

Volume IV
No. 9



Tuesday
22nd August, 1967

PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

FOURTH SESSION OF THE SECOND PARLIAMENT
OF MALAYSIA

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MALAYSIA
DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Fourth Session of the Second Dewan Ra'ayat

Tuesday, 22nd August, 1967

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

PRESENT:

- The Honourable Mr Speaker, DATO' CHIK MOHAMED YUSUF BIN SHEIKH ABDUL RAHMAN, S.P.M.P., J.P., Dato' Bendahara, Perak.**
- „ **the Prime Minister and Minister of Foreign Affairs, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).**
- „ **the Deputy Prime Minister, Minister of Defence, Minister of Home Affairs and Minister of National and Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).**
- „ **the Minister of Finance, TUN TAN SIEW SIN, S.S.M., J.P. (Melaka Tengah).**
- „ **the Minister of Works, Posts and Telecommunications, TUN V. T. SAMBANTHAN, S.S.M., P.M.N. (Sungai Siput).**
- „ **the Minister of Transport, TAN SRI HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).**
- „ **the Minister of Education, TUAN MOHAMED KHIR JOHARI (Kedah Tengah).**
- „ **the Minister of Health, TUAN BAHAMAN BIN SAMSUDIN (Kuala Pilah).**
- „ **the Minister for Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).**
- „ **the Minister for Local Government and Housing, TUAN KHAW KAI-BOH, P.J.K. (Ulu Selangor).**
- „ **the Minister for Sarawak Affairs, TAN SRI TEMENGGONG JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).**
- „ **the Minister of Labour, TUAN V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).**
- „ **the Minister of Information and Broadcasting and Minister of Culture, Youth and Sports, TUAN SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).**
- „ **the Minister of Agriculture and Co-operatives, TUAN HAJI MOHD. GHAZALI BIN HAJI JAWI (Ulu Perak).**
- „ **the Minister of Lands and Mines and Minister of Justice, TUAN HAJI ABDUL-RAHMAN BIN YA'KUB (Sarawak).**

- The Honourable the Assistant Minister of Culture, Youth and Sports,
 ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N., S.M.T., P.J.K.
 (Trengganu Tengah).
- .. the Assistant Minister of Education, TUAN LEE SIOK YEW,
 A.M.N., P.J.K. (Sepang).
- .. the Assistant Minister of Finance, DR NG KAM POH, J.P.
 (Teluk Anson).
- .. the Parliamentary Secretary to the Minister of Health,
 TUAN IBRAHIM BIN ABDUL RAHMAN, J.M.N. (Seberang Tengah).
- .. the Parliamentary Secretary to the Minister of Labour,
 TUAN LEE SAN CHOON, K.M.N. (Segamat Selatan).
- .. the Parliamentary Secretary to the Minister of Finance,
 TUAN ALI BIN HAJI AHMAD (Pontian Selatan).
- .. the Parliamentary Secretary to the Deputy Prime Minister,
 TUAN CHEN WING SUM (Damansara).
- .. the Parliamentary Secretary to the Minister of Agriculture
 and Co-operatives, TUAN THOMAS KANA, K.M.N. (Sarawak).
- .. TUAN ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- .. TUAN ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).
- .. WAN ABDUL KADIR BIN ISMAIL, P.P.T. (Kuala Trengganu Utara).
- .. TUAN ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan).
- .. WAN ABDUL RAHMAN BIN DATU TUANKU BUJANG, A.B.S.
 (Sarawak).
- .. TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).
- .. DATO' ABDULLAH BIN ABDULRAHMAN, S.M.T., Dato' Bijaya
 di-Raja (Kuala Trengganu Selatan).
- .. TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., S.M.J.,
 P.I.S. (Segamat Utara).
- .. TUAN HAJI ABU BAKAR BIN HAMZAH, J.P. (Bachok).
- .. TUAN AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- .. TUAN HAJI AHMAD BIN SA'AID, J.P. (Seberang Utara).
- .. PUAN AJIBAH BINTI ABOL (Sarawak).
- .. O.K.K. DATU ALIUDDIN BIN DATU HARUN, P.D.K. (Sabah).
- .. DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- .. TUAN AZIZ BIN ISHAK (Muar Dalam).
- .. TUAN JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).
- .. PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).
- .. TUAN CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- .. TUAN CHAN SIANG SUN, P.J.K. (Bentong).
- .. TUAN CHEW BIOW CHUON, J.P. (Bruas).
- .. TUAN CHIA CHIN SHIN, A.B.S. (Sarawak).
- .. TUAN FRANCIS CHIA NYUK TONG (Sabah).
- .. TUAN D. A. DAGO ANAK RANDAN *alias* DAGOK ANAK RANDEN,
 A.M.N. (Sarawak).
- .. TUAN C. V. DEVAN NAIR (Bungsar).
- .. TUAN EDWIN ANAK TANGKUN (Sarawak).

- The Honourable DATIN HAJAH FATIMAH BINTI HAJI ABDUL MAJID (Johor Bahru Timor).
- „ TAN SRI FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- „ TUAN S. FAZUL RAHMAN, A.D.K. (Sabah).
- „ DATU GANIE GILONG, P.D.K., J.P. (Sabah).
- „ TUAN GANING BIN JANGKAT (Sabah).
- „ TUAN GEH CHONG KEAT, K.M.N. (Penang Utara).
- „ TUAN HAMZAH BIN DATO' ABU SAMAH (Raub).
- „ TUAN HAJI HAMZAH BIN ALANG, A.M.N., P.J.K. (Kapar).
- „ TUAN HANAFI BIN MOHD. YUNUS, A.M.N., J.P. (Kulim Utara).
- „ TUAN HANAFIAH BIN HUSSAIN, A.M.N. (Jerai).
- „ TUAN HARUN BIN ABDULLAH, A.M.N., J.P. (Baling).
- „ WAN HASSAN BIN WAN DAUD (Tumpat).
- „ TUAN STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- „ DATO' HAJI HUSSEIN BIN MOHD. NOORDIN, D.P.M.P., A.M.N., P.J.K. (Parit).
- „ TUAN HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN, S.M.K., J.P. (Kota Bharu Hulu).
- „ TUAN IKHWAN ZAINI, K.M.N. (Sarawak).
- „ TUAN ISMAIL BIN IDRIS (Penang Selatan).
- „ PENGHULU JINGGUT ANAK ATTAN, K.M.N., Q.M.C., A.B.S. (Sarawak).
- „ TUAN KADAM ANAK KIAI (Sarawak).
- „ TUAN KAM WOON WAH, J.P. (Sitiawan).
- „ TUAN KHOO PENG LOONG (Sarawak).
- „ TUAN EDMUND LANGGU ANAK SAGA (Sarawak).
- „ TUAN LEE SECK FUN, K.M.N. (Tanjong Malim).
- „ TUAN AMADEUS MATHEW LEONG, A.D.K., J.P. (Sabah).
- „ TUAN LIM PEE HUNG, P.J.K. (Alor Star).
- „ TUAN T. MAHIMA SINGH, J.M.N., J.P. (Port Dickson).
- „ TUAN C. JOHN ONDU MAJAKIL (Sabah).
- „ DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K. (Kuala Kangsar).
- „ TUAN MOHD. ARIF SALLEH, A.D.K. (Sabah).
- „ DATO' MOHAMED ASRI BIN HAJI MUDA, S.P.M.K. (Pasir Puteh).
- „ TUAN MOHD. DAUD BIN ABDUL SAMAD (Besut).
- „ TUAN MOHAMED IDRIS BIN MATSIL, J.M.N., P.J.K., J.P. (Jelebu-Jempol).
- „ TUAN MOHD. TAHIR BIN ABDUL MAJID, S.M.S., P.J.K. (Kuala Langat).
- „ TUAN MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN MOHD. ZAHIR BIN HAJI ISMAIL, J.M.N. (Sungai Patani).

