



PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

CONTENTS

ANNOUNCEMENT BY MR SPEAKER:

Message from the Senate [Col. 1603]

ADJOURNMENT OF THE HOUSE—STANDING ORDER 18:

Alleged corruption by Minister of Health [Col. 1604]

SITTING OF THE HOUSE (Motion) [Col. 1605]

BILLS:

The Tariff Advisory Board Bill (In the Committee) [Col. 1605]

The Royal Malaysia Police Bill [Col. 1607]

The Loan (Advance Deposits) Bill [Col. 1626]

The Education (Amendment) Bill [Col. 1628]

The Central Bank of Malaya (Amendment) Bill [Col. 1663]

The Merchant Shipping (Amendment) Bill [Col. 1664]

The Service Lands Bill [Col. 1666]

The Judges' Remuneration Bill [Col. 1675]

MOTION:

Development (Supplementary) (No. 2) Estimates, 1963 [Col. 1683]

ADJOURNMENT SPEECH:

Sungei Buloh Settlement—Allowances of Inmates [Col. 1688]

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

Fifth Session of the First Dewan Ra'ayat

Thursday, 22nd August, 1963

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

PRESENT:

- The Honourable Mr Speaker, DATO' HAJI MOHAMED NOAH BIN OMAR, P.M.N., S.P.M.J., D.P.M.B., P.I.S., J.P.
- „ the Deputy Prime Minister, Minister of Defence and Minister of Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- „ the Minister of Internal Security and Minister of the Interior, DATO' DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Johor Timor).
- „ the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Melaka Tengah).
- „ the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- „ the Minister of Transport, DATO' HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- „ the Minister without Portfolio, DATO' ONG YOKE LIN, P.M.N. (Ulu Selangor).
- „ the Minister of Agriculture and Co-operatives, ENCHE' MOHAMED KHIR BIN JOHARI (Kedah Tengah).
- „ the Minister of Labour and Social Welfare, ENCHE' BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- „ the Minister of Health, ENCHE' ABDUL RAHMAN BIN HAJI TALIB (Kuantan).
- „ the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).
- „ the Minister of Education, Tuan HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- „ the Assistant Minister of the Interior, ENCHE' CHEAH THEAM SWEE (Bukit Bintang).
- „ the Assistant Minister of Labour and Social Welfare, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- „ the Assistant Minister of Commerce and Industry, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- „ the Assistant Minister of Information and Broadcasting, ENCHE' MOHAMED ISMAIL BIN MOHAMED YUSOF (Jerei).
- „ ENCHE' ABDUL AZIZ BIN ISHAK (Kuala Langat).

- The Honourable ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- ” ENCHE' ABDUL RAUF BIN A. RAHMAN, K.M.N., P.J.K. (Krian Laut).
- ” ENCHE' ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- ” ENCHE' ABDUL SAMAD BIN OSMAN (Sungei Patani).
- ” TOH MUDA HAJI ABDULLAH BIN HAJI ABDUL RAOF (Kuala Kangsar).
- ” TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., P.I.S. (Segamat Utara).
- ” TUAN HAJI AHMAD BIN ABDULLAH (Kota Bharu Hilir).
- ” ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- ” ENCHE' AHMAD BIN MOHAMED SHAH, S.M.J. (Johor Bahru Barat).
- ” TUAN HAJI AHMAD BIN SAAID (Seberang Utara).
- ” ENCHE' AHMAD BIN HAJI YUSOF, P.J.K. (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, A.M.N. (Kluang Selatan).
- ” ENCHE' CHAN SIANG SUN (Bentong).
- ” ENCHE' CHAN SWEE HO (Ulu Kinta).
- ” ENCHE' CHAN YOON ONN (Kampar).
- ” ENCHE' CHIN SEE YIN (Seremban Timor).
- ” DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- ” 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 (Melaka 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' ISMAIL BIN HAJI KASSIM (Kuala Trengganu Selatan).

Minister at least will be taken. I do hope that I will get that leave and I do hope that there will be no objection raised by Members.

Mr Speaker: Honourable Members, the Honourable Member for Ipoh is applying for leave to move the adjournment of the House under Standing Order 18 (1) for the purpose of discussing the following matter of urgent public importance, namely,

"That the Minister of Health did in the definite subject of the Malay Natural Fertilizers Co., Ltd, receive corruptly at various times sums of money for favours shown and to have been shown."

I do not consider that I can grant the Honourable Member leave to do so for the reason that though the matter is definite and of public importance, it is not of such urgency as to warrant its discussion on a motion to adjourn the House. It is always open to the Honourable Member to raise the matter in the ordinary course, by way of a substantive motion after due notice.

SITTING OF THE HOUSE

(Motion)

The Minister of Internal Security and Minister of the Interior (Dato' Dr Ismail bin Dato' Haji Abdul Rahman): Mr Speaker, Sir, I beg to move,

That notwithstanding the provisions of Standing Order 12 (1) (b) the House at its rising this day shall resume at 9.30 a.m. on Friday the 23rd August, 1963, and shall stand suspended at 11.00 a.m.

The Minister of Finance (Enche' Tan Siew Sin): Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That notwithstanding the provisions of Standing Order 12 (1) (b) the House at its rising this day shall resume at 9.30 a.m. on Friday the 23rd August, 1963, and shall stand suspended at 11.00 a.m.

BILLS

THE TARIFF ADVISORY BOARD BILL

Order read for resumed consideration in Committee of the whole House.

House immediately resolved itself into Committee.

(Mr Speaker *in the Chair*)

Clauses 11 to 17—

The Minister of Finance (Enche' Tan Siew Sin): Mr Chairman, Sir, the Honourable Member for Rawang has asked me to explain the significance of the definition of "protective duty" appearing in Clause 17. One would have thought that this definition should be clear enough, in fact, I do not think we on this side of the House can think of anything clearer than this, and in case it is not clear enough to the Honourable Member, I should explain that the definition given here would include not only a protective duty imposed in order to protect the product itself but also the raw materials which go into the composition of the product and any substitute product or substitute raw material. It will, therefore, be seen that this definition is extremely wide and would cover a wide range of products and raw materials. Any other duty which is not so classed as a protective duty would be regarded as a revenue duty.

Enche' Liu Yoong Peng (Rawang): Sir, I think the Finance Minister did not answer my query because I think he has obviously understood me when I said that the same revenue duty which is imposed is actually "protective duty" in disguise, and that it is meant to protect a certain unsound factory although that factory may not be able to produce goods in significant quantities for consumption in Malaysia. I think the Finance Minister realises that the term "in significant quantities" is being used to define "protective duty" for obvious reasons—and this is another way of coming back to get protection by the backdoor method. In other words, a protection which cannot satisfy the conditions of "protective duty" can come back under the name of "revenue duty", and this defeats the whole purpose of the definition. That is exactly what I want to ask the Finance Minister to clarify.

Enche' Tan Siew Sin: Mr Chairman, Sir, I am not sure we are speaking the same language. I must admit that I do not even know what the Honourable Member is driving at.

Enche' Liu Yoong Peng: Mr Chairman, Sir, I think the Minister of

Finance is trying to evade the point, because as I have already pointed out

Mr Chairman: What is the question you want to ask?

Enche' Liu Yoong Peng: For instance, Sir, there is a textile factory that gets raw cloth from Hong Kong and the cloth is dyed here, but because the product is not produced in significant quantities, this particular factory cannot get protective duty but nevertheless a duty is imposed on textile in general in Malaya, and that is classified as revenue duty, but indirectly it is protecting that particular textile factory in Malaya. That is what I meant by the back-door method of coming back to the point.

Enche' Tan Siew Sin: The Honourable Member has, unfortunately, confirmed my suspicion that he does not understand the definition of this phrase. If he will read the definition again, he will find that this definition covers not only goods produced in significant quantities but about to be produced in significant quantities. In view of the definition, a semi-processed product can be protected by means of a protective duty.

Cluses 11 to 17 inclusive ordered to stand part of the Bill.

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

THE ROYAL MALAYSIA POLICE BILL

Second Reading

Dato' Dr Ismail bin Dato' Haji Abdul Rahman: Mr Speaker, Sir, I beg to move that a Bill intituled, "an Act to establish a police force for Malaysia, and make other provision in relation thereto", be now read a second time.

Part II of the Bill intituled "An Act for Malaysia", which has been presented to this House, provides for the establishment of Malaysia to comprise the States of the Federation of Malaya, the Borneo States of Sabah and Sarawak and the State of Singapore. It has been agreed that internal security should be the responsibility of the Federal Government of Malaysia.

It, therefore, becomes necessary that a unified police force for Malaysia should be established with effect from Malaysia Day. Hence, this Malaysia Police Bill.

Hon'ble Members will note that the word "Royal" is used in the title of this Bill. It may be recalled that, as a result of its gallant service during the Emergency, His Majesty the Yang di-Pertuan Agong conferred upon the Federation Police in 1958 the title "Royal" and the force is now known as "Royal Federation of Malaya Police". Since the Federation force will be the largest component of the unified police force, it was considered appropriate that the honour which they have been enjoying should be conferred on the new force which they will join. I am sure this House will share my pleasure to learn that His Majesty the Yang di-Pertuan Agong has graciously approved to confer the title "Royal" upon this unified police force.

As this House is well aware, the various police establishments in the territories forming Malaysia have a long and varied history of their own. In so far as Malaya is concerned, Hon'ble Members may recall that the Malay Annals record the establishment of a Police Station in Malacca as early as 1480. Suffice it to say that the Royal Federation of Malaya Police, as we know it today, being responsible for the policing of the Federation of Malaya, is a fine example of progress from small beginnings made in the dim past.

And now a word or two in so far as the relationship or co-operation between these police forces that will form the unified police force.

We are glad to say that since the last three or four decades, there has been fairly close practical relationship between the various police establishments that will form the unified police force for Malaysia. Records exist to indicate that 38 years ago, arrangements were made for Borneo policemen to be given training at the Police Depôt in Kuala Lumpur, and the closest liaison and co-operation has always been effected between the State

of Singapore and the States of Malaya. We also have records to indicate that men and officers from Sarawak have also attended various courses of instruction in Malaya previously, and are currently attending courses here. We are glad to say that these small links of recent years are now going to be formally cemented in the establishment of the unified police force.

Turning to the Malaysia Police Bill itself, *section 2*, which deals with the constitution of this new force, provides as mentioned in the explanatory statement at the end of the Bill that this force will replace the separate police forces in the countries forming Malaysia, i.e., the Royal Federation of Malaya Police, the Singapore Police Force, the North Borneo Police Force and the Sarawak Constabulary. The unified force will, however, comprise components in the States of Malaya and each of the new States joining the Federation. These components will, for the time being, remain subject to the law now applicable to the existing forces (subject to any necessary modifications under the Malaysia Act and to the introduction by amendment of the police regulations of uniform terms of service for new recruits).

Section 3 provides the functions of the unified police force, which are the same as those currently exercised by these respective forces.

Section 4 provides the manner in which this new force will be controlled and directed.

Sub-section (1) of section 4 provides that the force shall be under the command of an Inspector-General of Police and for this purpose he shall have all the powers conferred on a Commissioner of Police.

Sub-sections (2) and (3) provide that the control of each of the component forces will continue to remain with the respective Commissioners of Police subject to the orders and direction of the Inspector-General of Police.

Sub-section (4) makes provision under which the functions of the Inspector-General could be carried out or performed by police officers not

lower than the rank of Assistant Commissioner. This sub-section also provides the manner in which his functions may be discharged by a Commissioner in the event of his absence from Malaysia or of his incapacity.

Sub-section (5) makes provision in similar manner for the functions of a Commissioner of Police to be carried out or discharged by police officers not lower than the rank of Superintendents. It also provides that his functions may also be discharged by a Deputy Commissioner. These delegations are necessary in a disciplined force.

Section 5 provides how the unified force shall be formed.

Sub-section (1) provides for members of the present Federation Police to become members of the new force in the component in the States of Malaya. Members of the other police forces will be transferred or seconded to the Federal Police under the Malaysia Act or under the State Constitution.

Sub-section (2) provides for them to do so in the component corresponding to their old force.

A word of explanation here on the terms and conditions of service of service personnel in the police forces is necessary to dispel the fears of those who are not quite sure as to how this change of service will affect them:

- (a) Personnel at present serving in the Royal Federation of Malaya Police, will automatically on M-Day become members of the unified police force.
- (b) Personnel at present serving in the Singapore Police will become members of the Federal service. They will be given one option and that is a choice of becoming fully transferable throughout Malaysia; or of remaining in their present force, i.e., to continue serving in the State of Singapore as at present constituted;
- (c) Personnel at present serving in the North Borneo Police Force and the Sarawak Constabulary

will on M-Day be seconded to the unified Police Service.

They will have two options:

- (i) to opt to transfer to the Federal Service; and
 - (ii) to opt to become fully transferable throughout Malaysia.
- (d) Personnel recruited on or after M-Day will be recruited to the Royal Malaysia Police and will be transferable throughout Malaysia.

What I have just said only gives the general principles to be applied to police personnel of the various forces forming the unified police force. Detailed terms and conditions of option covering transferability and secondment are now being actively examined and it is hoped that these will be ready fairly shortly, at least, before Malaysia Day.

In brief however, serving personnel in the various forces will on Malaysia Day remain on their present terms and conditions of service. A person who becomes a member of the unified police force—

- (a) will be employed on terms and conditions not less favourable than those applicable to him immediately before Malaysia Day;
- (b) Unless and until he elects to the contrary will not be liable to be transferred without his consent to any force outside his present force.

The intention of course is that the establishment of the unified police service will be achieved with the minimum possible disruption of the existing forces, but common standards, administrative methods and procedure will be introduced wherever they appear to be desirable in the interests of efficiency and economy.

I am sure this House will agree that the necessity for the healthy policing of our territories needs no emphasising. In this context it is not inappropriate for me to read the quotation taken from a treatise on the subject of the

Police of the Metropolis in London by Patrick Colquhoun, J.P., in 1796:

“Next to the blessings which a Nation derives from an excellent Constitution and system of general Laws, are those advantages which result from a well regulated and energetic plan of police conducted and enforced with Purity, Activity, Vigilance and Discretion.”

I am confident that the good faith and loyalty of our Policemen, together with the watchdog of considered public opinion can only result in the long term objective of the Royal Malaysia Police which will be to win the full confidence of all citizens of Malaysia.

Sir, I beg to move.

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

Enche' Lim Kean Siew (Dato Kra-mat): It is unfortunate that the Honourable Minister of Internal Security should have gone into the history of the Malayan Police Force and our police stations. We know that the first recorded police station was set up by the Portugese administration and the other police stations were those set up by the British colonial administration. Whether we can claim that to be to our credit, I do not know. But, I do not think that the Honourable Minister of Internal Security should have even mentioned it, because we should be ashamed of that history.

Mr Speaker, Sir, the other matter that the Honourable Minister of Internal Security has mentioned is the close and practical relationship among the Police in the various Malaysian States. Mr Speaker, Sir, he says that this relationship has lasted since 1938, or about 38 years. Again that was established by the British colonial police and thereby hangs the tale of this family tree of the Malaysian Police Forces. Mr Speaker, Sir, he forgot to mention that there was also established at the period of the Emergency the Special Constabulary. The reason why I have mentioned the Special Constabulary is because the present Field Force with the Police wearing blue and red flashes is the offspring of special constables, illegitimate though they may be.

Let us then deal with the question as to whether or not the Government under this Bill will be extending this section of the blue and red flash police constables to the other Malaysian States, because the Bill only says that the law applicable immediately before Malaysia Day will be applicable after Malaysia Day—and also any law or order made thereafter by the Federation Government or the Yang di-Pertuan Agong. Now, Mr Speaker, Sir, the special constables were people used for a certain purpose. They were to exert power over sections of the people suspected of sympathy to anti-British forces in the struggle from the years 1948 to Independence Day 1957, because until 1957 the control of the Police Force and the policy were in the hands of the British Government. Mr Speaker, Sir, the special constables, in fact, were a peasant undisciplined security force. After they had committed acts in respect of which there were many complaints, they were finally disbanded. Now, we have in our midst the Malayan Police Field Force which was the disciplined section of our security forces. This section was started during the Emergency. Now, Mr Speaker, Sir, since then they have been developed and divided into two sections—one the riot squad and the other one field security. These field forces have recently been sent to Sarawak.

Dato' Dr Ismail: On a point of order under Standing Order 36 (1), we are debating the Malaysia Police Bill and about the future role of the Malaysia Police. If the Honourable Member would like to discuss the organisation of the Malaysia Police, I think he should have a substantive motion and I am prepared to answer him. But here we are discussing the future of the Royal Malaysia Police.

Mr Speaker: Will you confine your observations to the principle of this Bill?

Enche' Lim Kean Siew: I will confine my observations to this Bill. But the Honourable the Minister of Internal Security mentioned Clause 2 (2), which says that the components in the States of Malaya and in Sabah, Sarawak and

Singapore shall, until Parliament otherwise provides, be subject to the law applicable immediately before Malaysia Day. Now, the law applicable immediately before Malaysia Day in Malaya is that the Field Force

Dato' Dr Ismail: On a point of order under Standing Order 36 (1). If we want to argue the way he argues, then we might in the same way argue that we are all descents from monkeys. So we can go on arguing how we descended from monkeys. But we are now debating on the Royal Malaysia Police Bill and it has got nothing to do with discipline or what is going on in the Federation of Malaya Police. If he wants to discuss that on a substantive motion, then I am prepared to discuss it. I am not trying to evade what he is trying to say. But I think he is being just irrelevant under the present bill.

