menyedihkan itu ia-lah bagi pehak kaum ibu, oleh itu, bagaimana-kah fikiran Menteri yang berkenaan, kalau-lah chuba² buat pindaan bagi orang yang bersuami isteri itu supaya dapat di-bubuhkan nama isteri-nya itu sekali, sebab kerja itu adalah sa-pencharian, tetapi nama-nya tidak menyentoh sedikit pun. Sebak-nya pula bila mereka bercherai maka menderita-lah perempuan itu.

Tun Abdul Razak: Menurut kebiasaan-nya dalam Undang² Tanah ini, kalau orang itu sudah mati atau bercerai dan nama tanah itu nama suami-nya, tidak nama isteri maka soal itu ia-lah soal lain pula, tetapi kalau hendak di-taroh dua nama tentu-lah susah. Sebab, menurut kebiasaan-nya, satu² kelamin itu satu nama sahaja dan ta' boleh di-buboh dua nama, kerana perkara itu tidak pernah di-buat, boleh jadi banyak kesukaran yang akan berlaku di-atas perkara ini. Saya tidak tahu-lah sakira-nya Negeri² lain ada, kalau² ada menjalankan saperti negeri Kelantan atau di-tempat² lain, tetapi biasa-nya di-Negeri² yang saya tahu semua-nya memakai satu nama sahaja.

Enche' Lim Kean Siew: My question about mortgage—perhaps I could ask this also: the reason why I ask this is that when land is mortgaged, a person could be put in occupation of that land—not under this, but merely in occupation. Does the Government intend to preclude that, because if it does, it is not included in this Bill.

Tun Abdul Razak: I should say that the position is so long as the land remains State land, it cannot be charged or mortgaged, but once it becomes private property, then it can be charged and mortgaged.

Question put, and agreed to.

Clauses 14 and 15 ordered to stand part of the Bill.

Clause 16—

Dato' Onn bin Jaafar (Kuala Trengganu Selatan): Tuan Pengerusi, I have some observations to make on this Clause 16. The Honourable Timbalan Perdana Menteri said that the object of this Bill was to allow for individuals who were landless but who had the means to own land or develop land, and my observations is this: that in accordance with Clause 16, it is provided—

“Where, but for the provisions of section 15 the land comprised in any rural holding would on the death of the holder or proprietor or otherwise be liable to transmission by way of subdivision or in undivided shares, the persons entitled to interests in the holding may assign their interests to a single holder, and, in default of such assignment,

the holding shall be disposed of on the order of the Collector and the proceeds of sale of the holding or any interest therein shall be dealt with according to law.”

Now, let us suppose that the individual dies, and the beneficiaries cannot come to an agreement to assign it to any single one of them, with the result that the Collector would order sale, which I presume will be by auction. Now, my point is this: at that auction, who would be entitled to bid for that land? Because if anybody were allowed to, then the concept of this Bill would be broken, in that it was meant for people who were landless but who had the means to occupy or develop such land.

Tun Abdul Razak: Obviously, Sir, when the Collector takes over this land, he would sell the land in accordance with the law; but the conception of giving land to the landless only applies in the case of the first settler. After that, the land could go to anybody. Once the land becomes a private land, then it can be sold.

I like to move a small amendment to this before I go any further.

Dato' Onn bin Ja'afar: So that the interests of the heirs of the owner—the concept of this Bill—would be completely defeated if anybody can hold the land.

Tun Abdul Razak: Sir, I would like to move a slight amendment to this Clause as in the amendment slip. It is that the words “or proprietor” in line 3 be deleted. This is now made unnecessary in view of the definition of “holder” in Clause 2 (2).

Question put, and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clause 17—

Tun Abdul Razak: Sir, I beg to move a slight amendment to Clause 17 as in the amendment slip—insert the words “by the Collector” after the word “specified” appearing at the beginning of the fifth line.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, bahagian (b)

dalam clause 17, saya hendak bertanya sedikit sahaja ia-itu:

“no crops, other than the appropriate crops, shall at any time be planted upon any portion of the holding”.

Jadi, kalau specification-nya mengatakan bahawa bahagian itu hendak ditanam getah, sementara getah itu hendak besar tentu-lah menurut peraturan biasa-nya hendak di-tanam, apabila kita menanam padi, pisang, ada-kah Undang² ini akan menegah orang itu berbuat demikian?

Tun Abdul Razak: Tuan Yang di-Pertua, tidak. Kebiasaan-nya di-buat bagi di-dalam Group Settlement ini, di-tempat² yang di-tanam getah itu sementara menunggu getah itu besar di-benarkan orang itu menanam pisang, menanam jagong dan sa-bagai-nya. Ini, hanya-lah hendak di-adakan kerana syarat semacham itu hendak di-beri kuasa kepada pihak pentadbiran mengatorkan atas perkara yang hendak di-tanam itu. Jadi, tidak-lah dapat hendak di-masokkan cerita semua sakali tetapi kebiasaan yang telah dijalankan di-tanam barang² yang lain supaya peladang² itu ada mendapat hasil sa-belum getah itu mendatangkan hasil.