The Honourable WAN MOKHTAR BIN AHMAD (Kemaman).

- .. TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- .. TUAN MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH (Pasir Mas Hilir).
- .. TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S. (Sarawak).
- .. DATO' HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., A.M.N., J.P. (Sabak Bernam).
- .. TUAN MUSTAPHA BIN AHMAD (Tanah Merah).
- .. TAN SRI NIK AHMAD KAMIL, D.K., S.P.M.K., S.J.M.K., P.M.N., P.Y.G.P., Dato' Sri Setia Raja (Kota Bharu Hilir).
- .. TUAN NG FAH YAM (Batu Gajah).
- .. TUAN ONG KEE HUI (Sarawak).
- .. TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
- .. TUAN OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- .. TUAN HAJI RAHMAT BIN HAJI DAUD, A.M.N. (Johor Bahru Barat).
- .. TUAN RAMLI BIN OMAR (Krian Darat).
- .. TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P. (Rembau-Tampin).
- .. RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).
- .. TUAN SANDOM ANAK NYUAK (Sarawak).
- .. TUAN SEAH TENG NGIAB, P.I.S. (Muar Pantai).
- .. TUAN D. R. SEENIVASAGAM (Ipoh).
- .. TUAN SIM BOON LIANG, A.B.S. (Sarawak).
- .. TUAN SIOW LOONG HIN, P.J.K. (Seremban Barat).
- .. TUAN SENAWI BIN ISMAIL, P.J.K. (Seberang Selatan).
- .. TUAN SNG CHIN JOO (Sarawak).
- .. TUAN SOH AH TECK (Batu Pahat).
- .. TUAN SULEIMAN BIN ALI (Dungun).
- .. TUAN SULEIMAN BIN HAJI TAIB (Krian Laut).
- .. PENGIRAN TAHIR PETRA (Sabah).
- .. TUAN TAJUDIN BIN ALI, P.J.K. (Larut Utara).
- .. TUAN TAI KUAN YANG, A.M.N. (Kulim-Bandar Bharu).
- .. TUAN TAMA WENG TINGGANG WAN (Sarawak).
- .. DR TAN CHEE KHOON (Batu).
- .. TUAN TAN CHENG BEE, A.M.N., J.P. (Bagan).
- .. TUAN TAN KEE GAK (Bandar Melaka).
- .. TUAN TAN TOH HONG (Bukit Bintang).
- .. TUAN TAN TSAK YU (Sarawak).
- .. TUAN TIAH ENG BEE (Kluang Utara).
- .. TUAN STEPHEN YONG KUET TZE (Sarawak).
- .. TENGKU ZAID BIN TENGKU AHMAD (Pasir Mas Hulu).
- .. TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).

ABSENT:

- The Honourable the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).
- .. the Assistant Minister without Portfolio, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- .. the Assistant Minister of National and Rural Development, TUAN SULAIMAN BIN BULON, P.J.K. (Bagan Datoh).
- .. TUAN ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- .. Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM TUANKU ABDUL RAHMAN, P.P.T. (Rawang).
- .. TUAN CHAN SEONG YOON (Setapak).
- .. TUAN CHIN FOON (Ulu Kinta).
- .. TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).
- .. TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, S.S.M., P.M.N. (Johor Timor).
- .. TAN SRI SYED JA'AFAR BIN HASAN ALBAR, P.M.N. (Johor Tenggara).
- .. DATO' LING BENG SIEW, P.N.B.S. (Sarawak).
- .. DR LIM CHONG EU (Tanjong).
- .. TUAN LIM KEAN SIEW (Dato Kramat).
- .. TUAN PETER LO SU YIN (Sabah).
- .. DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).
- .. TUAN JOSEPH DAVID MANJAJI (Sabah).
- .. ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).
- .. TUN MUSTAPHA BIN DATU HARUN, S.M.N., P.D.K. (Sabah).
- .. TUAN QUEK KAI DONG, J.P. (Seremban Timor).
- .. DATO' S. P. SEENIVASAGAM, D.P.M.P., P.M.P., J.P. (Menglembu).
- .. TUAN TOH THEAM HOCK (Kampar).
- .. TUAN YEH PAO TZE (Sabah).

PRAYERS

(Mr Speaker *in the Chair*)

ORAL ANSWERS TO
QUESTIONSCITIZENS UNDER DETENTION
AS POLITICAL DETAINEES TO
VOTE IN NEXT ELECTION

1. Tuan Ong Kee Hui (Sarawak) asks the Prime Minister to clarify whether citizens in Sarawak who are in detention as political detainees or in protective custody have the right to vote in the next election, and if so, to state where they would be allowed to vote.

The Prime Minister: Mr Speaker, Sir, the same regulation as is applicable to those detainees and those in protective custody in the States of Western Malaysia will apply to those in Eastern Malaysia. In short, it means that those detainees, or those in protective custody, if they are registered in any particular constituency, will be allowed to vote.

Tuan Ong Kee Hui: Would the Honourable Prime Minister clarify whether it would be in the constituency where they were registered or in the constituency where they are kept?

The Prime Minister: Where they are registered. I think the voting will have to be done by post.

Tuan Stephen Yong Kuet Tze (Sarawak): Mr Speaker, Sir, in view of the fact that some of the detainees were detained before registration had in fact taken place, I would like to know whether or not now they could be allowed to register at the place where they were ordinarily resident before they were detained?

The Prime Minister: That I cannot answer, but I will let the Honourable Member have my answer in due course.

REPRESENTATIONS ON DELIMITATION OF STATE AND PARLIAMENTARY CONSTITUENCIES IN SARAWAK

2. **Tuan Ong Kee Hui** asks the Prime Minister to state:

- (a) whether the Election Commission would consider representations made by the people of Sarawak on the delimitation of State and Parliamentary Constituencies in Sarawak, and if so, when;
- (b) whether consideration of such representations would delay the forthcoming general elections in Sarawak.

The Prime Minister: In the course of the Election Commission's work, they had quite a number of representations from various bodies, associations, and so on. From the report which I had looked into, these representations were attended to, considered, and answered. I think from what I could see, every attention was given, every details was taken into account, before the answer was made. Whether they rejected or they accepted these representations made by these people, they had given very, very detailed answers. As to whether, according to the Honourable Member's question, such representations would have the effect of delaying the forthcoming general elections in Sarawak, I can say that it would not delay the forthcoming general elections in Sarawak, because the elections are

some time yet to come and the report at the moment is in the hands of the Cabinet Committee. After the Cabinet Committee has gone through the report it will have its considered opinion. So, I can assure the Honourable Member that the elections in Sarawak will not be delayed at all.

Tuan Stephen Yong Kuet Tze: Mr Speaker, Sir, would the Honourable Prime Minister clarify the fact as to whether he is aware that so far we have put in our representations, but no answer or no reply has been given to our representations?

The Prime Minister: Perhaps, some of the associations and bodies that made the representations had not been given a reply, but it is contained in this report of the Election Commission which will be laid before this House in due course—I think during this session of Parliament.

SALARIES COMMISSION REPORT ON DIVISION IV OFFICERS—RELEASE OF

3. **Tuan Sim Boon Liang** asks the Prime Minister to state when the Salaries Commission Report on Division IV Officers will be published and why the publication has been delayed.