Enche' Lim Kean Siew: I am not unfortunately attempting to

Mr Speaker: Order, order. I have not given my ruling on the Standing Order pointed out to me just now by the Minister of Internal Security. This debate is only on the principle of the second reading of this Bill, and I would warn you that you should confine your observations only to the principle of this Bill—that is, the formation of the Royal Malaysia Police.

Enche' Lim Kean Siew: I understand that perfectly well, because I was coming to the conclusion which would make my arguments obvious. I was not discussing the lineal ancestry of the Minister of Internal Security. If he comes from monkeys, I think it would not affect me.

Mr Speaker: Order, order.

Enche' Lim Kean Siew: I am saying that the Field Force has now been sent to Sarawak to police Sarawak because of trouble. My question is this: is the structure of the Field Force to be extended to the other territories? It started from Malaya; now two sections of the Field Force have been sent to Sarawak, instead of the Army. In fact, it should probably have been the Army—I do not know. But the Police Field Force has been sent to Sarawak

and is performing a para-military function in fact. The reason why I went back to 1948 was to show that there might have been a reason then in Malaya which does not exist today, because there is no Emergency, and we should always keep policemen as policemen and never as a para-military force, which dictatorist countries like Hitler's Germany and other totalitarian countries have always done. It is the function of the Police that they should preserve law and order and maintain peace in a peaceful manner, and that is why the London Police carry truncheons instead of firearms unlike the American Police. But even in America those police officers are regular sections of the Police Force. We hope that after Malaysia we will not expand this section of the Police, which, as the Honourable Minister of Internal Security knows, has been involved in many unlawful fights during off duty hours in Penang and elsewhere. That is why I mentioned the history of the Field Force which has now become the blue flash section, I believe, as opposed to the red flash section meant for riots.

Mr Speaker, Sir, the other point I would like to mention is this: although we say the Emergency is over, we must admit that the corpse still stinks and the air is full of smell coming from the continued existence of the para-military police force, which, I hope, will be removed as soon as possible.

Mr Speaker, Sir, Clause 2 also says that we shall carry on with the law applicable as on Malaysia Day. Mr Speaker, Sir, we know that the law is governed by policy, and I hope the Minister of Internal Security will let us know if after Malaysia Day he is going to declare an amnesty for all political prisoners in Sarawak who have been against Malaysia under the British Government, as an amnesty was offered in 1957 by the Honourable Prime Minister to all political detainees.

Mr Speaker: How is that connected to this Bill?

Enche' Lim Kean Siew: The Bill states "subject to the law applicable immediately before Malaysia Day". Policy defines the law and so I was

wondering whether or not he would consider the question of amnesty, or is he going to apply the law as it is today? That is the point.

Mr Speaker, Sir, one last remark. We all know that the Singapore arrests have been political. Is the Malayan Government going to continue with that policy after Malaysia Day? And finally, when will the Minister of Internal Security release Enche' Boestamam? (*Laughter*).

Enche' K. Karam Singh: Mr Speaker, Sir, we can say that once the Malaysia Bill has been passed through this House by the Alliance Party and the Alliance Government that an Act of this nature for a unified police force in the whole of the Malaysian territories would be a logical sequence of that Malaysia Act. But the glorification by the Minister of the Interior and Internal Security of the unified control of the Police in these territories long before independence by the common foreign ruler of these territories—that is, the British—clearly shows that these people, even Ministers of an independent country, still pray to the colonial gods that they claim have died. But, Mr Speaker, Sir, more important than that, is the continuance of the colonial spirit through this Act. I will demonstrate to you, Sir, how, and Mr Speaker, Sir, I think I will convince you.

Now, we know that the Malayan Police have already been sent to Sarawak. That is part of the pattern, because now once we have Sabah, Sarawak, Singapore and Malaya in one political structure, the old British policy of divide and rule is going to be carried on. How? Malayan Police will be sent to suppress the people of Sarawak. If, for instance, the Pan-Malayan Islamic Party becomes too powerful in Kelantan and the local Malay Police refuse to take action against them, refuse to beat them or shoot them, then the Minister will get the Dayak Police or Iban Police from remote parts of Malaysia to take action against those people. Mr Speaker, Sir, this is already part of the pattern, because Police have already gone from here to there. This is what the British used to do. The British used to get Indian Police to police

Malaya, to suppress the people here because of the lack of affinity between these people because they are strangers and they do not have a common feeling. So, Mr Speaker, Sir, this Malaysia will be manipulated by the Government, as it has already started to be manipulated, by pitting policemen of one territory against people in another territory.

Mr Speaker, Sir, I must also bring to the attention of this House of the serious state of war that is being waged in Sarawak today. The British are trying to say that it is the Indonesians who are causing the trouble there, but, Mr Speaker, Sir, we always know that neither the British nor their allies, including the Alliance Government will tell the truth regarding the situation.

Mr Speaker: Order, order, I do not know how that is relevant to the Bill before the House. I do not see anything relevant there.

Enche' K. Karam Singh: I will show you how this is relevant, Sir (*Laughter*). I may sound irrelevant when talking about it, but our Police going and fighting in that country will not be irrelevant to this Police Bill or to this House or to this Government. Mr Speaker, Sir, this Bill which is being put before this House today will automatically give the Government the power to mobilise our Police here against the insurgents in Sarawak. Also, Mr Speaker, Sir, when there was trouble in Brunei and when some of our people went there, they were shot and many of them died. That same sin is going to be re-engaged this time by the sending of the Malayan Police to the jungles of Sarawak. That tragedy is already in the offing because of the Government's policy on Malaysia.

So, Mr Speaker, Sir, there are two crimes which are going to be committed by this Government. One is that the people who have joined the Police Force to earn a quiet living to bring up their children, are going to be sacrificed in Sarawak—they are going to be killed, they are going to be involved in a fight with freedom—fighting forces there and a tragedy is going to be imposed upon their families here—that

is one aspect of the tragedy. The other aspect is that the brown people of this country are going to be responsible for suppressing the brown people of Sarawak in their fight for freedom, and we are the instruments of the unseen movers behind this Malaysian political chess-board. The unseen movers behind this political chess-board are the British with our Cabinet Ministers as the pawns on that chess-board.

So, Mr Speaker, Sir, we know that the Malaysia Act has been passed. We are only exposing the disgraceful feature of Malaysia as against the peoples of these territories. It is still time, Mr Speaker, Sir, because Malaysia Day has still not been proclaimed

Mr Speaker: It is time for you to make observations on this Bill before the House. (*Laughter*).

Enche' K. Karam Singh: There is still time, Mr Speaker, Sir, for the Government to retrace its steps from the tragedies which are contained in Bills like this and to avoid bloodshed and war with our own brothers, with the peoples whom we should help instead of shooting them down. That is all I have to say, Sir.

Enche' Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² yang ada di-hadapan kita ini. Dalam penyokongan saya itu, saya juga minta perhatian berat daripada Kerajaan atas kesulitan² yang akan diterima oleh pegawai² polis yang akan di-masokkan ka-dalam pegawai polis Malaysia ini. Terutama sa-kali, Tuan Yang di-Pertua, kedudukan² mereka itu ia-lah apabila mereka itu di-tukarkan menjalankan kerja² di-luar daripada Persekutuan ini. Dalam masa yang lampau, banyak kesulitan² mereka berkenaan dengan hal kesusahan saudara mara-nya yang tinggal di-Tanah Melayu ini yang menyebabkan mereka² itu sukar hendak menghadhiri segala perkara² yang mustahak di-negeri ini, seperti kematian, perkahwinan dan kesakitan. Jadi, saya harap minta perhatian jika Rang Undang² ini telah kita luluskan maka rasa saya semua pegawai² polis

ini akan di-masokkan ka-dalam perkhidmatan yang baharu ini. Sungguh pun ada di-dalam-nya itu mengatakan mereka itu di-beri peluang memilih, tetapi sekarang mereka bertanggong-jawab kepada keamanan Malaysia, dan oleh sebab discipline saya rasa tentulah mereka itu akan menerima sahaja apa² arahan daripada ketua² mereka untuk memasokkan ka-dalam perkhidmatan baharu ini.

Tuan Yang di-Pertua, saya perchaya perkara yang saya sebutkan ini mustahak, pertama berkenaan dengan persekolahan anak² mereka di-negeri² yang baharu seperti Sarawak, Borneo dan Sabah, perkhidmatan ini sangat-lah kurang, jadi rasa saya patut-nya satu chara menyenangkan mereka² itu meninggalkan anak² mereka itu dengan segala keselamatan perkhidmatan itu dan segala pertolongan di-adakan seperti mengadakan hostel² untuk anak² mereka itu di-negeri² ini. Sa-masa ini pun, Tuan Yang di-Pertua, banyak pegawai² polis kita yang telah ditukarkan ka-tempat² yang tidak ada sekolah dan mereka menderita sebab kesusahan ini. Jadi, patut sangat-lah di-beri perhatian dalam perkara ini, bagitu juga berkenaan dengan hal sara hidup apabila mereka itu berkhidmat di-luar negeri, rasa saya patut-lah di-timbangkan tentang overseas allowances dan sa-bagai-nya kepada mereka itu yang membolehkan mereka itu meninggalkan anak isteri mereka dengan tidak mendapat apa² kesusahan.

Tuan Yang di-Pertua, sa-kali lagi saya merayu supaya mendapat di-timbangkan atas segala² yang saya ucapkan itu untuk kepentingan kepada mereka yang masuk ka-dalam perkhidmatan baharu Malaysia itu.

Dato' Dr Ismail: Mr Speaker, Sir, I am terribly sorry if I weary the Honourable Member for Dato Kramat, because he seems to be well-versed on the history of the Malayan Police, but I am sure other Honourable Members of this House are not so gifted as he is and I am sure they will welcome my short discourse on the history of our Police Force. However, I would like to tell the Honourable Member for Dato Kramat that we cannot escape the facts

of history whether we like it or not. What I did was just to review the history. It is no use trying to bury our heads in the sand like an ostrich, because we cannot escape the facts of history.

Both the Honourable Members for Dato Kramat and Damansara have mentioned about the presence of our Police Force in Sarawak and Sabah. Sir, I would like to inform them that we have no Police Field Force in Sarawak and Sabah at the moment, but at the request of the Sarawak Government we have sent one troop of 63 men of all ranks of the Federal Reserve Unit to assist in normal general police duties in Kuching. They are not employed on operations.

The Honourable Member for Dato Kramat has spoken at great length on the Police Field Force. For his enlightenment, I would like to inform him that the Police Field Force was recruited and will be recruited as ordinary policemen. Members of this Police Force are interchangeable with the general police duties and they are not members of the Special Constabulary.

Enche' Lim Kean Siew: Mr Speaker, Sir, on a point of information. I did say that the present Reserve Units, the "blue flash" and "red flash" police sections, are derivative of the Special Constabulary and they are the offsprings, legitimate or illegitimate. I am not saying that they are the direct descendants, but they, I say, are illegitimate offsprings.

Dato' Dr Ismail: No, Sir. The present police constables are not the offsprings of the Special Constabulary, whether legitimate or illegitimate; it is a special Police Field Force, the members of which are recruited as ordinary policemen, whereas the special constables are recruited as extra constables, and they are not ordinary police constables.

As regards the uniforms, naturally we will take into consideration what sort of uniforms the new Malaysian Police Force will wear.

Now, Sir, the Honourable Member for Dato Kramat, although he knows that I have a lot of arbitrary powers

which I have never abused, tried to credit me with more powers of amnesty. I am afraid I have not got the power to declare amnesty. It is a prerogative of the Rulers

Enche' Lim Kean Siew: Mr Speaker, Sir, on a point of information. The Honourable Prime Minister has always said that the Cabinet responsibility is collective, and I expect that their information would also be collective, and I did not know that it was separate.

Dato' Dr Ismail: But in this case, it so happens that the declaration of amnesty is in the hands of the Rulers of the States and not with the Yang di-Pertuan Agong. That is for the general knowledge of the Honourable Member. (*Laughter*).

Enche' Lim Kean Siew: On a point of information

Mr Speaker: (*To Dato' Dr Ismail*) Are you giving way?

Dato' Dr Ismail: No! I am not giving way, and I am not the information centre. (*Laughter*). As regards the release of Enche' Ahmad Boestamam, which is not relevant here, I cannot satisfy the Honourable Member's curiosity, and I think he has to be patient.

The Honourable Member for Damansara—I am sorry he is not here at the moment—also tried to credit me with inordinate ingenuity. Although I regard Members of the Opposition who belong to the P.M.I.P. as my political opponents, I am sure I am not going to bring the Dayak Police just to arrest them in their own State. However, I have great confidence that the discipline is such that they will carry out their duties impartially whether they will be Malays, Dayaks, Chinese, or of other races. They belong to a discipline force, and they will discharge their duties according to the powers given to them. Saya menguchapkan terima kaseh kapada Yang Berhormat dari Temerloh, dan atas tegoran-nya itu akan di-timbangkan oleh 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*)

Clauses 1-5—

Enche' Lim Kean Siew (Dato Kra-mat): Mr Chairman, Sir, Clause 4 (1) says that the Royal Malaysia Police shall be under the command of an Inspector-General of Police. Mr Chairman, Sir, yesterday we brought up the question of the need to have a Federal citizen as Lord President of the Federal Court. Today, Mr Chairman, Sir, we would like to repeat that request again. Sir, I hope that the Honourable the Minister of Internal Security will not turn this again into a personal matter; it is entirely a matter of principle. I do not know who the Commissioner of Police in the Federation today is, or that of Singapore, for that matter. But, irrespective of what racial origin the person may be, surely in such an instance the person holding that rank should apply, if he has not got Federal citizenship, for Federal citizenship and it ought to be granted to him, if we accept his oath of allegiance to our Yang di-Pertuan Agong, because when the time comes, as we are steering into troubled waters today, when the storm breaks, the question of loyalty should never be a subject that will be open to any debate or argument. I think that a person holding that rank should have qualified on the question of loyalty. It is perhaps a technicality, but perhaps it may be important that a person holding this rank should be a Federal citizen, and I cannot understand why this has not been done.

As regards clause 2 (2), Mr Chairman, Sir, it reads as follows:

"The components in the States of Malaya and in Sabah, Sarawak and Singapore shall, until Parliament otherwise provides, be subject to the law applicable immediately before Malaysia Day to the police force of the Federation or of that State, as the case may be, subject to any modification made therein under powers conferred by the Malaysia Act."

Mr Chairman, Sir, there are two questions that I would like the Honourable the Minister of Internal Security to

enlighten us. First, will the effect of our present laws extend beyond the States of Malaya as constituted at present? When we say that this police force shall be known as the Malaysia police force, it would give the impression that what is legal here is applicable outside of the Federation States, so that, in fact, the Reserve Unit, which I think is the blue-flash section of the Police, could be sent to Sarawak to carry out their duties in Sarawak as members of the Federal Reserve Unit in Malaya. Secondly, if the effect of our present laws cannot extend to Sarawak, then does it mean that as soon as our Reserve Units are sent to Sarawak, they become members or come under the control of the Deputy Commissioner of Police or the Police chief of Sarawak to police the State under Sarawakian laws? This Clause 2 (2) says “. . . be subject to the law applicable immediately before Malaysia Day to the police force of the Federation or of that State, as the case may be . . .”, and here the words “as the case may be” tend to give the impression that the Police are integrated and yet in separate departments, because the law which governs the formation of the Police in the Sarawakian States, in the North Bornean States, in the Singapore State and in the Malayan States are different and will be different on Malaysia Day, and that the legal effect of those laws shall remain. Now, if it means “shall remain within each separate State”, then as soon as the Federation Police force is sent to Sarawak—in fact, although they may be called Malaysian police force and has been seconded there—they would not be policemen under the laws of Sarawak and would be, therefore, technically an illegal force.

Mr Chairman, Sir, the other point that arises is under Clause 3 of this Bill. It says here:

“The Royal Malaysia Police shall, subject to the provisions of any other law applicable thereto or to the members thereof,—

it is quite clear in the mind of the drafters that the members of the Police forces are to be separate—

“be employed in and throughout Malaysia (including the territorial waters thereof) for the maintenance of law and order, the

preservation of the peace, the prevention and detection of crime, the apprehension and prosecution of offenders and the collection of security intelligence.”

Now, Sir, there is, on the question of security and intelligence, an arrangement now made between the Federation Government, the Singapore Government and the British Government, under which has been set up the Internal Security Council, which often meets at Tanah Rata—I understand for venison and golf apart from other things and, of course, for the pleasure of each other's company. There is, under this arrangement, this body which is responsible, according to the Prime Minister of Singapore, or under which the Malayan and the Singapore Governments are jointly responsible, for the detention of political suspects in Singapore. What would be the effect of that detention under this Bill, or has this Bill not considered the matter?