Amendment put, and agreed to.

Clause 17, as amended, ordered to stand part of the Bill.

Clause 18—

Tun Abdul Razak: Sir, I beg to move an amendment to Clause 18 as in the amendment slip, that is, to 18 (2) and (3)—For the word “land” which appears in the fourth line of sub-section (2) and at the end of the first line of sub-section (3) substitute respectively the words “holding” and “holdings”.

Amendment put, and agreed to.

Clause 18, as amended, ordered to stand part of the Bill.

Clause 19—

Tun Abdul Razak: Sir, I beg to move the amendment as in the amendment slip to Clause 19—

19 (2) ... For the word “established” which appears at the end of the first line of the first

proviso substitute the word “declared”.

For the words “expression ‘coproprietor’ includes a husband or wife, as the case may be” which appears in the second and third lines of the second proviso substitute the words—
“word ‘person’ includes the husband or wife of a person”.

Enche' Lim Kean Siew: Mr. Speaker, Sir, I have several questions on Clause 19, and I would suggest an amendment to it. I was wondering

Mr. Speaker: Are you going to be long?

Enche' Lim Kean Siew: I can ask all the questions at once.

First question: I wonder if the Honourable Minister of Rural Development would let me know under what circumstances can such land cease to be State land? Is it not correct that once title is given, in many instances it ceases to be State land, and therefore falls outside the provision of this Bill? That is one question.

Tun Abdul Razak: Once title has been granted, the land ceases to be State land, but it does not fall out of this Ordinance completely, because land in the group settlement area remains within a “designated” area.

Enche' Lim Kean Siew: The other question is this: Clause 2 says that no person shall get land here if he owns more than two acres of land elsewhere. So, as soon as you have given the title, then Clause 2 no longer applies to anybody who has land elsewhere, in such cases anybody who has land elsewhere can own land here. Secondly, unless you have a National Register of Land, how do you know how much land anybody has got?

Tun Abdul Razak: The question of a National Land Register—it is not possible to do it because, as I said, land is a State matter; the States do have their own registers of land—there is a land registry in every Land Office. So it will be known whether a person owns land or not.

Mr. Speaker: Why can't you ask all your questions at once?

Enche' Lim Kean Siew: Because the Honourable Minister stood up to reply: I sat down because he stood up.

Mr. Speaker: You shouldn't have sat down. Put all your questions straightaway.

Enche' Lim Kean Siew: I would like to suggest an amendment here: that we substitute a full stop after the word "purposes" in paragraph (b) of sub-clause (2), and delete paragraph (c). If a person owns both town land and country land, then under paragraphs (a) and (b) he is excluded; so that, in fact, paragraph (c) is superfluous because if a person owns country land not exceeding two acres or he owns a single plot of town land he is excluded, and if he owns both town and country land he would be excluded for those two reasons. Paragraph (c) is therefore unnecessary.

Tun Abdul Razak: Mr. Speaker, we may have the case of a person who owns one acre of country land and one acre of town land. That is why we have got to make this provision.

Enche' Lim Kean Siew: Then, Mr. Speaker, I submit that the words "such country and town land" makes it appear that you have got to have country land exceeding two acres or a single plot of town land used solely for his own residential purposes, because (c) says "both such country and town land". "Such country" land would mean country land which exceeds more than two acres. So perhaps a little correction is needed there.

Dato' Onn bin Ja'afar: Sir, the suggestion brought up by the Honourable Member for Dato Kramat appears to me to be a flaw in drafting, because he wants to insert a full stop after the word "area" and then continue with "or". You either have a semi-colon and continue with "or" or you have a full-stop and continue with "nor". (Laughter).

Enche' Lim Kean Siew: I said full-stop after "purposes" not after "area"!

Mr. Speaker: He said he wanted to move an amendment to delete the whole of (c), so for that you have a

full-stop at the end of (b)—that is if it is accepted by the Government.

Tun Abdul Razak: No, Sir, I am afraid I cannot accept because "such" refers to both "such country and town land". That provision is necessary to cover the case of a person who owns partly country land and partly town land.

Amendment put, and agreed to.

Clause 19, as amended, ordered to stand part of the Bill.

Clause 20—

Tun Abdul Razak: Sir, I beg to move a slight amendment to Clause 20 (3) as follows:

Delete the word "first" which appears in the first line and for the words "may be deferred for such period after the date of alienation" which appear in the second and third lines substitute the words "shall commence on such date".

Amendment put, and agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clause 21—

Tun Abdul Razak: Sir, I beg to move the following amendments to Clause 21:

- 21 (1) ... Delete the words "shall be a first charge on the land and" which appear in the third line.
- 21 (2) ... For the word "April" which appears in the second line substitute the word "June".