The Prime Minister: Mr Speaker, Sir, the Government has received a report from the Royal Commission on the Revision of Salaries. As I have informed this House yesterday, this has been attended to by the Staff and the Official sides and after they have had some consultation, this report will then be released.

MEMINTA TENTERA NEGARA² COMMONWEALTH BUKAN SAHAJA AUSTRALIA BERKHIDMAT DI-MALAYSIA

4. **Tuan Haji Abu Bakar bin Hamzah (Bachok)** bertanya kepada Perdana Menteri:

- (a) ada-kah Kerajaan akan menimbang meminta bukan sahaja Australia tetapi juga negara² Commonwealth yang lain seperti

Pakistan dan India supaya tentera mereka berkhidmat di-Malaysia berikutan dengan pengundoran tentera² British dari negeri ini;

- (b) sa-takat ini apa-kah usaha² yang di-buat untuk menjayakan persidangan lima negara yang di-chadangkan itu.

Perdana Menteri: Tuan Yang di-Pertua, berkenaan dengan menjaga keselamatan negeri ini, negeri² yang berkaitan ia-lah Britain, Australia, New Zealand, Malaysia dan Singapura.

Jadi, Pakistan dan India tidak berkait. Tambahan pula Pakistan berkait dalam SEATO dan India tidak masuk mana² satu. Jadi, saya tidak nampak sebab yang patut mereka di-jemput masuk champor tangan dalam hal ini.

Bagaimana yang kita tahu, negeri² yang tersebut itu ada hal masing² sendiri. Tetapi saya perchaya jikalau terjadi apa² perkara yang besar, tidak dapat tidak sungguh pun mereka tidak berkait di-dalam hal Perjanjian Pertahanan dengan kita ini, mereka tentulah akan mengambil insaf di-atas apa² yang akan berlaku di-dalam negeri kita ini.

Bagi soalan (b), sa-takat ini apa-kah usaha yang di-buat untuk menjayakan Persidangan Pertahanan lima negara.

Bagaimana saya telah ma'alumkan kepada Rumah ini kelmarin, ia-itu saya akan mengambil tindakan untuk menjemput negeri² itu bersidang dengan kita dalam peringkat Menteri².

Tuan Haji Abu Bakar bin Hamzah: Ada-kah benar berita yang di-siar dalam sa-buah akhbar di-luar negeri bahawa ketika Yang Teramat Mulia Tunku membuat lawatan-nya baharu² ini ada berita² di-Pakistan menawarkan bantuan yang sa-macham itu dengan sa-chara tidak rasmi lagi.

Perdana Menteri: Tuan Yang di-Pertua, yang itu saya tidak dengar, tetapi terima kaseh-lah jikalau ada perasaan insaf yang sa-umpama itu.

(Note: Oral Question No. 5 withdrawn)

LETTERS WRITTEN TO GOVERNMENT DEPARTMENTS—LANGUAGE

6. Dr Tan Chee Khoon (*under Standing Order 24 (2)*) asks the Prime Minister to state:

- (a) whether he could give an explanation as to what is meant by the statement of the Attorney-General that from the 1st September, 1967, all letters written by commercial firms and individuals to Government departments "will be returned or ignored";
- (b) to what extent Government is prepared to accept letters of technical and legal matters in English after 1st September, 1967;
- (c) whether this restriction on the use of English applies to:
- (i) letters from foreign firms to our Government;
 - (ii) matters of international significance or relevance.

The Prime Minister: Mr Speaker, Sir, under Clause 2 of the Language Act, the Honourable Member will remember that it is stated that Malay shall be used for official purposes; and so if English is to be used special permission under Clause 4 would have to be obtained from His Majesty the Yang di-Pertuan Agong, and it is intended that this Order under Clause 4 will be made before the 1st September, so that English can be used for many purposes.

Dr Tan Chee Khoon: Mr Speaker, Sir, can we have an assurance from the Honourable Prime Minister that this change-over, in the spirit in which we debated the Bill, should be a gradual one so as not to cause any dislocation in Government business.

The Prime Minister: That is, Mr Speaker, Sir, my personal desire, and I hope I will be able to carry the country with me.

RACIAL DISCRIMINATION IN INDONESIA

7. Dr Tan Chee Khoon [*under Standing Order 24 (2)*] asks the Prime Minister to state:

- (a) what is the Government's position with regard to racial discrimination in Indonesia;

(b) whether this differs from the Government's position relating to racial discrimination in South Africa.

The Prime Minister: The question here is irrelevant in so far as we are concerned, because it affects what happens in another country which is not, I might say, on diplomatic relations with us; and as far as I know this is not quite the same position as that obtainable in South Africa under the apartheid policy. This is as I understand it, an action taken against those Communists who are out to wreck the Constitution of the country and try by subversive means to overthrow the Government of Indonesia, and so this is not quite a question of apartheid. It is a question of how best that country can deal with those elements who have gone all out to try and destroy it.

FORMATION OF ASEAN

8. Dr Tan Chee Khoon asks the Minister of Foreign Affairs to state:

- (a) what progress has been made in the formation of a new regional organisation comprising Malaysia, Singapore, Thailand, the Philippines and Indonesia;
- (b) whether before such organisation is formed it is necessary for Malaysia to secure regional co-operation with Singapore.

The Prime Minister: Mr Speaker, Sir, the Honourable Deputy Prime Minister had made a long reply in this House on this new organisation which the Honourable Member heard yesterday, and I could add no more to it. However, I could say something on the second question, "whether before such organisation is formed it is necessary for Malaysia to secure regional co-operation with Singapore". I do not think we have any quarrel with Singapore if that is his intention—intentionally quarrel—because we have worked very closely with Singapore in many, many matters. I do not think there is any big difference between us and Singapore. Therefore, there is no need for us to seek any regional co-operation with Singapore, or make any bi-lateral agreement with Singapore.

On the other hand, if we find it necessary to do so, we can always have an agreement or understanding with Singapore, but there is at the moment no need for it.

Dr Tan Chee Khoon: Mr Speaker, Sir, I think this House and the country must be very glad of this assurance from the Honourable Prime Minister. But is he aware that the words that he says in this House are totally different from his deeds and the deeds of his Ministers outside this House. To quote but a few examples, Mr Speaker, Sir, this question of restricted passport does not affect the Honourable gentlemen sitting opposite me. They just walk into Singapore, but those of us on this side and outside of that privileged group, we have to carry this wretched, restricted passport. Is the Honourable Prime Minister aware that everywhere the world over, travel arrangements are made so that people can easily walk into and out of the country—but with our closest neighbour we have to carry this wretched, restricted passport. Will the Honourable Prime Minister relieve the citizens of this country by making arrangements with Singapore to do away with this incongruous and wretched, restricted passport.

The Prime Minister: This is entirely another question, but if he has to look for the fault of what is happening that is not quite to his liking, he has got to look to the other side as well. However, if he wants me to answer this question I would like to have notice.

Dr Tan Chee Khoon: Mr Speaker, Sir, I do not think that that is an entirely different matter, but I will leave it as it is. Mr Speaker, Sir, in the ingredients of regional co-operation between the two countries, one of the most important things is a common customs area which is very important on the common survival of this country and Singapore. Will the Honourable Prime Minister give an assurance to this House that he and his ministerial colleagues will start off by trying to seek a common customs area with Singapore, so that industries can survive on both sides of the Causeway.

The Prime Minister: That is another matter entirely irrelevant to the question before this House, and as I said, I need a little bit of time to think over what he has said.