Dato' Dr Ismail: Mr Chairman, Sir, as regards the question of the Inspector-General of Police, I think what the Honourable Member for Dato Kramat tried to state is actually the Malayisation of the Malaysia Police Force. I can tell him that if there is any expatriate to be employed, he is employed because we think that at this stage his services are necessary.

As regards Clause 2, if the Honourable Member had listened to what I said when introducing this Bill, he would have noted that I stated:

“The unified force, will, however, comprise components in the States of Malaya and each of the new States joining the Federation. These components will, for the time being, remain subject to the law now applicable to the existing forces (subject to any necessary modifications under the Malaysia Act and to the introduction by amendment of the police regulations of uniform terms of service for new recruits).”

The next question—there is no question about the Malaysia Police Force being a single force. It has only components in the States, but it is really a single force.

As regards the action taken by the Internal Security Council and what will happen to it: well, naturally, the Internal Security Council will be dissolved and whatever action done by

the Council we will inherit it, but as to future action we will have to do it when we assume the power.

Enche' Lim Kean Siew: Mr Chairman, Sir, on this question of the Inspector-General of Police, I was careful enough to say that I did not want to make it personal; neither was I talking of expatriate. I mean there might be people in Malaya who may not be expatriates and who may still not be Federal citizens, or who may have, unfortunately, left the country for more than five years and whose citizenships have been taken away from them. The question of expatriate or not was not my point. My question is this: should not a person be asked— if he is not a Federal citizen—to take out Federal citizenship papers, because the question of loyalty will be decided on the question of citizenship? That point the Honourable the Minister of Internal Security has not dealt with.

The other point on which I would like to have clarification is this: if, as the Minister of Internal Security says, the Federation of Malaysia Police is going to be composed of separate components, does he mean that they are going to be independent forces under a joint control, or does it mean that they are going to be separate components in this integrated force such as, for example, the Field Force, the Riot Squads, the C.I.D. and the Traffic section of the Police Force of Malaya. Are these police forces to be in the type of integrated force with the same powers under the same law? Does the Minister of Internal Security mean that, or does he mean that each section of the State police shall be different and that they will, in effect be as State police of America with a federal law generally supervising their activities? In America there is the Federal police and the State police; whilst the State police exercises State laws, and the Federal police exercises federal laws in the various States; the State police only have powers within a State.

Dato' Dr Ismail: I thank the Honourable Member for his first point of observation. I will bear that in mind

and see that all are Federal citizens in the Police. As regards the second part, it is a unified or integrated force. There will be no separate Police forces in the States. They all belong to one unified Police Force, or are one integrated Police Force.

Enche' Lim Kean Siew: In that case, if they are one integrated force, is it not more practical that one integrated law applies to all these people instead of keeping these separate laws?

Dato' Dr Ismail: That is the ultimate objective. For the moment, in the transitional stage, we have got the various laws and we will modify them according to the Malaysia Act.

Clauses 1 to 5 inclusive ordered to stand part of the Bill.

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

THE LOAN (ADVANCE DEPOSITS) BILL

Second Reading

Enche' Tan Siew Sin: I beg to move that a Bill intituled, "an Act to authorise persons conferred with power to invest to make advance deposits in accordance with the provisions of the Loan (Local) Ordinance, 1959, and the Loan (Local) Act, 1961", be read a second time.

Honourable Members are aware that under section 16 (1) of the Loan (Local) Ordinance, 1959 and under section 14 (1) of the Loan (Local) Act, 1961, the Minister of Finance is authorised to accept advance deposits pending the issue of a loan by the Federation Government. Statutory authorities are major subscribers to Government loans, but they are not in most cases empowered to invest in advance deposits. Furthermore, advance deposits are not investments within the terms of the Trustee Ordinance, 1949. Advance deposits being securities of the Federation Government are, however, clearly suitable for investment by statutory authorities and trustees, and the purpose of this Bill is to enable them to invest in such deposits.

This Bill provides for the amendment of section 16 of the Loan (Local) Ordinance, 1959 and section 14 of the Loan (Local) Act, 1961, so that a trustee or person conferred with the power to invest is authorised to make advance deposits in accordance with the provisions of that Ordinance and Act respectively.

Before I sit down, I would like to point out a typographical error which has crept into the Explanatory Statement inserted at the end of the Bill. The words "Trustee Investment Ordinance, 1949" occurring in line 9 thereof should read "Trustee Ordinance, 1949".

Sir, I beg to move.

The Minister of Education (Tuan Haji Abdul Hamid Khan): Sir, I beg to second the motion.

Enche' Lim Kean Siew: Mr Speaker, Sir, I only rise to ask one question in the hope that the Honourable Minister of Finance can enlighten my ignorance. Is it correct that the tenet of this Bill is to give powers to the Government officers, or the Ministry concerned, to use Malayan securities as loans to other people, or to deposit them in some other account? That is a point of information.

Enche' Tan Siew Sin: Mr Speaker, Sir, Honourable Members may be aware that the Government issues loans from time to time and the proceeds of the loans are paid into the Development Fund. Honourable Members are also aware that a loan cannot, for a variety of reasons, be issued at too frequent intervals. For example, in the course of a year, you do not get more than one or, at the most, two or three loans. During the intervals between loans, organisations such as the Employees Provident Fund have surplus funds which, but for this provision, would either have to be invested outside, or although invested with the Government will not be regarded as trustee securities within the meaning of the Trustee Ordinance. The purpose of this Bill, which we hope later will become an Act, is to enable such investments to be made and yet be legally

definable as trustee securities for the purposes of the law.

Enche' Lim Kean Siew: Mr Speaker, Sir, the question is this:

Mr Speaker: Order! Order!

Enche' Lim Kean Siew: Mr Speaker, Sir, I was just asking a question. I have not spoken. I just want to ask another question to enlighten me before I can even speak—otherwise, I will be speaking in ignorance. I may not speak if I am enlightened.

Mr Speaker: You have another chance to speak when we go to Committee, if you like.

Enche' Lim Kean Siew: That will not be on general principle—if I did that I would then be asking a question on the general principle during debate on details. My question is, will this power come under the Trustee Ordinance?

Enche' Tan Siew Sin: This Bill would enable trustees to invest in advance deposits in the sure knowledge that they would be regarded as trustee securities.

Enche' Lim Kean Siew: That is within the provisions of the Trustee Ordinance?

Enche' Tan Siew Sin: Yes. (*Laughter*).

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(*Mr Speaker in the Chair*)

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

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

THE EDUCATION (AMENDMENT) BILL

Second Reading

The Minister of Education (Tuan Haji Abdul Hamid Khan): Mr Speaker, Sir, I beg to move that a Bill intituled "an

Act to amend the Education Act, 1961, as regards the cost of religious instruction in assisted schools and as regards local contributions towards the cost of providing education, and to make further provision for financial assistance to Muslim institutions providing education", be now read a second time.

The Explanatory Statement to the Bill sets out the general purposes on the proposed amendment.

I will now explain in greater detail the reasons why it is necessary to amend the provisions of the Education Act, 1961. The provisions of this Bill relate to the cost of Islamic religious instruction in assisted schools as well as to Federal contribution to non-government religious schools and to local contributions towards the cost of education.

Under section 37 (2) of the Education Act, 1961, the Government of the Federation shall contribute towards the cost of Islamic religious instruction in assisted primary schools in the form of a capitation grant, payable at such rate as may be determined by the Minister after consultation with the National Finance Council, in respect of each pupil professing the Islamic religion attending the school and receiving religious instruction. As it is not the intention that the contribution by the Federal Government shall cover the whole cost of the religious instruction in assisted primary schools, section 37 (1) provides that the rest of the cost shall be defrayed from moneys provided by the legislature of the State in which the schools are situated. There has been legal objection to the provisions of this section as it would be *ultra vires* the Constitution to compel a State to provide moneys to meet the cost of Islamic religious education. With the appropriate amendment to Article 12 (2) of the Constitution, however, State Governments may, if they so wish, provide financial aid for the instruction of Islamic religion in schools within their respective States.

The present system whereby the Federal contribution towards the cost of Islamic religious instruction is based on the capitation grant is not very

satisfactory, as the salaries of religious teachers vary from State to State. Therefore, it is likely that in some States, the cost of Islamic religious instruction is met entirely from this grant alone, whereas in others, the grant so given may amount to less than half of the actual expenditure incurred. Therefore, it is now proposed to amend section 37 (1) and 37 (2) so as to provide that the Federal Government will only contribute towards the cost of Islamic religious instruction in assisted primary schools a sum equal to half the total cost of instruction based on the actual cost of such instruction during the preceding year. The other half will have to be met by the States. This system of providing only one half the total cost of Islamic religious instruction in a State is consistent with the letter and spirit of paragraphs 294 and 295 of the Report of the Education Review Committee, 1960, which reads as follows:

"294. As already mentioned the average cost of Muslim religious instruction per pupil varies from State to State but our Consultative Committee on Islamic Religious Instruction, after careful investigation, has calculated that for the purpose of assessing the grant a figure of \$14 per pupil per annum would be a reasonable one. 295. We, therefore, recommend that the Federal Government should contribute to the cost of teachers for religious instruction in assisted primary schools at a *per capita* rate of \$7 per annum for all Muslim pupils in these schools. Arrangements to meet the balance of the cost of religious instruction in these schools would be the responsibility of State Governments. We wish to make it clear that the grant from the Federal Government should be made on the condition that it be used only for the purpose intended i.e., towards the cost of religious instruction under section 49 (of the Education Ordinance, 1957), and not for any other purpose."

In regard to assisted secondary schools, the cost of Islamic religious instruction in these schools will continue to be defrayed from moneys provided by the Federation Government under section 37 (3) of the Education Act, 1961.

A new clause has also been inserted in the Bill so as to enable the Minister of Education to disregard claims from a State relating to cost of religious instruction which are considered unreasonable.

In addition to the contribution towards the cost of Islamic religious instruction in assisted schools in the Federation, the Federal Government had also been giving financial aid to non-government Muslim Religious Schools in the Federation since 1959, as a result of the recommendations made in the Report of the Committee considering Government aid to non-government Religious Schools, 1956. As no Federal law has been passed in respect of aid of this nature, it is now found necessary that a clause authorising this contribution by the Federal Government should be included in this Bill. The new clause will not only regularise future grants but will also validate past contributions. For 1963, it is expected that this aid would amount to \$540,000.

Now I come to the provisions of the Bill which relate to local contributions towards the cost of providing education. Under section 105 of the Education Act, 1961, the Minister may, towards meeting the expenses of the provisions of education under the Act, require State Authorities or rating authorities or both to make such contributions which are recoverable as a debt due to the Federal Government. In the opinion of the law officers, this section is unconstitutional as it purports to impose on the State Government a direct obligation to contribute towards the cost of education which is a Federal matter. In this Bill, the objectionable part of the existing section 105, whereby the Federal Government may call on the State Government for contributions towards the cost of education, has, therefore, been removed. Instead, direct Federal rates would be imposed on local authorities as well as areas outside the jurisdiction of local authorities. In short, each State, for the purpose of education rates, is divided into two areas, namely (i) local authority areas and (ii) other areas. The latter includes local councils. Though local councils are autonomous bodies, they have not been included in the first category of

scattered all over the country, would be considerable. In the proposed amendment, the State Governments will merely act as "agents" for the Federal Government in collecting and forwarding the rates from areas which are outside local authority areas.

Though no rates have been collected by the Federal Government under section 105 of the Education Act, yet some States and Local Authorities have been collecting rates under the Education Ordinance, 1957, which had already been repealed on 1st January, 1962. It is, therefore, necessary to incorporate a clause into this Bill so as to validate the rates collected since 1st January, 1962. The Bill also provides that rates collected since the repeal of the Education Ordinance, 1957, with the exception of such rates as the rating authorities have decided before 1st August, 1963, to refund or to credit to the accounts of the rate-payers concerned, shall be paid to the Minister of Education and shall be held in trust for and shall be applied for the purposes of education within the areas of such authority under section 132 of the Education Act, 1961.

Mr Speaker, Sir, I beg to move.

The Minister of Agriculture and Cooperatives (Enche' Mohamed Khir Johari): Sir, I beg to second the motion.

Mr Speaker: The question is that the Bill be now read a second time. I think it is a good time to suspend the sitting. The sitting is suspended for 15 minutes.

Sitting suspended at 11.40 a.m.

House resumed at 12 noon.

Enche' V. Veerappen (Seberang Selatan): Mr Speaker, Sir, I really marvel at the way two important and different aspects of this Bill have been brought together and I am astonished at the dexterity with which the Ministry of Education, ably assisted by the Legal Draftsman, has been able to sandwich these two matters. Of course, one relates

provide a limit for the bottom, which means there is no minimum, everyone

"A rate, under sub-section (5)—(a) shall be charged according to acreage, and not according to value and shall not exceed

Therefore, Sir, I would like the Minister to see if he could withdraw this Bill and try and find a better system, or a better way of collecting the money that would be more equitable and would take into consideration the ability of the persons taxed to pay—and, I am sure, the Minister of Finance, being such an able Minister knows of ways how to raise money, and we need not suggest. Thank you, Mr Speaker.

Enche' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Yang di-Pertua, masalah chukai pelajaran ini bukanlah masalah baharu, malah di-bincangkan orang sejak dahulu lagi, ia-itu sejak timbul-nya dasar pelajaran tahun 1961 ada-lah chukai pelajaran ini menjadi perbincangan orang ramai. Saya maseh lagi tidak mengerti kenapa chukai pelajaran ini di-kenakan pada tanah sa-mata². Boleh jadi pehak Kerajaan memandang bahawa memungut chukai pelajaran daripada tanah sa-mata² ini ada-lah satu perkara atau kaedah yang senang dan mudah, sebab perkara ini memang sudah terbentang ada tiap² orang memileki tanah dengan chukup kenyataan mudah-lah di-pungut wang chukai daripada tanah itu.

Ada beberapa perkara yang patut di-perhatikan oleh Yang Berhormat Menteri ia-lah tentang chara bagaimana hendak memungut chukai pelajaran daripada tanah itu, sebab seperti yang di-nyatakan oleh Yang Berhormat dari Seberang Selatan baharu sa-bentar tadi bahawa tiap² orang yang memileki tanah dalam negeri ini tidak sama keadaan-nya. Ada orang yang tidak mempunyai anak walau sa-orang pun dia tidak-lah ada tanggungan yang maseh belajar di-mana² sekolah yang di-bantu oleh Kerajaan, tetapi dia mempunyai beberapa keping tanah dia kena bayar chukai tanah itu. Tetapi ada orang yang mempunyai anak yang banyak sampai 5-6 orang yang semua-nya belajar di-mana² sekolah yang di-bantu oleh Kerajaan sedangkan dia tidak ada mempunyai sa-keping tanah pun, maka dia tidak-lah kena membayar chukai pelajaran itu pada hal anak yang di-bawah tanggungan dia di-tanggung dan di-belanjakan oleh

Kerajaan di-dalam mana² sekolah dia belajar. Ini pun satu perkara yang sangat mustahak di-fikirkan oleh Yang Berhormat Menteri atau Kerajaan yang memerintah negeri ini supaya chara pungutan chukai itu kalau hendak di-kenakan juga mesti ada satu kaedah yang boleh memberi sa-berapa 'adil yang boleh kapada semua ra'ayat dalam negeri ini.

Dasar Pelajaran dalam negeri ini terkenal sa-bagai dasar pelajaran per-chuma (free education). Maka chara mengambil wang dari sudut yang lain dengan mengadakan chukai pelajaran (education rate) ini boleh di-pandang oleh sa-tengah orang sa-bagai satu silap mata di-dalam soal menchari wang. Dari sudut yang pertama di-nyatakan kapada orang bahawa pelajaran dalam negeri ini berdasarkan pelajaran per-chuma (free education) tetapi dari sa-belah pehak yang lain di-pungut wang daripada ra'ayat dengan tidak di-kira sama ada ra'ayat itu ada mempunyai anak yang belajar atau pun tidak, asalkan mereka itu mempunyai tanah, maka terus di-pungut chukai di-atas dasar pelajaran. Jadi ini satu perkara kalau sa-kira-nya pehak Kerajaan negeri ini hendak mengelakkan daripada tuduhan main silap mata dalam soal dasar pelajaran ini, maka patut-lah pehak Kementerian ini mengkaji dengan sa-masak²-nya bagi menjalakan satu chara yang menasabah dan kaedah yang tertentu supaya kalau hendak di-pungut pun chukai pelajaran daripada ra'ayat negeri ini di-pungut-lah dengan chara yang lebeh menasabah. Jadi patut-lah Yang Berhormat Menteri mengkaji sa-mula tentang Clause 4 dalam Bill ini ia-itu dalam soal chukai pelajaran.