Amendment put, and agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

Clauses 22 to 25—

Enche' Tan Phock Kin: Mr. Speaker, Sir, I would like to get some clarification from the Minister concerned with regard to Clause 25. Clause 25 (3) states:

"The Collector may direct that any of the requirements of paragraph (a), (b) or (c) of sub-section (2) shall be carried out by a holder in conjunction with the holders of contiguous holdings or on a co-operative basis of joint working on contiguous holdings."

Clause 25 (2) (a) refers to the clearing of "the boundaries of the holding",

(b) refers to the clearing of "the whole or any part of the holding in accordance with any directions of the Collector" and (c) refers to the planting of "appropriate crop". It appears to me that, to be consistent again here with the policy as enunciated by His Majesty the Yang di-Pertuan Agong, there should be a new provision as Clause 25, Sub-clause (4) for other matters such as marketing. If in the opinion of the Collector such matters will benefit the various cultivators, then the Collector should be empowered to direct any co-operative organisation in that respect. And I think it should not be merely confined to (a), (b) and (c), but that it should be extended.

Tun Abdul Razak: Sir, as is clearly indicated here, we do encourage co-operative working of the land in various forms, but I suggest that there is no need to add another sub-clause, because the policy is to encourage co-operative marketing which will be done in the ordinary way. It is not necessary to tie it up with land and I do not think it is necessary to include it here. This is the policy of the Government and it will be done in any case.

Clauses 22 to 25 inclusive ordered to stand part of the Bill.

Clauses 26 to 29—

Enche' Lim Kean Siew: Mr. Speaker, Sir, I wonder if there has been an error in Section 27 which says:

"Every document of title to an urban holding shall specify which of the purposes mentioned in sub-section (3) of section 7

shall apply to such holding and there shall be implied in every such document of title the condition that the holding shall be used for no other purpose."

Supposing a person does not conform to the condition on such title, what would happen then?

Tun Abdul Razak: Sir, a person is expected to carry out the conditions either implied or stated in respect of the holding. If the conditions are not stated or implied obviously its purpose is to uphold the conditions, and if the conditions are not implied then he is not liable under this.

Enche' Lim Kean Siew: I would suggest, Sir, that a sub-clause ought to be inserted to say that if the conditions are not complied with then such land shall be liable to be forfeited by the Government.

Tun Abdul Razak: I think it is understood, because these urban holdings will be part of a group settlement area and with respect I say that this has been studied carefully by the legal draftsman.

Clauses 26 to 29 inclusive ordered to stand part of the Bill.

Clauses 30 to 33 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

Mr. Speaker: The House is adjourned to 10 o'clock tomorrow.

Adjourned at 5.00 p.m.

WRITTEN ANSWERS TO QUESTIONS

MINISTRY OF TRANSPORT

MALAYAN AIRWAYS

Financial Assistance

1. Enche' V. David asks the Minister of Transport whether the Government is granting any financial support to the Malayan Airways.

The Minister of Transport (Enche' Sardon bin Haji Jubir): No, Sir. Malayan Airways Limited is a registered public company in which the Government has a holding of fifty thousand \$10 shares.

PRIME MINISTER'S DEPARTMENT

Government Motor Transport

2. Enche' V. David asks the Prime Minister how many of the cars bought for VIP use during the ECAFE conference in Kuala Lumpur have been sold, how many have been bought by close relatives of Ministers and at what prices were the various models sold.

The Prime Minister: No cars were bought for use during the ECAFE conference in Kuala Lumpur. I assume that the Honourable Member is intending to refer to the cars bought for the use of distinguished guests at the Merdeka celebrations.

Six of these cars have been sold. 19 cars were first offered for sale by public tender on 12th/13th May, 1958.

The range of offers received for the various makes was:

Pontiac	...	\$6,550 to \$4,850
Chevrolet	...	\$5,300 to \$3,500
Plymouth	...	\$3,600 to \$3,100
Ford (1)	...	\$4,000

The general level of the offers was considered to be too low and only two offers were accepted, for Pontiacs, one at \$6,550 and one at \$6,300 (the purchaser being required to pay the *ad valorem* tax of 10%). These were the only two offers over \$5,300. All the other offers were rejected.

Subsequently the following direct individual sales were made at valuations by the Mechanical Engineers of the Public Works Department:

1 Pontiac	at \$6,550
3 Chevrolet	at \$6,000

(*ad valorem* tax of 10% payable by the purchaser).

I bought one of the Chevrolet myself on the terms stated, but apart from this none of the cars was bought by a Minister or a close relative of a Minister.

MALAYAN RAILWAY

Senior Officers

3. Enche' V. David asks the Prime Minister the number of local citizens who are graduates who are in the Railway service and the number of expatriate officers who are in the same service.

The Prime Minister: The number of Malayan Officers who are graduates of recognised universities or holders of Diplomas from recognised institutions is 28. There are also 28 Expatriate Officers at present in the Railway Service of whom 6 are on contract.