Tuan C. V. Devan Nair: With regard to the progress made—the formation of the new regional organisation (ASEAN)—why was it necessary, Sir, for our Government to agree in the joint communique to make any reference to defence that the bases would be temporary or otherwise? Would it not have been better in the interest of this country to have categorically told everyone present there that whatever defence arrangements Malaysia makes would have relevance and bearing insofar as the preservation of our territorial integrity and security is concerned? Would not it have been better, Sir, to have pointed out that this new organisation was intended primarily for economic co-operation and has nothing whatsoever to do with defence? Unfortunately, Sir, this reference to defence was in this joint communique.

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr Speaker, Sir, with the permission of the Prime Minister, I would like to reply to this question. As the Honourable Member would have noticed from the Declaration made in Bangkok, this regional co-operation which we call ASEAN is primarily for economic co-operation, but we included matters of defence because, quite naturally, matters of defence, security, would come into our discussion from time to time. There was no harm we thought of mentioning matters of security because all these matters are inter-related, and as we said in the declaration this regional co-operation is primarily for economic, social and cultural co-operation.

MALAYSIAN HIGH COMMISSION, LONDON

9. Tuan C. V. Devan Nair asks the Minister of Foreign Affairs:

- (1) to give the list of the staff employed by the Malaysian High Commission in London;

- (2) whether he is aware of numerous complaints by Malaysians that none of the responsible officials of the High Commission were available for assistance, sometimes for as long as several days, when they required assistance or advice from the Commission; and
- (3) whether he would instruct all foreign service personnel that one of their primary duties is to make themselves available to Malaysian citizens residing in or travelling in the region to which they are accredited, instead of losing themselves and becoming incommunicado in cocktail circuits.

The Prime Minister: Mr Speaker, Sir, I have a list of officials in our High Commission in London. It is a rather long list, and I am quite happy to pass it on to the Honourable Member so that he can have a study of this list. However, I can tell him that as far as we know these officials of ours have given a lot of time to those travellers and tourists, who go to England from time to time, and they number many hundreds, and it is not easy for the High Commissioner's staff to be at their posts for 24 hours in a day just to be at the beck and call of these people. So, unless they get previous notice that these people are coming and they want help, it cannot be expected of the officials of the High Commission to remain at their posts to look after them. On the other hand, there are always officials at their home, or in the office, who are always available, and if the Honourable Member can let me have a specific instance of any act of discourtesy on the part of our officials, or any instances where they are not available during reasonable hours of office, I will certainly attend to it.

Tuan C. V. Devan Nair: Mr Speaker, Sir, I shall certainly be glad to give the Honourable Prime Minister particulars of the specific complaints that I have received. But Mr Speaker, Sir, what I would like to ask the Prime Minister is, whether he is aware that these complaints of lack of attention and of service to Malaysian citizens by the High Commission do not relate to lack

of service after office hours but during normal office hours. There is a case of a citizen who went for assistance during normal working hours, and he was asked to go to the basement next to the W.C. to see some attendant to see whether the attendant could possibly help him; but even the attendant could not tell him exactly where the Passport Officers of the Malaysian High Commission were. I shall pass on this, Sir, but I ask for an assurance that the Government would act upon this.

The Prime Minister: You could do that, but with regard to the going down next to the lavatory (*Laughter*), it so happens that our Passport Office is next-door to the lavatory (*Laughter*).

MASA YANG SA-ORANG ASING TINGGAL DI-SARAWAK UNTUK MENJADI WARGANEGARA SARAWAK

10. Tuan Tama Weng Tinggang Wan (Sarawak) bertanya kepada Menteri Hal Ehwal Dalam Negeri berapa lama tempoh masa yang sa-sengkat-nya yang di-kehendaki bagi sa-saorang asing tinggal di-Sarawak sa-belum ia layak menjadi warganegara Sarawak.

The Deputy Prime Minister (Tun Haji Abdul Razak): Tuan Yang di-Pertua, sa-bagaimana Ahli² Yang Berhormat sedia mengetahui ia-itu Sarawak ada-lah sa-buah negeri dalam Malaysia dan yang demikian tidak-lah ada mempunyai kewarganegaraan-nya sendiri ia-itu tidak ada "Citizenship of Sarawak", hanya-lah kita ada satu sahaja citizenship, ia-itu Citizenship of Malaysia.

Sa-saorang penduduk negeri Sarawak yang di-peranakkan di-luar Malaysia jika berhajat memohon menjadi warganegara Malaysia hendak-lah mempunyai masa mastautin atau resident qualification di-Sarawak seperti berikut:

- (1) Bagi sa-saorang yang biasa-nya bermastautin, atau ordinary resident, di-Sarawak pada hari Malaysia boleh memohon di-bawah Fasal 16A dalam Perlembagaan yang berkehendakkan

masa mastautin sa-belum Hari Malaysia dalam Sarawak dan sa-lepas Hari Malaysia dalam Persekutuan sa-lama masa tidak kurang daripada 7 tahun dalam tempoh 10 tahun terdahulu dan hingga tarikh permintaan-nya dan termasuk 12 bulan terdahulu daripada dan hingga tarikh itu; dan

- (2) Bagi sa-saorang yang tidak biasa-nya bermastautin (not ordinary resident) di-Sarawak pada Hari Malaysia boleh memohon menjadi warganegara Malaysia, tetapi hendak-lah membuat permintaan di-bawah Perkara atau Fasal 19 dalam Perlembagaan yang berkehendakkan masa resident dalam Persekutuan sa-lama tidak kurang daripada 10 tahun daripada dan hingga tarikh permintaan dan termasuk 12 bulan terdahulu dan hingga tarikh itu.

Tuan Tama Weng Tinggang Wan: Tuan Yang di-Pertua, soalan tambahan. Banyak-lah orang asing di-dalam Sarawak, banyak juga orang yang berparti, jikalau dia sa-belah parti S.U.P.P., dia kuat-lah tuduhan orang asing. Jikalau dia sa-belah Parti Perikatan, dia ada berhak; ini-lah saya menerangkan di-Dewan ini (*Ketawa*).

Tun Haji Abdul Razak: Tuan Yang di-Pertua, pehak Kerajaan tidak membezakan ra'ayat negeri ini sama ada daripada berbagai² parti, asalkan sa-saorang itu menepati syarat² yang di-tentukan dalam fasal Perlembagaan, ia-itu Fasal 16A dan 19A, mereka itu boleh-lah di-terima menjadi warganegara.

Tuan Ong Kee Hui: Mr Speaker, Sir, is the Honourable Minister aware that there are a large number of Kayans and Kenyahs in the Belaga District who have settled down in Sarawak soon after the last war, and these people are now not recognised as Malaysian citizens and, in the recent National Registration, they were given Red Cards instead of Blue Cards. Could something be done to regularise this position, because these people feel rather aggrieved that they are not

accepted as citizens of Malaysia, although they have been ordinary residents for more than 20 years?

Tun Haji Abdul Razak: Obviously, if they apply to become citizens under Article 16A or Article 19 of the Constitution, as I have explained just now, we will certainly consider their application, but because they were not born in this country, they must apply for citizenship under the provisions of our Constitution.

Tuan Ong Kee Hui: Mr Speaker, Sir, is the Honourable Minister aware that the process of applying for citizenship normally is a long and tedious process; and in the case of such people it is a very difficult matter, especially when hundreds of people are involved? Could something be done to expedite this particular exercise?

Tun Haji Abdul Razak: Sir, the process is not ordinarily very long, but in view of the circumstances explained by the Honourable Member, I will look into the matter. Perhaps a special case could be made out to help these people to obtain citizenship.