Yang kedua, Tuan Yang di-Pertua, masalah estate yang besar. Boleh jadi pada masa² yang lalu ada negeri² menjalankan pungut chukai pelajaran kapada estate getah umpama-nya dalam negeri ini. Saya rasa chara memungut chukai dalam estate ini hendak-lah, kalau di-lakukan juga, mesti di-samakan dengan pungutan dari tanah² yang lain daripada tanah estate. Sa-perkara lagi masalah tanah yang tidak sampai satu ekar. Umpama-nya, sa-orang itu mempunyai suku

ekar tanah dan ada rumah di-atas tanah itu. Ini pun mengikut dasar ini hendak-lah di-pungut chukai mengikut kira ekar. Ini pun satu perkara yang tidak patut. Tanah² walau sa-berapa sempit atau sa-berapa luas sa-kali pun yang rumah di-dirikan untuk kediaman, maka tanah itu pada hakikat-nya tidak mendatangkan apa² pendapatan oleh tuan punya tanah itu daripada hasil di-atas tanah itu sendiri, maka tanah yang seperti itu pun di-kenakan chukai sama seperti tanah² yang di-tanam getah atau padi. Oleh itu Yang Berhormat Menteri Pelajaran patut-lah menimbangkan perkara ini supaya jangan timbul perkara² yang tidak puas hati. Saya telah mendengar rungutan daripada ra'ayat yang mana tempat² yang di-kenakan chukai pelajaran oleh Kerajaan itu ada-lah memberatkan ra'ayat. Walau pun pada zahir-nya tiap² sa-orang itu di-kenakan, mithal-nya, satu ringgit pada satu ekar sa-tahun yang hanya beberapa sen sahaja sa-bulan, tetapi kalau di-hetong keadaan ra'ayat itu sendiri pada hakikat-nya berat, sebab mereka terpaksa membayar bersama² dengan hasil tanah biasa yang mesti di-bayar oleh tiap ra'ayat. Ada pun berkenaan dengan perubahan dasar pelajaran dalam memberi bantuan kepada pelajar² ugama Islam di-dalam negeri ini—itu bagus—sebab dahulu di-dasarkan pemberian itu mengikut ramai murid yang belajar itu, maka sekarang ini di-kira bagi dua daripada jumlah semua belanja yang untuk di-belanjakan kerana pelajaran ugama Islam dalam sekolah yang di-bantu oleh pemerintah. Ini bagus, kalau lebeh lagi baik, sebab ini pun merupakan satu tanggung-jawab Kerajaan tentang soal mata pelajaran ugama Islam mengikut sa-bagaimana yang terkandung dalam Dasar Pelajaran, 1961.

Enche' Tajudin bin Ali (Larut Utara):

Tuan Speaker, saya bangun menyokong Rang Undang² Pelajaran (Pindaan) yang di-kemukakan oleh Yang Berhormat Menteri Pelajaran. Tuan Speaker, ada-lah menjadi keraguan oleh kebanyakan penduduk Persekutuan Tanah Melayu ini apabila suatu perkara kena bayar mereka tidak setuju. Saya baharu sahaja mendengar

uchapan saudara saya Yang Berhormat dari Pasir Puteh yang mengaku dalam Dewan yang berbahagia ini bahawa Kerajaan Perikatan mengadakan pelajaran rendah yang perchuma. Saya hendak menyatakan kepada Ahli Yang Berhormat itu dalam dunia ini tidak ada satu perkara yang boleh dapat dengan tidak membayar. Kalau orang yang tidak mampu ia tidak bayar, dan orang yang mampu pula mesti-lah bayar. Tuan Yang di-Pertua, dalam Persekutuan Tanah Melayu ini sangat-lah ganjil, sebab orang² yang ada wang tidak tampil ka-hadapan membantu dengan sa-penoh di-atas perkara² pertahanan dan lebeh² lagi pelajaran. Pelajaran ini-lah satu perkara yang kita mesti tumpukan segala tenaga untuk faedah dan menjamin keamanan negara kita pada hari yang akan datang. Ganjil saya katakan, Tuan Yang di-Pertua, kerana apabila kita pandang kepada negara² yang bertamaddun, orang²-nya yang mempunyai wang dan harta-benda tampil ka-hadapan membantu Kerajaan dengan senang dengan tidak payah di-adakan undang² hal-ehwal pelajaran, kolej dan universiti. Di-sini saya suka merayu, Tuan Yang di-Pertua, terutama sa-kali kepada pehak Pembangkang supaya memberi kerjasama yang penoh kepada Kerajaan terhadap pelajaran.

Tuan Speaker, saya teringat dan beberapa kali telah menyatakan berkenaan chukai tanah. Saya sangat setuju ia-itu kita chukai berlipatganda kepada pemegang² tanah yang tidak di-usahakan tanah itu dengan berpatutan. Apabila kita berjalan, umpama-nya, daripada Kuala Lumpur ka-utara Malaya, kita dapat kiri-kanan jalan raya itu kebanyakan tanah ditinggalkan dengan tidak di-usahakan. Telah menjadi resmi daripada sagulongan orang² kita daripada berbagai bangsa berlumba hendak harta-benda. Kalau kita tanya si-polan itu berapa banyak ada harta, dia kata ada 100 ekar dan orang lain ada 200 ekar, tetapi yang 100 dan 200 ekar itu berapa ekar yang betul² mendatangkan hasil yang penoh di-bandingkan dengan harta-benda orang puteh.

Jadi, Bill yang ada di-hadapan kita pada hari ini, tujuan-nya ada dua

ia-itu menolong Kerajaan dan juga menolong kita sendiri bagi mengadakan kumpulan wang yang berpatutan supaya anak² kita itu akan lengkap dengan pelajaran yang baik. Yang kedua, kita akan mendatangkan satu hukuman dengan terus-menerus kepada orang² yang suka menyimpan tanah dengan tidak menggunakan tanah² itu seperti berchuchok tanam di-atas tanah² itu dengan sa-penoh-nya. Di-sini, pada Clause 4, muka dua, Yang Berhormat Menteri Pelajaran telah menyatakan tentang mengutip chukai pendapatan sa-banyak satu ringgit pada tiap² satu ekar tanah. Saya suka mengeshorkan di-sini ia-itu kita lebehan lagi, bukan sa-takat satu ringgit, bahkan dua atau tiga ringgit pada tiap² satu ekar, tetapi pada tanah² yang satu belok 10 ekar dan lebeh . . .

Mr Speaker: Order! Di-bawah Fasal 4 (6) (a) bukan satu ringgit. Dia kata tidak lebeh—shall not exceed. Berchakap jaga sadikit!

Enche' Tajudin bin Ali: Saya faham untok mendapatkan wang lebeh banyak lagi. Saya fikir dan saya harap Yang Berhormat Menteri akan memikirkan supaya kutipan itu di-lebehan lagi ia-itu kita sampaikan tiga ringgit pada tiap² satu ekar, tetapi pada tanah² yang satu grant mempunyai 10 ekar dan lebeh. Saya telah menyatakan terlebih dahulu ia-itu tujuan-nya ia-lah dua. Satu, kalau saya boleh dapat mengulang sa-mula, ia-lah menahan orang² daripada menyimpan tanah² lombong dan tanah² lain jua yang banyak dengan tidak di-gunakan tanah² itu dengan terator. Di-negeri saya sendiri ia-itu Perak, saya dapati tanah² lombong, tiap² pelombong itu menyimpan di-antara empat ribu ekar hingga sepuluh ribu ekar dengan tidak di-gunakan tanah² lombong itu, dan dengan ada-nya chukai pelajaran ini, tentu-lah mereka akan berfikir dua kali, dan saya perchaya mereka itu akan berunding tentang tanah² yang tidak di-gunakan itu di-serahkan balek kepada Kerajaan supaya tanah² itu boleh di-beri kepada orang ramai yang sangat dahagakan tanah. Dengan yang demikian itu, kita dapat dua kegunaan di-atas tanah² itu.

Dato' Yang di-Pertua, dalam Majlis² Bandaran, Local Councils dan sa-bagainya, saya suka membawa pandangan di-sini ia-itu supaya chukai² yang dikenakan itu di-bedza²kan, kerana pada bandar² yang besar, kemudahan² adalah lebeh baik sadikit daripada bandar² yang kechil, dan di-bandar² yang kechil itu kadang² di-gunakan lampu minyak gas lagi, ayer maseh ayer telaga. Jadi, kita patut-lah kenakan chukai kepada Local Councils dan Majlis² Bandaran berpandu kepada kemudahan² yang tertentu.

Satu perkara lagi yang saya suka hendak kemukakan di-sini ia-lah berkenaan dengan kutipan wang. Sa-patutnya kita jangan-lah mengadakan pejabat baharu pula, sa-balek-nya wang² kutipan yang hendak di-bayar itu elok-lah di-bayar di-Pejabat² Tanah, dan sa-terus-nya Pejabat Bandaran hendak-lah membantu Kerajaan bagi mengutip chukai² tersebut dengan tidak payah mengadakan jawatan² baharu. Saya berpendapat ini-lah satu jalan yang sangat mustahak bagi kita semua, dan kita mesti-lah membantu Kementerian Pelajaran bagi mendapatkan wang kutipan ini, dan kita mesti-lah sedar bahawa pelajaran ini adalah sangat mustahak pada anak² kita sekalian. Pepatah Melayu ada mengatakan: Berat sama di-pikul, ringan sama di-jinjing. Jangan-lah pula tanggung-jawab ini di-pikul oleh sa-belah tangan sahaja, walhal perbelanjaan bagi pelajaran kita ini adalah bergantung kepada tanggung-jawab kita sekalian. Jalan ini, kalau-lah plan saya ini di-ikut, Dato' Yang di-Pertua, maka kita akan dapati seperti cherita² dahulu ia-itu kita memang mengambil berat tentang orang² yang tidak ada, bukan-lah kita hendak menyusahkan kepada sa-barang orang², tidak. Jadi, jalan yang saya kemukakan ini, saya rasa sangat-lah baik. Chuma saya hendak merayu sa-kali lagi kepada pehak Pembangkang, beri-lah sokongan yang penoh di-atas satu perkara yang sangat² mustahak ini.

The Minister of Health (Enche' Abdul Rahman bin Haji Talib): Mr Speaker, Sir, I wish to say a few words on the Amendment Bill before this House. But before I do so, when

I was outside this House this morning, a serious allegation was made by the Honourable Member for Ipoh against my person in the capacity of the Minister of the Government.

Enche' Zulkiflee bin Muhammad: Sir, on a point of order—S.O. 36 (1). I anticipate that he will speak on something else rather than on the education business—that is not relevant.

Mr Speaker: I think you will have a chance to make a statement tomorrow morning under S.O. 14 (1) (j)—that is to say, after Question Time tomorrow, you will have an opportunity, which I have no power to refuse you, whatever your statement may be, because it is in the Standing Order which says that after Question Time and after "Requests for leave to move the adjournment of the House . . .", comes "Statements by Ministers". Any Minister tomorrow morning after the commencement of the business, could use this Standing Order for making a statement on whatever he likes.

Here, we are now dealing with the debate on the principles of the Bill on the second reading, and I do not see how you can make a statement on the allegation, or the so-called allegation, made against you this morning. So, I would prefer that you will wait until tomorrow morning when you will have an opportunity to make your statement under S.O. 14 (1). If you want to talk on the principles of the Bill, I can allow that.

Enche' Abdul Rahman bin Haji Talib: I am quite aware of that, Sir, and I am not going to make a statement now, but I think I have got to challenge the Member for Ipoh to repeat that allegation outside this House or bring the matter to Court. (*Applause*).

Tuan Yang di-Pertua, berkenaan dengan pindaan Undang² ini ada dua perkara yang penting, yang pertama ia-lah hendak mengesahkan perbuatan yang telah di-lakukan oleh Kerajaan berkenaan dengan memberi bantuan kepada sekolah² yang mengembangkan hal² berkenaan dengan hal pelajaran agama Islam. Di-dalam hal

ini Kerajaan Perikatan sudah pun melaksanakan bantuan yang besar untuk perkembangan pelajaran agama Islam seperti yang telah di-terangkan oleh Yang Berhormat Menteri Pelajaran. Perkara yang kedua ia-lah hendak membolehkan Kerajaan Persekutuan dengan kerajasama Kerajaan² Negeri mengutip daripada chukai pendapatan bagi menambahkan lagi wang untuk membebaskan Kerajaan² Negeri memajukan pelajaran negeri masing². Saya rasa bahawa tanggungan yang di-jalankan sa-takat ini oleh Kerajaan Persekutuan bagi perkembangan pelajaran dalam negeri ini boleh-lah di-megahkan tetapi saya rasa dengan ada-nya bantuan daripada Kerajaan Negeri² masa yang datang perkembangan itu akan bertambah pesat lagi. Dan dengan itu saya yakin bahawa perkembangan pelajaran dalam negeri ini boleh berjalan lebeh lancar lagi pada masa hadapan, dengan sebab itu saya sokong.

Enche' Abdul Ghani bin Ishak (Melaka Utara): Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² Pelajaran ini yang di-kemukakan oleh Yang Berhormat Menteri Pelajaran kerana dengan terlaksananya Undang² Pelajaran yang ada di-hadapan kita ini maka akan nampak-lah kita pada masa akan datang perkembangan² pelajaran dengan chara² yang kita atorkan daripada sekarang. Apa yang saya nampak dalam Dewan ini ia-lah penentangan daripada pihak Pembangkang yang di-suarakan oleh sahabat saya Ahli Yang Berhormat dari Seberang Selatan dan juga Ahli Yang Berhormat dari Pasir Puteh berkenaan dengan chukai. Saya tidak nampak fikiran kedua² Ahli Yang Berhormat puak Pembangkang ini dapat di-terima, kerana kedua² Ahli Yang Berhormat ini pandai sahaja mengatakan ketidak elokkan atau ketidak sempurnaan bagi pihak chadangan² yang di-kemukakan dalam Undang² ini, tetapi satu apa jalan pun tidak ada di-beri—tidak ada di-tunjokkan. Sedangkan wakil daripada Pasir Puteh pula sa-bagai suara daripada Parti Islam sa-Tanah Melayu membawa² kita mengajjar berfikir biar-lah enau itu melepaskan puchok-nya masing².

Sekarang apa yang di-bentangkan kepada kepala kita tadi, dia memberikan kiasan kepada sa-tengah² orang yang tidak beranak, ada tanah di-kenakan chukai, sa-tengah² orang yang beranak pula, tidak di-chukai—di-pangsa²kan. Walhal kenapa kita tidak menganalisisan perkara perkembangan pelajaran ini sabit-menyabit dengan negara, sabit-menyabit dengan seluroh kebangsaan kita pada masa akan datang. Jadi, saya teringat juga jalan fikiran ini yang selalu di-tumpukan kepada ra'ayat, maka ini akan mengelirukan ra'ayat pada masa yang akan datang. Mithal-nya satu contoh, saya chuba hendak bentangkan dalam Dewan ini, umpama-nya Kerajaan Perikatan ini hendak menaikkan taraf hidup orang bendang. Kemudian di-buat-lah satu tali ayer dalam tempat itu, kemudian terpaksa-lah Kerajaan membelanjakan, barangkali ada sa-tengah²-nya berjuta² ringgit, ada sa-tengah²-nya beribu² ringgit. Dengan keadaan begitu tentu-lah bagi pehak Kerajaan hendak menchari bagaimana-kah agak-nya kita boleh mendapatkan wang untuk membiayai, atau pun mendatangkan hasil negeri, jadi di-kenakan-lah chukai ayer mithal-nya 20 sen atau 50 sen. Tetapi pehak Pembangkang yang di-bayangkan oleh Ahli Yang Berhormat dari Pasir Mas Hulu tadi sa-rupa sahaja jalan-nya. Erti-nya kami hendak semua-nya, tetapi dimana Kerajaan dapat duit sama ada berlebok-kah daripada langit, itu kita tidak kira. Jadi ini-lah saya rasa patut bagi pehak Ahli² Yang Berhormat dalam Dewan ini mengeluarkan bakhathn tolong-lah tunjukkan. Dan di-dalam Rang Undang² ini pun ada meminta kerjasama yang kuat antara Kerajaan Pusat dengan Kerajaan Negeri untuk menjayakan rancangan ini. Atau pun chara chukai-menchukai, menchukai berkenaan dengan pelajaran ini boleh-lah besok di-tunjukkan pula macham mana pula duit boleh datang, atau pun boleh di-jalankan, mithal-nya di-Kelantan yang lebeh baik lagi daripada keadaan² kami di-sini. Jadi harus-lah bagi pehak kami di-sini tidak juga hendak menhadangkan perkara ini dengan semberono sahaja, tetapi kalau elok barangkali jalan yang di-buat oleh

sahabat kita di-Kelantan yang saya tahu banyak Ahli² Yang Berhormat Parlimen ini menjadi Ahli Dewan Negeri bekerjasama dengan kami, jadi pada masa yang akan datang dapat-lah di-chontohkan untuk kebaikan. Jadi saya rasa tentu-lah Rang Undang² yang kita chadangkan ini sangat munasabah, kerana apa yang kita bahathkan, apa yang tidak di-tunjukkan oleh pehak Pembangkang ini, nampak-nya makin tidak ada memberi ma'ana bagi perjalanan perkembangan fikiran kita pada masa sekarang, terima kaseh.