PERIOD OF RESIDENCE IN SABAH AND SARAWAK TO QUALIFY FOR MALAYSIAN CITIZENSHIP

11. Tuan Tan Tsak Yu (Sarawak) asks the Minister of Home Affairs to state, in view of the fact that any person residing in Sabah, who has been granted a permanent residence for a period of two years, will be eligible for citizenship application, whereas in Sarawak such person will have to wait for another seven years instead of two before he is eligible for citizenship, whether he will consider abolishing this discrimination between the East Malaysia States.

Tun Haji Abdul Razak: Mr Speaker, Sir, it is not true that any person after residing permanently in Sabah for a period of two years will be eligible for citizenship application. Article 16A which applies to both Sabah and Sarawak requires, among other things, that an applicant must have an aggregate of not less than seven years

residence in the ten years immediately preceding the date of the application and which includes the 12 months immediately preceding that date. This applies to people, who are ordinary residents in Sabah and Sarawak on Malaysia Day.

With regard to immigrant labourers who had been in Sabah on work passes and in Sarawak on valid visit passes endorsed for employment issued before Malaysia Day, they are granted permanent stay after five years residence in either State and their residence on work passes or visit passes endorsed for employment would count towards the qualifying period required to obtain citizenship up to a maximum of five years. This means that an immigrant labourer on a work pass in Sabah, or on a valid visit pass in Sarawak endorsed for employment issued before Malaysia Day after having stayed in Sabah or Sarawak for five years requires only another two years' stay in order to complete seven years residential qualification required under Article 16A. There is, therefore, no discrimination whatsoever between Sabah and Sarawak with regard to residential qualification or requirement for purposes of citizenship application.

Tuan C. John Ondu Majakil (Sabah): In view of the fact that a person who has resided in Sabah, or Sarawak, for a period of two years out of five years has been granted permanent residence, is the Honourable Minister aware that the former editor-in-chief of a certain local newspaper in Sabah, after residing there for more than seven years, long enough to qualify him to become a permanent citizen, was expelled without disclosing any reason either by the State or the Federal Government?

Tun Haji Abdul Razak: If I remember correctly, this particular person was on a work permit in Sabah, and his work permit was withdrawn by the State Government of Sabah.

PROTECTION FOR SURRENDERED PERSONS IN SARAWAK

12. Tuan Tan Tsak Yu asks the Minister of Home Affairs to state, in

view of the killings committed in Sarikei District of Sarawak Third Division in April this year, whether adequate protection or rehabilitation is being provided for those persons who were involved in terrorism or communism, but who have now surrendered to Government and determined to live a new life.

Tun Haji Abdul Razak: It is not possible to provide a 24-hour protection to all persons who were involved in terrorism or communism activities and had surrendered to Government with a view of turning over a new leaf. If this were done, then the Police force would be tied down to providing just static guard duty almost all the time. But the Police would, however, do everything possible within their means to protect the life of a person who had surrendered should have reasonable grounds to believe that their lives are in danger or threatened.

PEJABAT² IMIGERESEN DAN KASTAM, CHANGLON

13. Tan Sri Fatimah binti Haji Hashim bertanya kepada Menteri Hal Ehwal Dalam Negeri ada-kah Kerajaan sedar bahawa Pejabat² Imigeresen dan Kastam di-pekan Changlon enam batu jauh-nya dari sempadan Negeri Thai telah memudahkan penyeludupan dilakukan di-sempadan itu dan telah juga menyebabkan kesulitan² kepada penduduk² kawasan Changlon membawa biji dan anak getah untuk di-tanam di-kebun mereka, dan jika sedar, adakah Kerajaan berchadang memindahkan pejabat² itu ka-satu tempat yang berhampiran dengan sempadan.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, Kerajaan ada-lah sedar bahawa Pejabat² Imigeresen dan Kastam berada di-pekan Changlon kira² 5 $\frac{3}{4}$ batu jauh-nya daripada sempadan negeri Thai. Ada-lah di-persetujukan untuk mendirikan Pejabat² Imigeresen dan Kastam di-Changlon ini, kerana ia-lah sa-buah pekan yang berdekatan dengan sa-buah sempadan dan juga ada kemudahan² rumah, kedai², sekolah dan juga bekalan² ayer dan sa-bagai-nya.

Chadangan hendak memindahkan Pejabat Kastam ini kapada Bukit Kayu Hitam kira² tiga sa-tengah batu jauh-nya daripada sempadan, tetapi chadangan ini tidak dapat di-laksanakan, kerana kawasan ini kawasan hitam dan di-kawasan itu ada penyakit² demam kura, malaria. Jadi, di-fikirkan tidak munasabah-lah hendak di-tempatkan pegawai² di-situ, sunggoh pun bagitu Pegawai² Imigeresen dan Kastam selalu pergi melawat ka-sempadan untuk hendak menchegeh penyeludup².

Saya suka terangkan bahawa penye-ludup² dari luar hendak masuk ka-negara kita ini biasa-nya tidak mengikuti jalan yang tertentu. Mereka itu boleh masuk dari jalan² dalam hutan dan juga tidak melalui jalan raya. Jadi, dengan pindahan Pejabat Imigeresen ka-tempat yang berdekatan dengan sempadan tidak-lah akan mengurangkan penyeludup² ini. Yang mustahak-nya ia-lah Pegawai² Kastam dan juga Imigeresen sentiasa melawat ka-sempadan dan ini ada-lah di-jalankan.

CONTROL OF REMITTANCES BY MALAYSIANS TO DEPENDANTS OVERSEAS

14. Dato' Haji Mustapha bin Haji Abdul Jabar (Sabak Bernam) asks the Minister of Finance to state whether Government intends to introduce control or impose a tax for the purpose of control, the remittance by Malaysians to their dependants overseas.

The Minister of Finance (Tun Tan Siew Sin): Mr Speaker, Sir, at present remittances by Malaysians to their dependants in the Sterling Area are not subject to exchange control. In fact, all financial transactions with countries in the Sterling Area are not subject to control. Remittances by Malaysians to their dependants in countries outside the Sterling Area require the prior permission of Exchange Control. Permission is given provided the amount involved is reasonable. The Government can see no reason for introducing exchange control or imposing a tax on remittances either to countries in the Sterling Area or to those outside the Area.

FEDERAL REVENUE AND EXPENDITURE IN SARAWAK—(1964-1966)

15. Tuan Chia Chin Shin (Sarawak) [*under Standing Order 24 (2)*] asks the Minister of Finance to state:

- (a) the amount of Federal revenue collected annually in Sarawak;
- (b) the amount of Federal expenditure expended in Sarawak annually from 1964 to 1966.

Tun Tan Siew Sin: Mr Speaker, Sir, (a) Federal revenue collected from Sarawak for the years 1964, 1965 and 1966 amounted to \$58 million, \$69 million and \$78 million respectively.

(b) The Federal Government's ordinary or current expenditure in the State of Sarawak may be placed into two distinct categories, firstly, expenses directly incurred by Federal Departments and, secondly, expenditure in the form of statutory grants such as escalating and balancing grants. For the year 1964, total recurrent expenditure amounted to \$77 million of which statutory allocations from the Federal Government accounted for \$18 million. In 1965 and 1966 the total had risen to \$87 million and to approximately \$102 million respectively; actual figures for 1966 cannot be provided yet since the accounts have not been closed. Statutory allocations included in these two totals amounted to \$21 million for 1965 and \$27 million for 1966. It should be noted, however, that Federal expenditure on common user services like defence, foreign affairs and Parliament are not included in the figures just given, since the cost of such services cannot be easily apportioned on a regional or State basis.

DEVELOPMENT EXPENDITURE IN SARAWAK (FEDERAL AND STATE) FROM 1964 TO 1966

16. Tuan Chia Chin Shin [*under Standing Order 24 (2)*] asks the Minister of Finance to state the amount of development expenditure expended in Sarawak annually from 1964 to 1966 and of this how much were from the Federal and the State Governments respectively.

Tun Tan Siew Sin: The Federal Government and the State Government of Sarawak between them spent a total of \$49 million on development projects in the State in 1964. The financing of this expenditure was borne mainly by the Federal Government, whose share came to \$37 million or 75.5%. The Federal Government spent this \$37 million in three ways: in the form of direct expenditure, in the form of grants to the State for State development projects, which qualified for Federal reimbursement, and in the form of loans. The State Government, therefore, financed only \$12 million or 24.5% of the total cost during 1964. In 1965, total development expenditure rose to \$65 million with the Federal Government meeting a greater proportion of the cost, viz. \$56 million or 86% was met from Federal funds, while the State Government financed only \$9 million, i.e. less than what is spent in 1964. In 1966, a total of \$60 million was incurred, but an increasingly greater proportion of the financing was borne by the Federal Government, which met \$55 million or 92% of the cost. The figures given for each of the years 1964 to 1966 do not, however, include expenditure on such items as defence and Police, since the cost of these services on a regional basis cannot be easily determined.

EXAMINATION OF FINANCIAL POSITION OF STATE GOVERNMENTS IN MALAYSIA

17. Tuan Haji Ahmad bin Abdullah asks the Minister of Finance to state whether the Central Government intends to examine the financial situation of each State Government in Malaysia in order to provide a more equitable distribution of money between these States from the Central Government.

Tun Tan Siew Sin: A Committee consisting of three officials of the Federal Treasury and the State Financial Officers of Kedah, Pahang and Sarawak was appointed by the National Finance Council in May, 1965 to examine the financial position of the State Governments in West Malaysia, and in the light of such examination

to recommend measures to improve the finances of the States, having regard to the effects of such measures on the financial position of the Federal Government.

The Committee submitted its Interim Report to the National Finance Council at its meeting on 19th April, 1966. The recommendations of the Committee were accepted by the Council and some of these have since been implemented by the majority of the States, such as increasing land rents, irrigation rates, water charges and fees for the exploitation of forest produce. Other recommendations in the Interim Report pertaining to the revision of existing legislation on various fees, which are assigned to the States, are being pursued.

The financial position of the various States in constantly being reviewed by the Treasury particularly in relation to their applications for grants from the State Reserve Fund. Information and details on sources of revenue available to the States are being examined and the types of expenditure, both recurrent and capital, are being analysed for the consideration of the Committee, which is expected to submit its final report to the National Finance Council in the near future.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, ada-kah Yang Berhormat Menteri Kewangan sedar bahawa kedudukan kewangan Kerajaan Negeri hingga sampai masa sekarang ini maseh juga di-dalam keadaan yang tidak memuaskan hati walau pun Committee itu telah membuat recommendation²-nya dan telah di-terima oleh Kerajaan Pusat dan sa-tengah daripada recommendation² ini telah di-jalankan dan perkara ini sangat-lah terang, kerana kita tahu satu kenyataan yang telah di-keuarkan oleh bekas Menteri Besar, Johor, dahulu, bahawasa di-dalam kenyataan-nya yang telah di-gambarkan bahawa Kerajaan Negeri Johor sa-olah² sa-bagai sa-orang bujang yang kaya telah berkahwin dengan Kerajaan Pusat ia-itu suami-nya yang penghisap darah. Ini satu kenyataan yang kita tidak dapat tolak kerana kedudukan kewangan tiap² Kerajaan Negeri sangat-lah menyedehkan.

Baharu² ini Duli Yang Maha Mulia Sultan Perlis sa-belum bertolak ka-Amerika telah membuat juga satu kenyataan bahawa kedudukan kewangan negeri Perlis sangat-lah menyedehkan hingga sampai bayaran gaji bagi kaki-tangan Kerajaan pun sangat-lah susah, sebab itu-lah keluar-nya chadangan saya supaya di-adakan finance commissions.

Mr Speaker: Saya suka hendak tahu tentang mana soalan tambahan itu (*Ketawa*).

Tuan Haji Ahmad bin Abdullah: Ada-kah Yang Berhormat Menteri Kewangan sedar di-atas kedudukan kewangan yang pinchang ini bagi Kerajaan² Negeri.

Tun Tan Siew Sin: Mr Speaker Sir, I think the Honourable Member who has spoken last should be the last person to talk about "hisap darah", because the State from which he comes, I think, will not be able to exist but for the assistance of the Federal Government (*Applause*).

Tuan Haji Ahmad bin Abdullah: Soalan tambahan. Ada-kah Yang Berhormat Menteri Kewangan sedar bahawa 90 peratus daripada pendapatan kewangan negeri Kelantan, bahkan daripada Kerajaan² Negeri dalam Malaysia ini, di-ambil oleh Kerajaan Pusat, maka sebab itu-lah keadaan kewangan Kerajaan Negeri tidak sehat. Itu sebab yang di-katakan Kerajaan Pusat itu penghisap darah.

Tun Tan Siew Sin: Mr Speaker Sir, I think he has got his economics and figures all wrong.

Tuan Haji Abu Bakar bin Hamzah: Soalan tambahan. Ada-kah benar bahawa ada beberapa buah negeri yang keadaan kewangan-nya terlalu rumit, maka Kerajaan Pusat sa-bagai bapa yang mempunyai hati yang belas kasehan telah memberi bantuan kepada negeri² itu? Jika benar tolong sebutkan negeri² yang telah di-kasehanikan itu.

Mr Speaker: Itu soal timbul daripada soal ini-kah atau soalan lain?

Tuan Haji Abu Bakar bin Hamzah: Soalan daripada kerumitan kewangan ini dalam hendak membuat penyiasatan

kedudukan kewangan Negeri. Jadi, adakah badan itu di-tubuhkan kerana ada Negeri² yang terlalu rumit kewangannya, dan dengan demikian sudah pun di-bantu oleh Kerajaan Pusat kepada Negeri² itu. Jika ya, tolong sebutkan Negeri² itu.

Tun Tan Siew Sin: Mr Speaker, Sir, I think the Honourable Member will agree that his own State in particular will find it very difficult to carry on without the assistance of the Federal Government and even in the case of his State, I think, we have given them a fair deal.

Dr Tan Chee Khoon: Mr Speaker, Sir, I think the Honourable the Minister of Finance is begging the point. The plain question asked by the Member for Bachok was, is the Honourable Minister aware of any financial aid from the Central Government to the State Government; if so, can he enumerate whatever financial aid that has been given? It is a very simple question. It has nothing to do with Kelantan.

Tun Tan Siew Sin: Mr Speaker Sir, that is an entirely different question of which I will require sufficient notice.

The Speaker: Yes, that is what I thought.

AMOUNTS OF DEBT ON ACCOUNT OF DEVELOPMENT PROGRAMMES

18. Tuan Haji Abu Bakar bin Hamzah: asks the Minister of Finance to state:

- (a) the actual amount of debt incurred by Government to finance development programmes;
- (b) the interest payable on the debt; and
- (c) when the debt is expected to be settled.