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, bersama²-lah saya mendengar dengan wakil yang berchakap dahulu ini, akan ucapan wakil dari Pasir Puteh. Tetapi barangkali oleh kerana lain tapak pendirian-nya maka masing²-lah fahaman-nya. Tidak-lah dapat saya fahami dari ucapan Ahli Yang Berhormat dari Pasir Puteh tadi bahawa Persatuan Islam ini ada menentang Rang Undang² ini; entah-lah kalau kacha mata hitam yang di-pakai oleh Ahli Yang Berhormat dari sana menyebabkan apa sahaja yang di-chakapkan hingga hendak menyokong pun dia kata kami tidak bersetuju, saya pun tidak mengerti chara lojik-nya. Kita setuju dan Menteri Pelajaran ini faham bahawa kita bersetuju, tetapi Ahli Yang Berhormat itu berkata pehak Pembangkang tidak bersetuju. Saya rasa kalau macham ini-lah Dewan ini, Tuan Yang di-Pertua, susah-lah (*Ketawa*). Chuma saya akan terus memakai pendirian yang mesti-nya di-mana mustahak kepada sokongan akan kita sokong, dan yang mana mustahak kita bangkang, kita membangkang. Kalau ada orang tidak mengerti, itu terpulung-lah kepada dia untuk mempelajari-nya.

Dalam soal ini, Tuan Yang di-Pertua, saya ada satu perkara yang hendak dikemukakan kepada Yang Berhormat Menteri Pelajaran—yang sa-benar-nya saya hendak menunggu tadi, tetapi chepat sangat kawan saya di-sana salah faham—ia-itu berkenaan chukai pelajaran ini, pada suatu masa dahulu ada education rate bagi membantu Local Education Authority, di-buat sa-chara memungut rate bayaran daripada

perniagaan yang di-daftarkan di-dalam negeri ini. Orang² yang mendaftarkan perniagaan-nya itu kita menggunakan pendaftaran perniagaan itu sa-bagai memungut education rate. Saya tidak tahu sama ada Undang² ini benar² boleh meliputi hal itu, tetapi menurut apa yang saya faham Undang² ini ia-lah :

“ . . . in respect of immovable property in that part of the State, . . . ”

Tidak-lah menggunakan kepada perniagaan atau sa-bagai. Oleh kerana peluang menchari rezki dalam negeri ini bermacam², sa-tengah-nya dengan mempunyai tanah walau pun Ahli Yang Berhormat sahabat saya itu sungguh pun tekan kuat² orang yang tidak menggunakan tanah-nya, itu soal fikiran dia, memang layak-lah dia menggunakan.

Tetapi yang mustahak kepada saya ia-lah ahli² perniagaan yang berdaftar patut di-fikirkan satu rate atas mereka itu, sebab nikmat yang di-dapati oleh sa-orang ahli perniagaan itu, tidak-lah kurang dari sa-orang tani yang mempunyai sa-tengah ekar, dua ekar, atau $\frac{1}{4}$ ekar tanah, jadi tidak-lah kena pada tempat-nya bahawa Kerajaan membiarkan mereka itu. Satu perkara yang susah nampak saya yang di-bayangkan oleh Rang Undang² ini ia-lah menyokong education rate yang menyebabkan Rang Undang² ini mengeluarkan Local Council daripada daerah pungutan education rate, sa-hingga Local Council di-pandang sa-bagai kawasan yang bukan Majlis Bandaran, maka di-dalam hal perniagaan, saya perchaya bahawa sharikat² yang mempunyai pendaftaran sendiri ada di-daftarkan di-Kuala Lumpur dan boleh di-susul dan di-perhatikan. Saya perchaya akan dapat-lah di-da'awakan kepada orang² yang chuba hendak mempertahankan kedudukan perniagaan-nya dengan mengatakan ahli² perniagaan itu mempunyai tanggung-jawab membayar chukai pendapatan yang lebeh banyak, sebab orang² yang mempunyai apa juga tidak kurang membayar chukai pendapatan. Jadi itu-lah satu jalan kalau kita hendak menambah kewangan pelajaran bagi negeri ini. Ini elok-lah di-fikirkan juga oleh ahli² yang baharu berchakap sa-belum saya ini,

dan ini kata orang itu pehak pembangkang ini pandai sahaja berchakap, beri fikiran tidak mahu, sekarang kita hendak dengar apa pula kata-nya.

Mr Speaker: Nanti dahulu, saya harap Yang Berhormat Menteri Pelajaran mengambil signal daripada saya, kerana saya nampak banyak kali Yang Berhormat itu bangun, sabar-lah dahulu sampai habis debate ini, kerana sa-lepas daripada Menteri itu bangun, tidak ada orang lain lagi yang akan bangun.

Enche' Mohamed bin Ujang (Jelebu-Jempol): Tuan Yang di-Pertua, soal education rate atau pun wang yang di-pungut oleh Kerajaan Negeri itu telah dua kali saya kemukakan di-dalam Dewan ini. Dengan ada-nya undang² ini, saya rasa soal itu akan selesai. Soalan yang di-hadapan kita pada masa ini ia-lah ada banyak wang dalam Negeri² yang telah di-pungut oleh Kerajaan Negeri dan tidak di-rekodkan, dan belum dapat di-gunakan. Saya harap-lah pada masa melaksanakan undang² Kerajaan hendak-lah mengadakan satu dasar wang yang di-pungut dalam negeri itu tidak dibelanjakan kepada negeri² yang lain. Mithal-nya, Negeri Sembilan dibelanjakan bagi negeri itu sahaja. Saya tadi, Tuan di-Pertua, tidak-lah berchadang hendak berchakap, tetapi sa-telah mendengar satu teori baharu yang di-keluarkan oleh wakil PAS, macham mana hendak pungut chukai itu elok-lah saya berchakap sedikit. Nampak-nya kalau orang itu tidak ada anak, banyak pula tanah, kena juga chukai, kalau orang itu ada anak tidak bertanah, kena juga chukai. Jadi ma'ana-nya kalau orang itu ada anak baharu kena chukai, ini satu teori baharu tidak dapat kita terima, kerana itu dasar Kerajaan Perikatan ia-itu kita hendakkan orang² yang boleh membayar menolong orang² yang tidak boleh membayar, kalau bagini-lah keadaan-nya sa-siapa ada anak mesti membayar dan dia dapat sekolah, dan siapa yang tidak ada anak tidak payah membayar, ini baik kita katakan atau namakan chukai kepala sahaja. Tuan Yang di-Pertua, satu lagi, saya berharap-lah dengan ada-nya undang² ini Kerajaan akan mengambil peluang

menyemak atau pun mengkaji keadaan Ugama Islam di-negeri ini. Sebab apa, sunggoh pun hak itu hak negeri, saya fikir elok juga-lah Kerajaan Persekutuan ini membuat satu dasar membuat kajian apa-kah chara² yang patut dijalankan bagi mengajar Ugama Islam, kerana saya dapati pada masa ini satu negeri satu chara, dan satu undang², dan satu negeri lain, lain pula charanya. Kalau-lah ada sa-orang pegawai daripada Kementerian ini untok menyatukan pengajaran ugama di-negeri kita ini, itu ada-lah chadangan yang chukup baik sekali.

Saya rasa setakat itu-lah sahaja yang saya hendak berchakap, Tuan Yang di-Pertua, kerana kalau tidak sebab saya mendengar teori baharu daripada PAS tadi, maka saya tidak terpaksa berchakap di-dalam Majlis ini.

Enche' Tan Phock Kin: Mr Speaker, Sir, I rise to support the sentiments expressed by the Honourable Member for Seberang Selatan. In the course of introducing this Bill, it is understandable that the Minister of Education was not in a position to explain to us fully the financial aspect of the Bill. He has told us that we are going to make legal the method of collecting funds for education which was previously illegal, and to continue with this same method of collection, one would expect the Minister to inform this House as to whether this form of collection is equitable or otherwise—perhaps, as Minister of Education one would not expect him to be in a position to explain to us fully. Under the circumstances, it will be logical that the Minister of Finance, who I assume is the chief adviser on this particular Bill, on the financial aspect of this Bill, should be responsible enough to stand up by himself and tell us the financial implications of the Bill, to what extent he feels that this method of collection should continue. I am rather surprised that the Honourable the Minister of Finance did not see fit to perform a duty which is expected of him. I feel, Sir, that I will be failing in my duty, if I do not stand up this morning and ask a few pertinent questions with regard to this particular aspect of the Bill, and I hope that

before the Minister of Education sums up, the Minister of Finance will have the courtesy to explain to the House the various financial aspects of the Bill, so that this House will be quite clear as to the motives that motivated the Government in endorsing this rather inequitable method of financing education.

Mr Speaker: Order, order. The sitting is suspended till 4.30 p.m. this afternoon.

Sitting suspended at 1.00 p.m.

Sitting resumed at 4.30 p.m.

(Mr Speaker in the Chair)

THE EDUCATION (AMENDMENT) BILL

Second Reading

Debate resumed.

Enche' Tan Phock Kin: Mr Speaker, Sir, before the House adjourned this morning, I was mentioning the fact that education is a federal matter, and I could not see any good reason as to why the functions of collecting money for educational purposes should be delegated. However, Sir, my biggest objection is based on the fact that the method of collecting taxes for financing education, as put forward by this Bill, is most inequitable. This view of mine is not only shared by my colleagues and other Members of the Opposition but, to some extent, it is also shared by some Government backbenchers. This morning, we have heard the Honourable Member for Larut Utara mentioning the fact that he feels that the manner in which the Bill envisages the collection of funds for financing education is by no means satisfactory; he feels that the charges should be more than a dollar. Rightly or wrongly, he has his dissatisfaction, he has his grievances, with regard to the manner of collecting funds. This morning, Sir, we also have heard the Honourable Member for Bachok raising the point that the present system will compel land owners to pay for education, leaving out businessmen. Sir, all these go to show that there is

general dissatisfaction over the manner in which education is being financed, and there are legitimate reasons for objecting.

My Honourable friend from Seberang Selatan has elaborated in detail the objectionable features of this proposal. The Honourable the Minister of Finance has time and again reminded this House that as far as the Alliance is concerned, its policy with regard to taxation is to collect tax in the most equitable manner. "It is the policy of the Government," so says the Minister of Finance, "to bridge the gap between the rich and the poor, and on that basis taxes are collected from those who are most able to bear them." In other words, even the Honourable the Minister of Finance and the Alliance Government accept the principle that taxation shall be based on the ability of the person to pay. Basing on this particular objective, it is obvious that this proposal with regard to collecting funds for education is not in conformity with the general principle enunciated. It must be realised that the people of this country have to pay a great deal of indirect taxation in the guise of customs duties. It will be realised that in this country, far more than in any other democratic country, the burden of taxation is left more heavily on those who earn a lower income. We have a progressive taxation, but it is modified to such an extent that the very rich gets away without paying any substantial tax.

I submit, Sir, that a more equitable manner of financing education should be based on funds collected from income tax. If the present tax structure is insufficient for the Government to meet the needs of education, then I think it should be the duty of the Government to evolve a tax structure whereby all expenditure for federal purposes can be met from a central fund. It is only by so doing that you can have this principle of equity applied to the people of this country as a whole. I submit, here, Sir, that this system, as proposed in this Bill, is haphazard. It is unfair, it is unjust, for the many reasons pointed out by the Honourable Member for

Seberang Selatan, and I do not propose to dwell on them at all. What I would like to point out to the Minister is this: time and again, we, in the Opposition have accused him of acting contrary to the declared objectives of his Government, to the declared enunciation of policy by himself. We have pointed out time and again that amendments introduced from time to time to the Income Tax Ordinance and to other tax proposals point to the fact that the Government is acting contrary to the declared objectives—and here, Sir, is one very glaring example. Instead of asking people who are in a position to pay for this very essential service, the Minister of Finance is in fact asking the poor people who live in the kampong, who may own an attap house in the kampong and who may find that it is difficult for him and his family to eke out a living, to pay. From the point of view of income tax, he is not liable to pay any tax whatever, but from this proposal put forward by the Honourable Minister of Finance, however small the amount may be, he will have to find ways and means to find the money to pay for this education rate. If the Minister of Finance had taken the trouble to look into the plight of the thousands and thousands of kampong dwellers in this country who happen to own small pieces of land, he will have discovered that year after year quite a number of such small pieces of land are being auctioned for the simple reason that these people are unable to pay quit rent and small sums of money like that. Is he proposing to worsen the plight of these people?

It must also be pointed out to the Minister of Finance that asking local council authorities to collect the rates for education is merely one aspect of the problem. It is not the property-owners who are going to pay the additional rates, because the additional rates can be passed on to the tenant, and the chief tenant, in turn, will pass it on to the sub-tenants. So in the long run again it is the poor man who has to bear the brunt of this additional taxation. We on this side of the House

will, of course, criticise the Minister and will put this up as an example of his attempt not to bridge the gulf between the rich and the poor, but to widen the gap between these two sections of the population. But his supporters in the M.C.A. will, of course, compliment him. They will compliment him for his shrewdness and his ability to put over the aspirations of the landlords in M.C.A., the big entrepreneurs in the M.C.A., and the captains of industry in the M.C.A.; they will compliment him for putting forward their interests so cleverly and so shrewdly that even his Cabinet colleagues can be fooled by it.

Dato' Dr Ismail: No!

Enche' Tan Phock Kin: The Honourable Minister of Internal Security can shout "no". I have given him and I have given this House very clear testimony as to how we have come to our conclusion and those are facts that cannot be denied. So, Mr Speaker, Sir, here in this House I must make my appeal not so much to the Cabinet, because the Cabinet as such has already jumped up to his band wagon, but I must make my appeal to the backbenchers to use pressure on their Cabinet Ministers. After all, they are elected to this House not so much to represent their party but to represent their constituency and I am sure every constituency, whether it is a town constituency or a country constituency, will appreciate the plight which all these people have to face in the light of this proposal, and I feel that it is only by continued agitation on their part that we can see to it one day that this House will really represent the aspirations of the people of this country. Let us not allow party considerations or personal considerations to come into play in this particular matter. We have a responsibility to the people in this country, and I would like to appeal to the backbenchers of the Government to prevail on the Minister to reconsider this financial proposal.

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, kita telah mendengar ucapan daripada

Ahli Yang Berhormat wakil Tanjong meminta supaya pihak penyokong Kerajaan menasihatkan pihak Yang Berhormat Menteri Pelajaran supaya perkara ini di-timbangkan dengan teliti-nya dan jangan di-luluskan Rang Undang² ini. Uchapan Ahli Yang Berhormat wakil Tanjong itu, chuma boleh di-katakan untuk menchari jalan, atau menchari peluang bagi memburokkan Kerajaan sahaja tetapi saya ingin menarek perhatian Ahli Yang Berhormat wakil Tanjong itu ia-itu didalam Bandar Raya Pulau Pinang, chukai yang di-kenakan pada penduduk² di-sana ia-lah sa-banyak 33½ peratus di-atas taksiran tahunan. Ini-lah chukai yang habis tinggi sa-kali daripada Majlis² Bandar Raya, atau Majlis² Tempatan yang lain dan manakala Kerajaan mengeluarkan satu Rang Undang² untuk mengenakan chukai yang sa-habis² rendah sa-kali ia-itu ta' lebeh daripada satu ringgit pada satu ekar maka dia telah merayu supaya chukai itu di-rendahkan sedikit. Dengan ini pada pendapat saya, ta' menasabahlah bagi Ahli Yang Berhormat itu merayu supaya chukai itu di-rendahkan sedikit dengan mengambil contoh sebagaimana yang telah di-sebutkan-nya tadi. Beliau ada juga menyebutkan ia-itu tanggung-jawab bagi memungut chukai hasil tanah itu ia-lah bergantung kepada Majlis Tempatan. Ini saya fikir tidak ada kena-mengena dengan Majlis Tempatan. Pungutan chukai hasil tanah itu ia-lah melalui sa-orang Pegawai Memungut Hasil Tanah yang di-beri tugas oleh Kerajaan Negeri di-tiap² Negeri masing². Jadi, perkara ini, saya fikir tidak ada kesusahan bagi memungut chukai sa-banyak yang di-tetapkan itu. Kalau kita kajikan atas peruntukan bagi pelajaran dalam negeri kita ini sa-banyak dua puluh lima peratus daripada pendapatan negara ada-lah satu perbelanjaan yang sangat besar sa-kali berkenaan dengan pelajaran dalam negara ini. Oleh yang demikian, sangat-lah patut bagi Kerajaan ini meluluskan undang² ini supaya tiap² orang, atau warga negara mengeluarkan sedikit wang untuk sa-bahagian besar dalam hal pelajaran ini sa-muga dengan ada-nya tambahan wang itu, maka dapat-lah di-baiki lagi keadaan persekolahan dan pelajaran

pada anak² kita. Jika di-bandingkan dengan negara² lain, chukai dalam negeri kita ini tidak-lah begitu banyak kita kenakan, sedangkan negara² lain, chukai beli barang² pun di-kenakan juga, tetapi kita di-sini belum-lah lagi mengenakan chukai atas pembeli barang² yang saperti itu, dan lagi chukai yang di-kenakan pada warga negara kita ini sangat-lah sedikit. Sebelum merdeka dahulu, Tuan Yang di-Pertua, tanggung-jawab berkenaan belanja Majlis² Tempatan, pada pendapat saya ia-lah oleh Kerajaan Negeri, tetapi sa-sudah merdeka, maka kuasa itu di-beri kepada Kerajaan Pusat untuk mengeluarkan satu peratoran yang sesuai bagi seluruh Majlis² Tempatan di-Persekutuan Tanah Melayu. Jadi, perkara chukai pelajaran ini bukan-lah perkara baharu, tetapi perkara lama. Berkenaan dengan chukai sa-bagaimana dahulu kita kenakan sa-banyak dua peratus di-atas taksiran tahunan melalui Majlis² Tempatan sekalian. Perkara pungutan chukai atas tanah patut kita jalankan, kerana sa-tengah² tempat, hasil rumah itu tidak di-kenakan langsung. Jadi banyak orang yang terlepas daripada kena bayaran chukai dua peratus di-atas pelajaran ini. Kalau kita tumpukan kepada tanah, maka tiap² orang yang ada tanah terpaksa-lah kena bayar supaya dengan yang demikian dapat-lah mereka itu menolong Kerajaan kita berkenaan dengan kewangan.