Tun Tan Siew Sin: (a) The total public debt outstanding as at 31st July, 1967, was \$3,201 million. Of this total, \$2,898 million have been incurred to finance development programmes. All foreign loans raised have been used for development purposes; in regard to the domestic debt, only medium and long term loans plus the \$300 million trans-

ferred from the Treasury Bills Account to the Development Fund have been used for development. The transfer of the \$300 million from the Treasury Bills Account was made with the consent of this House.

For particulars of the public debt as at the end of 1965, may I refer the Honourable Member to the Budget Estimates for 1967 (pages iv and v). From the "Statement on Public Debt and Sinking Fund Investments" the Honourable Member will note that the present debt outstanding includes debts incurred since 1935, i.e. since the days of the Federated Malay States.

(b) The interest payable on the debt for development programmes was \$118 million in 1966 and for 1967 is estimated to reach \$132 million. Details of the payment of interest for 1967 are to be found in the 1967 Budget Estimates under Sub-Head C. 13.

(c) As the Honourable Member can see for himself from the Budget Estimates, each loan incurred by the Government has a definite repayment date. Based on the debt that is presently outstanding, the last payment will be made in 1990. More loans will be made in the future which will stretch beyond 1990, and the process will go on forever. It is worth noting that in any progressive economy, the public debt will never be settled at any one time. Public debt is not merely a source of public finance, it is also an instrument of monetary policy. Even though an economy has reached its optimum level, there might be a continuing need for the Government to borrow internally in order to regulate the level of money supply with a view to checking inflation or otherwise.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan. Saya ucapkan terima kaseh kepada angka² yang di-beri itu, tetapi yang saya tertarek-nya ia-lah berkenaan dengan hutang yang di-belanjakan untuk kemajuan, ia-itu development. Soalan tambahan saya bagini: adakah Yang Berhormat Menteri berpuas

hati bahawa wang yang di-hutang itu betul² di-belanjakan kepada perojek² yang productive; yang kedua, tidakkah pehak Kerajaan terfikir bahawa masa membayar hutang sampai tahun 1990 itu atau pun yang lebih daripada 1990, itu satu chara membebankan kepada parti² lain apabila dia memerintah Kerajaan sa-sudah Perikatan kalah?

Tun Tan Siew Sin: Mr Speaker, Sir, the answer to the first question is in the affirmative. In regard to the second question, as I have tried to explain to the Honourable Member in my original reply, no progressive country as far as I know, has ever been able to settle its public debt. It is not so much the quantum of the debt, but the purposes for which the debt is used that is important. Further, the test of whether a country is able to afford a particular quantum of public debt must be related to the size of its economy. If its economy, or rather the growth of the economy is sufficiently rapid to permit the servicing of such a debt then, I suggest, there is no undue cause for worry.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan. Soalan saya nampak-nya belum berjawab. Soalan saya bukan satu perkara yang luchu, Tuan Yang di-Pertua, yang saya bertanya bagini: saya bersetuju dengan Menteri bahawa satu negeri yang progresib macham negeri kita ini patut berhutang dan memandang kepada sumbar² ekonomi kita, tetapi hutang yang sa-banyak ini apabila di-lakukan oleh sa-buah Kerajaan yang Kerajaan ini tentu-lah dia tahu bagaimana sumbar²-nya hendak membayar sebab rahsia²-nya di-tangan Kerajaan yang ada sekarang; tetapi jikalau Kerajaan itu jatuh dan naik Kerajaan yang lain tentu-lah Kerajaan yang lain itu menghadapi satu masalah; dengan demikian bukan sahaja Kerajaan yang baharu itu susah, tetapi negara sendiri membayar hutang-nya yang susah. Point ini yang tidak di-jawab-nya.

Tun Tan Siew Sin: Mr Speaker, Sir, I sincerely hope that if ever the Alliance were not to return to power,

the party which succeeds it will take over the liabilities and obligations of the Federal Government. There should be no question of that. But, of course, the Honourable Member may be having idle dreams (*Laughter*). Anyway, apart from that, I think we are talking at cross purpose because, I think, the Honourable Member, to my mind, appears to compare the position of a country with that of an individual. As I have said before, it is not so much the quantum of debt which matters as the ratio of the quantum to the size of the economy.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan yang terakhir. Dapat-kah pehak Kerajaan memberi jaminan bahawa kalau Kerajaan lain naik, Yang Berhormat Menteri² yang ada sekarang ini sanggup berkhidmat sa-bagai pegawai (*Ketawa*) untuk menolong Kerajaan baharu ini membayar hutang itu?

Tun Tan Siew Sin: Mr Speaker, Sir, I think the Honourable Member is asking for the moon, if he expects those of us on this side of the House to serve on a P.M.I.P. Government (*Laughter*).

VISITS OF STATE ASSEMBLYMEN TO FAR EASTERN CAPITALS—EXPENDITURE

19. Tuan C. V. Devan Nair (Bungsar) asks the Minister of Finance whether regular trips by State Assemblymen to Far Eastern capitals is a necessary Government expenditure, and whether he would consider using his considerable persuasive influence on State Governments not to waste public money in this fashion, especially when the country at large is being asked to tighten belts and practise economic stringency.

Tun Tan Siew Sin: Mr Speaker, Sir, I think the Honourable Member will agree that what is relevant is not so much the overseas trip itself but the purpose of such a trip. Secondly, each State Government is a financially autonomous body, and so long as it does not come to the Federal Government for financial assistance, the latter

is in no position to control the expenditure of such a State. Where Federal assistance is sought, however, I can assure the Honourable Member that, in such circumstances, the Federal Government will insist that such a State must exercise the utmost restraint and practise due economy in the expenditure of public funds. All the same, however, the Central Government has strongly advised all State Governments to exercise the utmost restraint in the matter of public expenditure, and in particular to eliminate all non-essential expenditure, in view of the serious financial situation which is at present facing the country.

Tuan C. V. Devan Nair: Sir, if such advice had been given by the Central Government to the State Governments requesting them to exercise the utmost restraint, would the Minister say that the State Governments have, in fact, respected this advice by sending State Assemblymen on these trips to very exotic Far Eastern capitals?

Tun Tan Siew Sin: Mr Speaker, Sir, I do not think it is possible for me to give a general reply to such a general question. I, myself, have read of those particular trips, but I must say I am not quite sure what the purposes of these trips are, as I can only rely on newspaper reports.

EXPENDITURE ON STRUCTURAL REPAIRS—SUBANG INTERNATIONAL AIRPORT

20. Tuan D. R. Seenivasagam (Ipoh) asks the Minister of Works, Posts and Telecommunications to state total of money spent by Government on structural repairs to the Subang International Airport for 1966 and 1967.

The Minister of Works, Posts and Telecommunications (Tun V. T. Sambanthan): Mr Speaker, Sir, there were no structural repairs carried out to the Subang International Airport in 1966 or 1967. The only repairs done were minor repairs to the concrete aprons and floors and walls, replacement and re-laying of rubber strips at the roadway edge of concourse floor, replace-

ment of perspets sheeting to skylight junctions, and re-fixing of metal cover strips over expansion joints. These amounted to \$1,447.16 in 1966 and \$3,204.20 up to June this year.

SHORTAGE OF TELEPHONE LINES IN MUKAH TOWN AND INSTALLATION OF AUTOMATIC EXCHANGE FOR MUKAH, DALAT OYA AND BALINGIAN

21. Tuan Sim Boon Liang (Sarawak) asks the Minister of Works, Posts and Telecommunications to state:

- (a) whether he is aware of the shortage of telephone lines in Mukah Town, and if so, whether he would consider increasing the lines to meet the public's demand;
- (b) when an automatic exchange will be installed for Mukah, Dalat Oya and Balingian.