Tuan Yang di-Pertua, sa-bagaimana yang di-sebutkan oleh Ahli Yang Berhormat dari Melaka Utara tadi, Kerajaan sungguh pun mengeluarkan wang sa-bagai satu capital grant untuk buat saloran ayer mithal-nya atau pun buang ayer, Kerajaan mesti-lah kenakan chukai ambil balek wang untuk menjalankan-nya urusan senggaraan. Jadi ini memang-lah perkara biasa bukan-lah perkara yang luar biasa. Oleh itu, Tuan Yang di-Pertua, saya sokong penoh Rang Undang² ini.

Enche' Tan Siew Sin: Mr Speaker, Sir, the Honourable Member for Tanjong is assuming a new role. We are, of course, familiar with his role as the champion of the poor, but I must say that we on this side of the House

are rather surprised that he should now try to pose himself as the champion of the kampong dweller. He is now trying to tell us that we in the Government do not pay sufficient regard to the interest of the poor, especially the dwellers in the kampongs, and hence he is telling our backbenchers that they should turn against us. That pose would have been far more convincing, Sir, if the Honourable Member himself and his Party had stood for something which we appreciate, but I think it is known to many that he and his Party have stood for everything which the kampong dweller in this country does not stand for. Those remarks coming from the Honourable Member of a Party, whose very loyalty to this country is open to question

Enche' Tan Phock Kin: Mr Speaker, Sir, on a point of Order—S.O. 36 (1)—the Honourable Minister is irrelevant.

Enche' Tan Siew Sin: I am very relevant indeed, Sir. As I said, that stand coming from the Honourable Member of a Party whose loyalty to this country is open to question, to say the least, is open to doubt and suspicion.

The Honourable Member in the course of a rambling and a slightly incoherent speech, tells the Government that this is not the correct way to finance this aspect of the education programme. He is, of course, entitled to his point of view, but nowhere in his speech has he given a single constructive suggestion as to a better alternative. All he says in his speech is that it is unjust, inequitable, and he uses the empty phrases, slogans

Enche' Tan Phock Kin: Mr Speaker, Sir, on a point of clarification, if the Honourable Minister of Finance will allow me. I think the Honourable Minister of Finance has made a mis-statement of facts, or he is hard of hearing, because in the course of my speech I have not only criticised the methods proposed in the Bill but also suggested to the Honourable Minister of Finance that a more equitable method of raising money will be by income tax; and I did suggest to him that he should consider changing the

whole tax structure to enable him to get sufficient funds for the purpose. If he chose deliberately not to hear that, then I am afraid it is rather difficult for me to do anything to remedy that, because I am not a doctor.

Enche' Tan Siew Sin: As I said, Sir, in the course of a rather long, rambling and incoherent speech, all he did was to tell us that we did not know how to go about it properly, and he himself did not put forward a single constructive suggestion. It is true that he did say that we should finance this part of the programme by revising the income tax structure, but he did not say how. In any way, income tax is entirely a separate matter, and although we can revise rates, it need not necessarily be for the purpose of financing this part of the education programme. Even then, his remarks were very general and one could not detect a single way whereby this much needed money could be found.

The Honourable Member went further and tried to divide or to drive a wedge not only between the UMNO and the M.C.A. but also between my Cabinet colleagues and myself. He is clearly practising the old technique of "divide and rule" as practised by our former imperial masters, and I am glad that he has at least adopted one tactic of imperialism. However, I would suggest that although he has tried to ape them he has not done so successfully, because whereas the British, whatever their faults, can be regarded as very subtle, I think his methods are rather crude and for that reason they are not likely to succeed.

Tuan Haji Abdul Hamid Khan: Mr Speaker, Sir, I am sure Honourable Members of this House are happy that they have been given full opportunity by you, Sir, to put forward their views in connection with this Bill.

Sir, in reply to the Honourable Member for Seberang Selatan, I would like to point out the fact that although both subjects, namely, the cost of religious instruction and education rates are put together in the Bill before the House, does not necessarily mean that the rates collected will be used solely

for the purpose of meeting the cost of religious instruction. The only reason why both subjects are treated in the same Bill is to avoid the passing of two separate Bills. Furthermore, provisions relating to education rates and religious instruction are contained in one and the same Act, that is the Education Act, 1961.

Reference was also made by the Honourable Member to rates which have already been refunded to the rate-payers concerned. As stated in Clause 5 (4) of the Bill, it is not the intention of this Bill to interfere with the decision of local authorities which have already refunded the money or decided to refund prior to 1st August, 1963.

Reference was also made by the Honourable Member to properties which yield different incomes and, therefore, they should be given different rates. Clause 4 (6), in fact, provides that the State Authority may charge different rates in respect of properties in "different areas" and in respect of properties of "different descriptions". To impose different rates for properties in the same area and of the same description may lead to complications and dissatisfaction among the rate-payers.

The Honourable Member also suggested that it will be more appropriate to impose rates according to the annual value of properties. This question has been considered but it has been found not to be practicable, as in most local council areas, rates are not based on the value of the properties. In fact, properties are not valued by local councils. In one acre of land there may be twenty houses or more, each occupying less than an acre. For that reason, section 4 (6) provides that rates shall be charged on acreage and not according to value and shall not exceed one dollar per acre or part of an acre.

The Honourable Member for Tanjong has requested that the Honourable Minister of Finance should explain the financial implications of the provisions relating to education rates. My Honourable friend and colleague has already done that, but to elaborate I would like to state that, as set out in Clause 4 (1),

the provisions of Clause 4 (1) shall have effect only after a declaration has been made by His Majesty the Yang di-Pertuan Agong that it is expedient for this section to have effect for that year, and this declaration will be made only, I repeat only, after having regard to the general financial situation of the Federation in respect of that year and to the development of education. The Minister of Education will then determine the total sum that should be collected for the whole country before allocations are made to the various rating authorities. So, it will not be possible for the Minister of Finance or for me to indicate at this stage what we might require in the form of rates in any particular year which is yet to come. But there is a ceiling to the rate which is to be imposed in respect of lands which are outside the local authority areas, namely, the rates should not exceed one dollar per acre or part of an acre. In respect of properties within the jurisdiction of local authorities, the rate will be fixed by the local authorities concerned, having regard to the allocations made to them.

Ahli Yang Berhormat dari Jekebu-Jempol bertanya ada-kah wang yang di-kutip itu akan di-gunakan di-tempat² yang membayar chukai itu sahaja. Ini ada-lah benar, berkenaan dengan kutipan² yang di-kutip sa-hingga 1963; akan tetapi berkenaan dengan kutipan² yang akan di-jalankan di-belakang hari ini akan di-masokkan ka-dalam Consolidated Fund dan wang ini akan di-gunakan di-seluruh negeri Persekutuan ini, dan bukan di-guna di-satu² tempat sahaja. Rasa saya, Tuan Yang di-Pertua, ada-lah kurang bijak jika di-gunakan wang chukai ini bagi satu² tempat sahaja kerana tempat² yang membayar chukai ini boleh jadi tidak berkehendakkan sekolah² atau pun tidak berkehendakkan begitu banyak sekolah dan sa-balek-nya pula di-daerah² lain lebeh² lagi berkehendakkan-nya. Lagi satu perkara yang telah di-bangkitkan oleh sa-orang Ahli Yang Berhormat, ada-kah satu Pejabat khas akan di-adakan apabila kutipan chukai itu di-jalankan? Jawab-nya, tidak. Oleh kerana kutipan² hanya di-kenakan kapada tanah dan rumah², Kerajaan

Persekutuan berharap tugas mengutip chukai itu dapat di-jalankan oleh Pejabat² Tanah dan Local Authorities. Ini-lah satu juga sebab-nya mengapa chukai itu di-kenakan hanya kapada tuan² tanah dan rumah sahaja. Berkenaan dengan lagi satu chadangan supaya chukai itu di-kenakan bukan sahaja kapada tuan² tanah dan rumah akan tetapi juga kapada orang² yang membuat perniagaan, jika ini di-perbuat Kementerian Pelajaran akan meng-ambil peranan Jabatan Pengutip Hasil Dalam Negeri, yang bukan tugas-nya. Oleh sebab itu memadaï-lah jika chukai itu di-kenakan kapada tuan² tanah atau rumah sahaja. Dan lagi "ukuran tanah" itu sangat-lah menasabah kerana jika kita melibatkan pula harta² lain daripada tanah, seperti kerbau, lembu dan sa-bagai-nya atau barang kemas sangat-lah rumit hendak menge-sahkan orang² yang mempunyainya dan mentaksirkan harga barang² itu. Ada juga chadangan supaya chukai yang tidak lebeh daripada satu ringgit sa-ekar atau sa-bahagian daripada sa-ekar itu di-tinggikan kapada dua ringgit atau tiga ringgit. Pada masa ini memadaï dengan sukatan yang tersebut dalam Rang Undang² ini dan jikalau menilek kapada keadaan kewangan di-belakang hari, sukatan itu jika patut di-naikkan maka perkara itu patut-lah di-binchangkan dalam Dewan ini sama-mula.

Tuan Yang di-Pertua, saya juga dengar tadi sahabat saya daripada Tanjong mengatakan semua pehak pembangkang tidak bersetuju dengan Rang Undang² ini, berma'ana termasuklah sahabat² saya di-saberang sana dari P.M.I.P. Akan tetapi apabila saya dengar ucapan yang di-buat oleh Ahli² Yang Berhormat daripada P.M.I.P., saya taksirkan mereka itu menyokong kapada Rang Undang² ini. Dan dengan pelawaan yang di-buat oleh Ahli Yang Berhormat dari Tanjong supaya Ahli² Yang Berhormat di-sabelah Kerajaan menasihatkan supaya menolakkan undang² ini, saya berasa, mereka itu tidak berhajat demikian kerana Bill ini ada-lah menguntongkan anak² negara ini.

Question put, and agreed to.

Bill accordingly read a second time.

Select Committee

(Motion)

Enche' V. Veerappen: Mr Speaker, Sir, on a point of order, Standing Order 54. Mr Speaker, Sir, in view of the fact that this Bill has been framed rather awkwardly and without sufficient thought, as has been pointed out not only by the Opposition but also by the Government benches, and even the Minister of Finance has not been able to refute our criticisms on this Bill, I would like to move, under Standing Order 54, that this Bill be referred to a Select Committee. This is done with a genuine desire to help, if possible to put this in a better way, so that it would not affect the man with an acre or a quarter acre of land as well as, in the same way, with a man of 1,000 or 10,000 acres of land.

Enche' Tan Phock Kin: Mr Speaker, Sir, I rise to second the proposal of my Honourable friend from Seberang Selatan, particularly so in view of the reply we have heard just now from the Honourable Minister of Finance. I think the speech made by him just now is very good testimony of the ignorance of the Minister of Finance on matters financial. (*Laughter*).

Question put, and negatived.

Bill 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 5—

Enche' V. Veerappen: Mr Chairman, Sir, in view of the fact that we have been so unsuccessful, although we have done our best to point out the inconsistencies in the Bill, and the lack of desire on the part of Government to see that at least those who are down trodden are not pressed further, I would ask the Government itself under Clause 4 (6) (a) to introduce an amendment so that those persons who own less than ten acres of land shall be exempted from this requirement.

Enche' Tan Phock Kin: Mr Chairman, Sir, apart from the proposal put forward by my Honourable friend the Member for Seberang Selatan, I would like to seek some clarification from the Honourable the Minister of Education on Clause 4 (1). It seems to me that as far as this particular Clause is concerned, it puts in the proposal to make legal what was hitherto an illegal practice; and in the course of doing so, may I know from the Minister concerned whether this very important provision has been considered with his Cabinet colleagues, and in the light of discussions whether he is satisfied that all possible avenues have been explored, and they have only come to this conclusion . . .

Mr Chairman: We are no longer debating the principle of the Bill. We are now debating the details of the Bill. Will you point out which detail you are referring to?

Enche' Tan Phock Kin: I appreciate that, Sir. I am not going back on the principle. I am discussing here the details which put forward certain specific proposals. So, I would like to know whether all avenues have been explored.

Tuan Haji Ahmad bin Saaid: Mr Chairman, Sir, on a point of order—Standing Order 32 says:

“Any amendment to a motion upon which the question has been proposed in the House or in Committee of the whole House shall be put into writing by the mover”

Mr Chairman: Order, order. There is no such amendment before the Committee. I know that provision very well. It is only a request by the Honourable Member for Seberang Selatan asking the Minister if he agrees to amend it. That is all. I think he has the right to do that. He has not moved any amendment at all.

Tuan Haji Abdul Hamid Khan: Mr Chairman, Sir, what is the amendment of the Honourable Member?

Mr Chairman: He is asking you whether you would like to amend it.

Tuan Haji Abdul Hamid Khan: Mr Chairman, Sir, I would like to point out that under Standing Order 57 (2) at least one day's notice

Mr Chairman: I know that very well. I have just informed the House that he has not moved any amendment at all on any clause of this Bill. What he is trying to do is to request you to move an amendment yourself. If you do not want to

Tuan Haji Abdul Hamid Khan: I will not move any amendment.

Enche' Tan Phock Kin: May I get a clarification, Sir? The Minister has said that he is not going to move an amendment. May we know the reason why?

Tuan Haji Abdul Hamid Khan: I am not bound to do so.

Clauses 1 to 5 inclusive ordered to stand part of the Bill.

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

THE CENTRAL BANK OF MALAYA (AMENDMENT) BILL

Second Reading

Enche' Tan Siew Sin: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Central Bank of Malaya Ordinance, 1958", be read a second time.

Bank Negara will become the Central Bank of Malaysia and, as the principal financial agent for the Federal Government, I feel that it is desirable for the Bank to have borrowing powers in order to enable it to fulfil its proper functions. The borrowing powers proposed are unrestricted, as it is necessary to ensure that the powers are adequate to meet the varying circumstances in which loans may need to be raised in the future. Furthermore, the Bank will normally be acting on behalf of the Federal Government in the exercise of these borrowing powers, and close liaison between the Bank and the Treasury is ensured by the fact that the Secretary to the Treasury is a member of the Board of the Bank.

Honourable Members may consider that, in the circumstances, it would be preferable for the Government itself to raise the loans required, particularly foreign loans. The Federation's own experience in the matter of raising

foreign loans has been that certain lenders, in particular banks in foreign countries, sometimes prefer to make loans to the Central Bank rather than to the Government of another country. Secondly, it is not uncommon for Central Banks to arrange lines of credit between themselves thus providing a valuable means of augmenting the foreign exchange available to their respective countries. I consider, therefore, that the borrowing powers proposed for Bank Negara will provide a useful means whereby the foreign exchange available to Malaysia could be increased, should this prove to be desirable at any time.

Sir, I beg to move.

The Minister of Transport (Dato' Haji Sardon bin Haji Jubir): Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr 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 MERCHANT SHIPPING (AMENDMENT) BILL

Second Reading

Dato' Haji Sardon bin Haji Jubir: Mr Speaker, Sir, I beg to move that a Bill intituled, "an Act to amend the Merchant Shipping Ordinance, 1952", be read a second time.

Sir, in March, 1960, a meeting was held in Labuan which was attended by the Directors of Marine of British North Borneo, Sarawak, Brunei, Singapore and the Federation of Malaya. The meeting among other things agreed that there should be a unification of trade limits and manning scales. Consequent upon this agreement, the Borneo territories and

Singapore have already made the necessary amendments to their regulations.

Clause 2 of the Bill provides new definitions of "certificated officer", "home-trade voyage", and "local-trade voyage".

Clause 3 of the Bill will discontinue the existing provision whereby a foreign-going ship under 100 tons is required to have at least one mate of foreign-going ship or a first-class gunner besides the master. At present, there are different requirements for officers in respect of a home-trade ship of under and over 100 tons. But with this amendment there will be uniformity in the manning scales in respect of every home-trade ship when going to sea from any place in the Federation, irrespective of the tonnage; that is, the ship will be manned by duly certificated officers, namely, master of home-trade ship, mate of home-trade ship, second-class engineer and first-class engine driver.

Clause 3 of the Bill would also permit duly certificated officers to man a local-trade ship of under and over 1,000 gross tons; under or over 1,000 brake horse-power, if it is motor ship; over 25 tons but under 100 gross tons if it is a mechanically-propelled ship which plies within 30 miles of a port; and under 25 gross tons in respect of a mechanically-propelled ship plying within the Federation's territorial waters.

Clause 4 of the Bill provides that a mechanically-propelled vessel of over 1 gross ton but less than 25 gross tons, plying at any port within the Federation for any purpose of trade or business be manned by a steersman and if the vessel exceeds 25 gross tons, there must also be a steersman and a third-class engine driver.

Sir, with these amendments, our local men who are duly certificated will be able to handle bigger ships and thus providing similar opportunities with those given in the Bornean territories and Singapore. My Ministry has received requests from local marine unions for the implementation of the agreement reached in Labuan. The

amendments could have been made much earlier but unfortunately due to more urgent and unforeseen matters they could not be finalised at an earlier date. The amendments are of a technical nature and opportunity has also been taken to effect some minor amendments as mentioned in the schedule to the Bill. They are now urgently required and cannot be put off for inclusion in the new legislation relating to merchant shipping applicable to all the Malaysian territories which will have to be introduced after the establishment of Malaysia. The reason is that the new legislation is not likely to be promulgated for quite some time. There will also be consequential amendments to the Subsidiary Legislation in respect of the examination for Certificates of Competency and Efficiency Rules.

Sir, I beg to move.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 6 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE SERVICE LANDS BILL

Second Reading

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr Speaker, Sir, I beg to move that a Bill intituled, "an Act to make provision for the ejection of persons unlawfully occupying any land used or to be used for the purposes of any Federation forces and to incorporate the United Kingdom Services' Lands Board" be read a second time.

Sir, Clause 2 of the Bill sets out the procedure for the removal of unlawful occupants of lands used or to

be used for the purpose of any Federation forces. This provision is desirable in the interests of defence and security, as the ordinary civil process for the eviction of unlawful occupants of land, other than State land, is too lengthy and cumbersome for dealing with squatters on lands required for use by the Armed Forces.

Briefly, the procedure proposed in this Bill is that it gives authority to a magistrate's court to require, by warrant, any Police officer to dispossess and remove from such land any unlawful occupant and to take possession of the land together with all crops growing thereon and all buildings and other immovable property upon and affixed to the land. But the magistrate must be satisfied with the truth of the information received by the Court from the Federal Commissioner of Lands.

Now, Clause 3 merely implements Section 6 of Annex IV of the Defence Treaty where we have given an undertaking to enact legislation which will permit the United Kingdom Services authorities through their representative here to hold interest in land, and with that object will also provide for the incorporation of the representative of the Services authority.

It is a very short Bill and I hope the House will approve this without much amendment.

Sir, I beg to move.

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

Enche' Zulkiflee bin Muhammad (Bachok): Tuan Yang di-Pertua, walau pun Rang Undang² ini, Undang² yang di-kehendaki pekerjaan yang tepat di-dalam hal menempatkan askar² kita menggunakan tempat² bagi kepentingan tentera² di-dalam negeri ini bagi kepentingan pertahanan, dan Kerajaan hendak chepat sangat meluluskan Undang² ini, tetapi saya hendak mengingatkan satu hal sahaja ia itu di-dalam menjalankan procedure yang di-nyatakan di-dalam Clause 2 ini, saya harap supaya Kerajaan walau pun di-dalam sifat military hendak-lah menimbang-kapada kapada kesusahan orang² sa-kira-nya terpaksa di-lakukan

chara² seperti yang di-sebutkan di-dalam Bab 1 hingga 3 ini.

Tuan Yang di-Pertua, pertahanan amat-lah penting kapada negeri ini dan amat-lah keberatan bagi Dewan ini dan kita semua meluluskan Rang Undang² ini sa-kira-nya Undang² itu akan memberatkan ra'ayat. Saya ber-setuju dengan Rang Undang² ini adalah semata² kerana kepentingan negara yang kadang² terpaksa kita menyusahkan sadikit orang² bagi kepentingan keamanan.

Enche' Liu Yoong Peng: I wish to say that this Bill is a little too drastic because it simplifies the procedure for having a person convicted in court. Although squatters are occupying land illegally, nevertheless, some equitable consideration should be given to this type of occupants because quite often we find that these squatters are people who are rather desperate because they have nowhere to go. Therefore, one of the things which the Government should see is that before the squatters are asked to leave the land, they should be provided with alternative land or accommodation, so that they would not be just thrown out to the open air, so to speak. They should have some proper place to carry on with their livelihood. If such an equitable consideration is taken and alternative land is provided, then it can ease a lot of grievances that may be caused by this sort of procedure.

Another point is that the provision under clause 3 smells like the coming back of a foreign power to have sovereignty over a certain area. I think if land can be acquired by the people, certainly it can be acquired under the normal process of the law we already have and there should be no distinction between one type of persons and another in the acquisition of land; and the principle of acquisition of land should be that Federal Citizens can acquire land. So this additional provision of introducing a representative of the Services authorities of the United Kingdom to hold land is really more than what is required for the purpose.

Enche' Lim Kean Siew: Can I ask a question now and speak afterwards.

I ask this as there seems to have been a confusion this morning. Because I asked one or two questions this morning it was assumed that I had therefore spoken.

Mr Speaker: Can't you speak without asking that question?

Enche' Lim Kean Siew: If I did that I might make a fool of myself, because, in introducing the Bill, the Honourable the Deputy Prime Minister was not very clear.

Mr Speaker: You can ask provided it is a short one.

Enche' Lim Kean Siew: What I would like to ask is this: firstly, how did the Defence Agreement allow for Clause 3? Secondly, what is the meaning of "unlawful occupation"? Does this clause take out of lawful occupation; and if lawful, is it with permission from the new Board to be set up under Clause 3?

Tun Haji Abdul Razak: Clause 2 is different from Clause 3. Clause 2 deals with our own armed forces. It has nothing to do with the United Kingdom forces at all. Clause 2 deals with lands we require for our armed forces, and if there is unlawful occupation—unlawful means unlawful, i.e. without any permission—we propose to have a procedure slightly different from what we have under the Land Code for efficiency and in order to enable this to be done quickly, because in certain cases we need the land hurriedly. But the power here is given to a Magistrate, not the Army or the Federal Commissioner of Land. So we can only act on the order of the court, and not act on our own initiative or under our own decision. It must be a court.

Clause 3, of course, deals with United Kingdom Services' Lands Board, because under the Defence Treaty the United Kingdom Services are allowed to retain certain installations as well as land here, and obviously, that land must rest with someone. The proposal is to rest it on the Lands Board and that Lands Board will be incorporated. We have done this in a number of cases.

Mr Speaker: Please proceed.

Enche' Lim Kean Siew: I am afraid I have nothing more to say since he has clarified the point.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya mengucapkan ber-banyak² terima kaseh kepada Ahli Yang Berhormat dari Bachok kerana memberikan sokongan kepada Bill ini. Saya suka-lah memberi akuan kapadanya, di-dalam hal kita menjalankan perkara ini kita sentiasa-lah akan bertimbang rasa. Saperti saya katakan tadi kuasa bukan-lah ada di-tangan military atau di-tangan Kementerian Pertahanan tetapi kuasa ada dalam tangan Mahkamah. Jadi apa juga keputusan Mahkamah itu ada-lah dijalankan. Jadi tidak-lah kita hendak menjalankan kekerasan dengan ber-sendirian sahaja. Pihak Kementerian Pertahanan tidak ada kuasa di-atas hal ini, kita kena-lah membawa-nya ka-Mahkamah meminta kebenaran daripada Mahkamah dan apabila Mahkamah puas hati di-atas keterangan yang di-berikan itu baharu-lah dapat kita mengeluarkan orang yang dudok di-atas tanah itu. Kadang² kita ber-kehendakkan tanah dengan segera-nya kerana pertahanan atau keselamatan dalam negeri. Jikalau bertahun² kita mengambil masa hendak mengeluarkan orang² yang dudok di-tanah haram itu tentu-lah akan mengkechiwakan pertahanan dan hal² keselamatan dalam negeri.

Now, Sir, the Honourable Member for Rawang suggested that if we had to evict these squatters, we should provide them with alternative land. The trouble with the Federal Government, i.e. with the Ministry of Defence, is that we have no control of land. Land is a State matter, and we obtain land from the State Governments. But, as I said, we will do our best to see that least possible hardship is incurred on these people. However, we cannot guarantee that every time these people are asked to leave, to be evicted from the land owned by the Federation Armed Forces, they will be given alternative sites, because we have no power to provide alternative land. As I explained just now in Malay, the power here is not with us, nor with the military authorities, or with the Ministry of Defence.

The power is with the Court, and it is for the Court to be satisfied that we need land and that it is necessary for these squatters to be evicted; only then can we take action—we can only take action on the decision of the Court and not on our own authority.

Enche' Liu Yoong Peng: Sir, on a point of clarification, although it is the Court, or the Magistrate, who makes the decision, but nevertheless someone should bring the matter to the attention of the Magistrate. That someone, I presume, would have something to do with the Ministry of Defence. Therefore, the Ministry of Defence would know in advance what it is all about. So, I hope the Minister of Defence can use his liaison to persuade the State Governments to provide alternative land before action is taken.

Tun Haji Abdul Razak: Sir, as I have said, we will do our best to incur least inconvenience to those people, but, of course, it is difficult for me to give an assurance that we will provide land in every case, because it is a matter for the State Government, and we can ask the State Government to try and help. But we cannot be certain that they will help, but we will do our best to try and not to cause unnecessary inconvenience to these people if they have been evicted.

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—

Enche' Lim Kean Siew: Mr Chairman, Sir, it would appear under Clause 2 (2) that information can be laid against any person who is in unlawful occupation of any land. Unlawful occupation as defined by the Honourable Deputy Prime Minister just now is unlawful in the ordinary sense of the word. The case would then arise when a notice to quit is given, the person

staying beyond expiry of that notice would become an unlawful occupant of that land.

Mr Chairman, Sir, it is quite often that squatters are no more than licensees or tenants-at-will, which means that their licences and their tenancies can be terminated at even a day's notice. If, on the other hand, a tenant is a month-to-month tenant, that is to say, if he pays every month—and we can assume that from his payments that he is a monthly tenant—his tenancy can be terminated with a proper month's notice.

Now, under sub-clause (3) of Clause 2, it would appear that what the Government has in mind would be crops growing, all buildings and other immovable properties fixed on the land. It is also envisaged under this sub-clause that the Government considers that it may be necessary to take immediate action for the purpose of national defence, which we quite appreciate, because it says:

“(3) If on the hearing of the information, the court is satisfied of the truth thereof, the court shall by warrant require any police officer specified in the warrant forthwith dispossess and remove from the land the person aforesaid,”

I repeat the words “forthwith to dispossess and remove from the land”. Whilst we realise the need for national security, one should also take into consideration the question of compensation. It is the general case, as it was with England during the last War, that where there has been a requisition of British properties and lands, the British Government paid adequate compensation. There is no provision here to provide for such a compensation. Perhaps, the Honourable Deputy Prime Minister could make provision to ensure that there is power for compensation to be given.

Clause 3, which allows the United Kingdom Services' Lands Board to hold land on behalf of the United Kingdom, would also put this United Kingdom Services' Lands Board in the same position as any person who may give information to the Federal Lands Commissioner under Clause 2, sub-clause (2), so that if the United Kingdom Services' Lands Board informs the

Ministry, who lays the information in a Magistrates' Court, the Magistrates' Court can exercise powers under Clause 2 (2) to evict those unlawfully occupying lands held under the United Kingdom Services' Lands Board. I notice the Honourable Deputy Prime Minister shaking his head. If that is not so, he can point that out to this House because, as it is written in this Bill, there is no proviso to prevent this. It could happen, and if it does happen, it will mean that compensation need not be given also by the United Kingdom for lands required for the United Kingdom purposes under our Defence Agreement.

Tun Haji Abdul Razak: Sir, I would like to say that the Honourable Member for Dato Kramat has not read this Bill very carefully. Now, Clause 2 (1) clearly says:

"The provisions of this section shall apply to lands used or to be used for the purposes of any military, naval or air forces of the Federation."

It has nothing to do with the British forces or the United Kingdom forces—the wording "of the Federation" is quite clear.

The Honourable Member talks about compensation. We normally provide compensation if we acquire land from someone who is in lawful occupation. But it is not the practice for the Government or for anyone to provide compensation for people who squat on Government's land. That is not the practice, although in some cases one may be given some compensation on compassionate grounds. The Honourable Member is talking about the usual practice of the United Kingdom forces that is when they acquire land they pay compensation. That is true and we do the same thing when we acquire land owned by somebody else. This section refers to land owned by the Federation Armed Forces and on that land there are squatters, people who have no right at all, not even the tenants, and they are in unlawful occupation. It is only these people that we have to evict. When we do that, we have to ask the Court to give us an order. If the Court does give an order, then action will be taken to evict those people. That is all that is required here. It does not deal with any body else's

land, but it deals with the land which has just been alienated to the Federation Armed Forces. If on such a land there are people squatting who have no right at all, not even the right of tenancy, then this section applies.

Enche' Lim Kean Siew: Mr Speaker, Sir, I am glad for that elucidation, which I am sure will be properly recorded, and which will be adhered to in executing the provisions of this Bill when it comes into force. In case it is not clear, then perhaps the Honourable the Deputy Prime Minister can just agree to what I am suggesting now. Clause 3 (1) says that "for the purpose of holding land in the Federation on behalf of the government of the United Kingdom pursuant to any agreement relating to defence" the United Kingdom can set up a United Kingdom Services' Lands Board to hold land, and that land held will be for the use of the forces of the United Kingdom only and not for the Federation forces. If that is so, then Clause 2 (1), which says "The provisions of this section shall apply to lands used or to be used for the purposes of any military, naval or air forces of the Federation", would not apply, because then the land held by the United Kingdom Services' Lands Board will only be for the use of the United Kingdom Services and not for our use—and if we were to use that land automatically they can then apply for eviction under Clause 2. But if the Honourable the Deputy Prime Minister assures the House that this will not happen, and, if United Kingdom land is used by the Federation armed forces, Clause 2 will not apply. I am sure this House will accept that.

The second point is this, and it is a bit more tenuous, but perhaps an assurance here would also be welcomed. Clause 2 says that "the provisions of this section shall apply to lands used or to be used for the purposes of any military, naval or air forces of the Federation". I take it that if a United Kingdom military force is seconded to a Malayan force, it would then still not be a Federation force, because if they are to be considered as a Federation force, which in some cases can happen, then again Clause 2 would apply.

Tun Haji Abdul Razak: Yes, Sir. On this question it is possible that our forces may make use, with the agreement of the United Kingdom authority, land belonging to United Kingdom forces in which case it is land used for our purposes under Clause 2 (1). But it is not usual for us to second a force from another country to our forces. We may second an officer, or a few officers, but we do not as a practice second forces from another country to our forces. That is not the practice and I do not think any country would agree to that. We may have seconded officers only.

Enche' Liu Yoong Peng: Am I to understand from the explanation of the Deputy Prime Minister that what this Bill intends is that the Federal Government intends to surrender the sovereignty over a certain piece of land to the United Kingdom forces and then, later on, when the Malayan Federal forces want to occupy the land, the Malayan forces will have to beg for the courtesy of British forces to be allowed to use the land?

Tun Haji Abdul Razak: No, Sir. I think the Honourable Member is not clear on that point. The land is already vested in the United Kingdom Government—at the moment the Naval Base and all the land in Singapore are vested in the United Kingdom Government. I think the arrangement is that they should be allowed to continue to have the lease, but the ultimate right lies with the Central Government and the State Government. That is the position. They will be given a lease for a specified period. That is all.

Question put, and agreed to.

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

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

THE JUDGES' REMUNERATION BILL

Second Reading

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to move that a Bill intituled "An Act to provide for the remunera-

and of the High Courts in Malaya, in Borneo and in Singapore" be read a second time. This is again, Sir, a short and non-controversial Bill. As the House is aware, when we debated the Malaysia Bill, it was decided to establish new separate courts for Malaysia, that is to say, the Federal Court and three High Courts—one for the Federation of Malaya, one for Singapore and one for the Borneo territories. In view of this, it is now necessary to introduce this Bill to make provision for the remuneration of judges in the courts, and the proposed remunerations are set out in the Schedule to this Bill.

Sir, the post of Lord President of the Federal Court is new and, therefore, it is considered appropriate, in view of the importance of the post, the dignity of the office, that it should receive an annual pensionable salary of \$36,000 plus the various allowances and privileges as enumerated in the Schedule. In the same way, it is necessary to provide for the salary of the Chief Justice of the High Court in Malaya, and he is to receive an annual salary of \$33,240. As regards the Chief Justices of Singapore and the Borneo territories, there is no change in their remunerations, and they will continue to receive such pensionable and non-pensionable allowances and privileges as they now receive. It is not considered necessary to itemise these allowances and shown under the Schedule. Also, in the same way, the Judges of the Borneo territories, Singapore, and Malaya will continue to receive the same rates of pay as they are receiving now before Malaysia Day.

Now, Sir, in view of the different rates of salaries and allowances payable to these Judges in the different parts of Malaysia, it will be necessary to review the rates of remuneration at an early date after Malaysia and the Government proposes to do this. That is all I wish to say on this Bill, Sir.

I beg to move.

Dato' Haji Sardon: Sir, I beg to second the motion.

Enche' Lim Kean Siew: Mr Speaker, Sir, under the Schedule to this Bill, the

every house of our judges to check the amount they have spent on entertainment. Surely, this is merely an allowance to increase their living. If that is so, it is only logical to put it into the salary structure itself.

Tun Haji Abdul Razak: Mr Chairman, Sir, as usual, it is difficult to follow the logic of the Honourable Member. We regret the day if ever the Honourable Member would become a judge.

Dato' Dr Ismail: Never. (*Laughter*).

Tun Haji Abdul Razak: The appointments of judges are posts of dignity and high office, and it is necessary for them—the Chief Justices and judges of the High Courts—to have entertainment allowances. Because of their high position, they have to entertain not only persons in this country but also dignitaries who come from other countries; they have to entertain visiting justices and judges from other countries; and also because of their position they are being entertained by high officials and diplomats—and obviously, it is necessary for them to reciprocate. It does not seem logic to me to say that because a judge entertains he is currying favour with the higher-ups. This is not right. “If he entertains others, he gets a favour”—this is just not logic and I do not think I need reply to the Honourable Member further.

Enche' Lim Kean Siew: Mr Chairman, Sir, I did not realise that the Honourable Deputy Prime Minister would want to take issue with me on this very simple matter, but it is quite clear that the entertainment allowance is fixed at \$3,000 a year. If what the Honourable Deputy Prime Minister says is true that a judge must entertain visiting judges, then it should be stated “up to \$3,000 a year”: this would mean that if there are less visiting judges, he need not spend so much. But as I can see it here, the entertainment allowance is fixed at \$3,000 a year, and whether a judge has more or less entertainment to do, he gets \$3,000. Therefore, it is to his advantage, if he has less entertainment to do, because then he can make a profit—I am not

suggesting though, that he is making a profit. (*Laughter*).

Now, as regards the question of my not being logical, my logic is based on an argument of his, which is simply this: that since the judge entertains, how can he show favour? He shows favour by the entertainment—and, of course, entertainment is normally reciprocal. I am not suggesting what the Honourable Minister of Works might think. I am suggesting that the judge has been subjected to favours or partiality. My statement which I first stated before he came into this House was simply this: should we, or should we not, compel a judge to have entertainment—that is my question; and if we say that there should be no compulsion then we put it into the salary structure. I am not trying to deprive them of their \$3,000 as the Honourable Minister of Works might think I am trying to do. No, I am not trying to save money for the Treasury; (*Laughter*) I am just asking whether or not we should remove this item, introduced in 1957 for judges to have a higher salary, because there is no need to account for the money that is to be used for entertainment allowance

Mr Chairman: You seem to go back to the principle now.

Enche' Lim Kean Siew: No, Sir. It is stated here “Entertainment Allowance—\$3,000”.

Mr Chairman: Yes, but you are speaking on the principle.

Enche' Lim Kean Siew: May I then suggest that it should be reduced to \$200? Then I would be talking on detail.

Mr Chairman: You can only speak on the details. That is all at this stage.

Enche' Lim Kean Siew: Yes, Mr Chairman, but I cannot see how I am illogical, if you can see my logic. (*Laughter*).

Schedule ordered to stand part of the Bill.

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

MOTION

DEVELOPMENT (SUPPLEMENTARY) (No. 2) ESTIMATES, 1963

The Minister of Finance (Enche' Tan Siew Sin): Mr Speaker, Sir, I beg to move that the following motion standing in my name on the Order Paper be referred to a committee of the whole House:

That this House resolves that a sum not exceeding \$27,832,230 be expended out of the Development Fund in the financial year 1963, and that to meet the purpose of the Heads and Sub-heads set out in the second column of the Statement laid on the Table as Command Paper No. 24 of 1963, there be appropriated the sums specified opposite such Heads and Sub-heads in the eighth column thereof.

The sum of approximately \$27.8 million mentioned in the motion includes \$6 million required by the Armed Forces and the Police for building works and other capital expenditure connected with Malaysia and about \$16.8 million will be required in connection with our own Second Five-Year Plan. In addition, a sum of \$5 million has been included as a supplement to the Contingencies Reserve.

With regard to the expenditure connected with Malaysia, the provision requested is necessary to allow certain essential items to be proceeded with in good time. As far as possible, the expansion programme for the Armed Forces and the Police will be left to be discussed by the new Malaysian Parliament which will come into being soon. Certain essential items, however, must be provided for in advance, and these will of course be explained in greater detail by the Ministers responsible during the committee stage.

As regards expenditure under our Second Five-Year Development Plan, a sum of approximately \$13 million is required for the Education Ministry's building programme. Half of this is for the continuation of projects carried over from 1962 while the other half is additional money brought forward from next year's phase of the Five-

Year Plan for the purpose of making an early start on the building of new classrooms required for our ever-growing school population. For the Ministry of Health, a little over \$2 million is required for schemes carried over from last year, while a further \$½ million is included in order to allow building to commence on a Teaching Hospital at Petaling Jaya. Under "Government Buildings (Other than Housing)" an additional sum of \$672,950 is required for the new Parliament House, which is expected to be completed shortly.

Out of all the Plan items, the only one which represents an addition to it is the provision for the Teaching Hospital, which was originally intended for the Third Five-Year Plan. This item is balanced by the re-phasing of the programme for the building of the new General Hospital, Kuala Lumpur, so that an equivalent amount of the expenditure on that Hospital will fall in the Third Five-Year Plan instead of in the Second.

As I mentioned earlier, the Contingencies Reserve is being raised by \$5 million from the present figure of \$10 million to \$15 million. This Reserve is available to meet urgent and unforeseen requirements for development expenditure in advance of the approval by this House of a supplementary development estimate. It differs from the Contingencies Fund which is available to meet unforeseen expenditure on the Ordinary Estimates in that it is appropriated annually, the amount appropriated being determined by the requirements in any particular year. In other words, it is not maintained as a permanent fund. This year a reserve of \$10 million as originally estimated would normally have been adequate, but since Malaysia is fast approaching, I feel it would be wiser to ask the House for an increase in the amount of the Reserve in order that we may have sufficient flexibility to meet any urgent needs which may arise. In particular, I expect that it may be necessary to make advances for the continuation of development works in Sabah and Sarawak which were previously financed by the British

Government from the Colonial Development and Welfare Fund. Under the Malaysia Agreement, we shall be receiving from the British Government over the next five years annual contributions to our Development Fund representing the outstanding balances on the schemes in question. In the meantime, however, it will be our responsibility to ensure that there will be no difficulty about payments for such projects in the two States concerned. Any such advances made from the Contingencies Reserve will of course be brought to this House for ratification by way of a further supplementary development estimate in due course.

Sir, I beg to move.

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to second the motion.

Enche' Zulkiflee bin Muhammad: Tuan Yang di-Pertua, usul Yang Berhormat Menteri Kewangan ini ia-lah bagi membolehkan beberapa perbelanjaan lanjutan dan perbelanjaan yang baharu di-dalam perkhidmatan² luar yang biasa-nya di-tanggung oleh Kerajaan Persekutuan Tanah Melayu. Saya perhatikan satu keadaan kedudukan penyata di-dalam perbelanjaan tambahan ini ia-itu perhatian ada-lah di-berikan kepada pertahanan yang pada masa ini mengingini supaya mempunyai kekuatan yang lebeh kuat. Tuan Yang di-Pertua, saya sendiri ada-lah menyambut baik di-atas sa-barang ikhtiar bagi menguatkan pertahanan negeri ini dan bagi melengkapkan tentera² kita dengan senjata² yang chukup dan sa-bagai-nya, tetapi ada beberapa perkara yang patut di-perhatikan oleh Kerajaan ini sa-bagai dasar yang berhubungan rapat dengan kedudukan negeri ini ia-itu di-dalam hal pertahanan.

Tambahan Perbelanjaan di-sini ada menunjukkan beberapa perbelanjaan² biasa kepada tentera² biasa, oleh kerana negeri ini ada-lah sa-buah negeri yang kecil dan belum mempunyai alat² yang begitu modern sa-bagaimana yang semesti-nya di-dalam jenis banyak-nya alat² itu. Pada pendapat saya Kementerian Pertahanan patut memikirkan dari sekarang ini

untuk membesarkan pertahanan-nya di-dalam erti pertahanan di-dalam negeri-nya sendiri ia-itu Ashkar² Tempatan. Kita tahu, Tuan Yang di-Pertua, sa-buah negeri yang kecil ada-lah berhajat kepada jiwa pertahanan yang mendalam di-dalam kalangan ra'ayat itu sendiri. Tidak-lah chukup kalau kita mempunyai alat² yang kuat saja, sementara kita tidak mempunyai jiwa pertahanan, tetapi kalau kita mempunyai juga tidak-lah chukup senjata² yang boleh mempertahankan kita, tetapi jiwa pertahanan itu tidak dapat lagi mendalam di-kalangan ra'ayat. Jiwa pertahanan di-dalam sa-sabuh negeri itu hanya akan dapat di-wujudkan dan menyusun ra'ayat negeri itu di-dalam pertahanan sa-bagai ra'ayat, tidak sa-bagai anggota Kerajaan ia-itu orang² yang makan gaji sa-mata² bagi maksud pertahanan. Tuan Yang di-Pertua, sunggoh pun pada masa ini Ashkar² Tempatan ada-lah di-beri peluang, tetapi nampak saya di-dalam perkembangan pertahanan pada masa ini peluang itu tidak-lah chukup dan penting bagi kita menyusun anak² negeri ini hingga tiap² sa-orang mempunyai rasa tanggung-jawab yang sama. Saya tidak keberatan, Tuan Yang di-Pertua, supaya ra'ayat negeri ini mendapat latehan ketenteraan yang di-wajibkan sama ada di-dalam masa yang singkat, atau di-dalam masa yang di-tentukan yang sa-suai dengan kehidupan ra'ayat negeri ini sendiri. Ra'ayat tiap² sa-buah negeri terasa bahawa dia terpaksa mempertahankan negeri-nya sebab dia itu ada-lah ra'ayat-nya, bukan dia itu sa-bagai orang yang di-gaji oleh Kerajaan, maka dengan sendiri-nya sa-barang anchaman di-negeri itu akan dapat di-tentang lebeh dahulu oleh jiwa ra'ayat itu sa-belum menggunakan senjata.

Tuan Yang di-Pertua, ini ada hubungan yang rapat dengan pergantungan negeri itu kepada pertahanan yang di-datangkan dari luar. Negeri kita ada-lah sa-buah negeri yang kecil dan bergantung sa-mata² dengan pertahanan yang datang dari luar dan ini ada-lah membahayakan kita sendiri. Oleh sebab itu, saya rasa sa-bagai hendak melebehkan pertahanan, maka

sudah kena-lah pada tempat-nya Kerajaan memikirkan sekarang ini bahawa sa-tiap² anak negeri ini mempunyai ta'at setia kepada negerinya dan di-beri peluang untuk belajar dan berlateh di-dalam perkara ketenteraan. Tuan Yang di-Pertua, perbelanjaan yang kita beri kepada pertahanan itu bertambah hanya dapat di-fahami oleh ra'ayat, sa-kira-nya, dapat di-ukor kehendak rasa tanggung-jawab itu dengan diri mereka sendiri. Ini ada-lah satu perkara yang saya bawa di-dalam perbahathan memberi wang tambahan di-dalam perbelanjaan bagi tahun 1963 ini.

Soal yang kedua, Tuan Yang di-Pertua, ada-lah soal kesanggupan kita menjalankan perkhidmatan² yang ada di-dalam estimate² Anggaran Belanja Pertahanan itu sendiri. Saya perhatikan pada kali ini ada permintaan daripada Kerajaan lagi bagi Jabatan Kesihatan dan jabatan ini ada-lah sa-buah jabatan yang mempunyai perkhidmatan langsung kepada ra'ayat. Kita baharu lagi mendengar cerita cholera di-dalam negeri ini dan baharu² ini di-negeri Kelantan cholera telah menjadi². Jadi, Tuan Yang di-Pertua, saya sebutkan perkara itu ada-lah kerana dasar pembangunan kita jangan-lah di-asaskan sa-mata² atas mewujudkan sa-bagai pusat² dan alat² bagi memudahkan ra'ayat sa-mata², tetapi hendak-lah juga disesuaikan dengan dasar itu dengan mengadakan pegawai² yang chukup, sebab, Tuan Yang di-Pertua, sa-tahu saya di-dalam hal Kementerian Kesihatan, saya dapati di-Tanah Melayu ini Kerajaan mengutamakan, saya katakan lebeh mengutamakan perkara lain erti-nya tidak sekat² membuat-nya, tetapi tidak berapa mengambil berat di-dalam hal kesihatan. Tuan Yang di-Pertua, hal ini timbul boleh jadi oleh kerana ada beberapa perkhabaran yang kita dengar dalam Kementerian itu sendiri yang menyebut bahawa pada masa ini kita hendak mengadakan alat², tetapi oleh kerana doctor² dalam negeri ini tidak dapat mengikut kehendak² Kerajaan supaya membanyakkan perkhidmatan-nya, maka dengan itu terpaksa mengutamakan rumah sakit. Dasar yang saperti itu

tidak-lah akan menguntongkan, walau pun kita meminta menentukan Anggaran Perbelanjaan di-dalam-nya.

Mr Speaker: Order! Order! The time is up.

ADJOURNMENT

Tun Haji Abdul Razak: Mr Speaker, Sir, I beg to move—

That the House do now adjourn.

Dato' Dr Ismail: Sir, I beg to second.

Question put, and agreed to.

ADJOURNMENT SPEECH

SUNGEI BULOH SETTLEMENT— ALLOWANCES OF INMATES

Enche' Ng Ann Teck (Batu): Mr Speaker, Sir, in this adjournment, I rise to draw attention to the shameful neglect of the administrative sectors of the Ministry of Health and the Treasury. Under the guise of being busy, matters of importance have been delayed, not just by months, but by years. During the last Budget Session on 15th December, 1962, I drew attention to the very unfortunate plight of the inmates in the Sungei Buloh Settlement. They have to undergo rigours and mental anguish of their illness. In addition they have to put up with the procrastination and the indecisiveness of the Ministry of Health and that of the Treasury.

Mr Speaker, Sir, on the 26th September, 1960, the Sungei Buloh Settlement Council wrote to the Director of Medical Services appealing against the gross injustice of the Ministry in trying to exploit their unfortunate circumstances by reducing thirty dollars from their allowances. They felt that they were a source of cheap labour. After continuous reminders, some thirteen months later, on 27th October, 1961, a letter was received saying that the matter was receiving active consideration. After another three months, that is sixteen months later, on the sixth January 1962 another letter was received saying that the matter was still under consideration. Then, Mr Speaker, Sir, on

the 8th September, 1962, some two years after, a classic reply was given that the matter was now under consideration by the Treasury. For two years this matter has been gathering moss in the Ministry of Health and now it has been passed over to the Treasury. When I brought the matter up in last December, some twenty-seven months after, we had expected this matter would be dealt with immediately. It is now thirty-four months and still there has been no sign of a decision from the Treasury. We can only imply from this unwarranted delay, Sir, that the Government has intentionally delayed this matter. In the first place, the workers are not organised; hence the Government is confident that concerted action amongst them to improve their conditions is not possible. Even if they were to take concerted action, the superintendent who has wider powers can have them expelled at any moment.

Because of these factors the Government has wilfully ignored the demand of these unfortunate people. Let me warn the Government that this intended action might not frighten the people, but instead might cause resentment and hostility. The Government must realise how these people took industrial action some seven years back, which took everyone by surprise. If this attitude continues these people might resort to the same thing, and only then will the Government have itself to be blamed.

Enche' Abdul Rahman bin Haji Talib: Mr Speaker, Sir, I would like to enlighten the Honourable Member for Batu on this particular subject. It seems to me that it is too close to his heart.

The position is that since 1953 the inmate staff of various categories in the Sungei Buloh Settlement have been applying for revision in their allowances. Many of these requests have been met, but subsequent requests for further improvements have also been received. One of the major requests is that the deduction of \$30 per mensem to cover food, services and other amenities be waived. This definitely is a matter difficult of a solution. Since this request implies that while the inmate staff claim that they should be taken at par with the ordinary Government servants in their respective categories, they at the same time wish to be considered as patients in the Sungei Buloh Settlement whereby they are entitled to free food, services and other amenities.

The question becomes more complicated in view of the fact that earlier improvements, that is increases in their allowances, were agreed to after taking into consideration that \$30 per mensem would be deducted from such allowances to cover food, services and other amenities. Under the circumstances, the Ministry and the Government can hardly be blamed for any delay since agreement on improvements to allowances, etc., can only be reached if such requests are reasonable and for that the parties concerned are prepared to make compensation and compromises. As I have stated earlier, Sir, most of the requests have been met, but we continue to receive further requests for further increases which are being considered now.

Mr Speaker: The House is now adjourned till half-past nine tomorrow.

Adjourned at 6.40 p.m.