Tun V. T. Sambanthan: Mr Speaker, Sir, Mukah Exchange, has 50 lines, which are fully subscribed. At the moment, there are only two applications outstanding for telephone service. It is hoped to alter the exchange to automatic working and increase its capacity during the current Malaysia Plan. Along with Mukah, it is proposed to convert the manual exchanges at Dalat and Balingian to automatic working during the same period. Oya is considered at the moment to be uneconomic, and no plans are in hand for conversion to automatic exchange.

Tuan Sim Boon Liang: Mr Speaker, Sir, I remember that the Honourable Minister did reply to my question in this House in 1965 that the automatic exchange would be installed in Mukah between 1966 and 1967, and Dalat between 1967 and 1968, but so far nothing has been done yet in these places. Will the Honourable Minister stick to this promise?

Tun V. T. Sambanthan: There is no reason why it should not stick, because I have seen it in the First Malaysian Plan.

CANCELLATION OF CARRIER LICENCES IN 1966 AND 1967 AND REINSTATEMENT

22. Tuan D. R. Seenivasagam asks the Minister of Transport to state the number of Class "A", "B" and "C" carrier licences cancelled in 1966 and 1967 respectively and of these the number that were subsequently reinstated and the reasons therefor.

The Minister of Transport (Tan Sri Haji Sardon): Mr Speaker, Sir, the number of Class "A", "B" and "C" carrier's licences cancelled in 1966 and 1967 are as follows:

1966			
"A"	"B"	"C"	Total
3	2	23	26
1967 (up to 30-6-67)			
"A"	"B"	"C"	Total
6	7	48	61

The number that was subsequently reinstated—Nil.

FORM VI CLASSES IN SARAWAK

23. Tuan Sim Boon Liang asks the Minister of Education to state:

- whether his Ministry would create more Form VI Classes in Sarawak in order that all suitably qualified Form V pupils (Grades I and II) would be given a place in Form VI Classes in 1968; and
- whether he intends to start a Form VI Class in Mukah Three Rivers Secondary School in 1968.

The Minister of Education (Tuan Mohamed Khir Johari): Mr Speaker, Sir, the answer to (a) Yes, one additional Sixth Form Science class will be established in Sarawak in 1968. The answer to (b)—No.

MALAYSIAN CERTIFICATE OF EDUCATION AND OVERSEAS SENIOR CAMBRIDGE EXAMINATION CERTIFICATE

24. Dr Tan Chee Khoon [*under Standing Order 24 (2)*] asks the Minister of Education to:

- explain his statement that he intended to solve the difference

between the Malaysian Certificate of Education and the Overseas Senior Cambridge Examination by having advanced English taught in National Language medium schools as he seriously considered that the standard of the Malaysian Certificate of Education is exactly the same as the Senior Cambridge Certificate;

- state whether it is a fact that the Malaysian Certificate of Education and the Senior Cambridge Certificate are exactly the same with the exception of English and if the standard of the former is lower than that of the latter whether he would increase the standard of the Malaysian Certificate of Education.

Tuan Mohamed Khir Johari: Mr Speaker, Sir, there is no difference between the two Certificates—Sijil Pelajaran Malaysia (Malay Medium) and the Overseas Senior Cambridge Examination Certificate—except that most of the candidates who enter for the Sijil Pelajaran Malaysia (Malay Medium) Examination take the Lower English Paper in the same way as most candidates take the National Language Paper in the Malaysian Certificate of Education Examination (English Medium) instead of the Malay Language.

English Language is taught in all national schools (primary and secondary) and it is expected that more and more candidates will enter for the English Language Paper in place of the Lower English in the near future, when the facilities for teaching English Language are improved.

UNIVERSITY COLLEGE IN PENANG

25. Dr Tan Chee Khoon asks the Minister of Education whether the projected University College in Penang has been considered by the Economic Planning Unit of the Prime Minister's Department, the Council of the University of Malaya and the Planning Committee on Higher Education in

Malaya, and if not, why is it necessary for the foundation stone to be laid for this College before such consideration is completed.

Tuan Mohamed Khir Johari: Mr Speaker, Sir, the proposal to establish a University College in Penang has been considered by the National Development Planning Committee, the Higher Education Planning Committee and the Cabinet. For the information of the Honourable Member, a Working Committee has been set up to look into the detailed planning of the project. The membership of this Committee also includes representatives from the University Council and Senate.

Dr Tan Chee Khoon: Mr Speaker, Sir, is the Honourable Minister of Education aware that from time to time there have been pronouncements by one Mr Ramanathan regarding the setting up of the University College, in particular, of starting classes? I believe last year he thought he could start the classes this year. I also believe that this year after the laying of the foundation stone, he has contradicted the Honourable Minister of Education by saying that he hopes that the classes will be started next year. Can the Honourable Minister of Education tell us what exactly is the position? Will it be what he has enunciated in Penang, that the classes possibly will be started by 1970, or will the classes be started in 1968?

Tuan Mohamed Khir Johari: Sir, I can tell the Honourable Member one thing, that no action will be taken in this matter until this Working Committee has fully gone into the various factors connected with the opening of the University College.

Dr Tan Chee Khoon: Mr Speaker, Sir, is the Honourable Minister of Education aware that the Committee that he has set up with he himself as Chairman—and I am not trying to make any derogatory remarks about the Honourable Minister of Education—is the most unsatisfactory one, in that you have, in what is essentially purely an academic matter, a politician sitting in charge of it, and a politician

who is very busy with this *pergadohan* with the teachers in this country amongst his other numerous duties, settling UMNO strikes and the like? Is the Honourable Minister of Education aware that when the University of Malaya was set up in 1950, the then colonial Government invited Sir Alexander Carr-Saunders to this country to investigate the feasibility of setting up of an institution of higher education in Singapore? Is the Honourable Minister of Education also aware that when it was decided to establish the Kuala Lumpur Division of the University of Malaya then, this was also looked into and carefully investigated by the academicians in Singapore? Is the Honourable Minister also aware that when it was decided to establish the University of Malaya in Kuala Lumpur, again this matter was investigated for more than a year by the academic people? How can he reconcile the careful planning that was done by the academic people with this hastily established Committee that is headed by himself? Is he not aware that in giving it a political bias, it may well mean that we may establish a second-rate University College in Penang?

Tuan Mohamed Khir Johari: Mr Speaker, Sir, I acknowledge the fact that I have a lot of work to do, and for that reason I have made sure that the Vice-Chancellor was appointed the Deputy Chairman. In my absence, he will be able to perform the work that is normally expected of the Chairman. As regards the project itself, I do not think it is quite fair to compare the project in Penang with the project here in Kuala Lumpur. When we started the University Division in Kuala Lumpur then, we had no experience whatsoever with University planning. However, in the light of what we have undergone, when we established the Division in Kuala Lumpur, I think we can manage with this project ourselves; but if at any time we do require the services of people from outside, I am sure this Committee will consider it.

Dr Tan Chee Khoon: Sir, I think the Minister has got me wrong. I was not trying to advocate that we should

bring people from outside to investigate into the feasibility of the establishment of the University College in Penang. Like the Minister, I agree with him that there are people fully qualified to do this job in Malaysia. Is the Honourable Minister aware that, in this Committee that he has established, there are two representatives of the Senate of the University of Malaya and two representatives of the Council of the University of Malaya? But up to and including the 8th of this month, when the University Council met, there has been no formal notification from his Ministry to the University of Malaya. So, all this talk about University's participation in the project in Penang is all so much hot air—by the Honourable Minister and also by the gentleman that I have mentioned before in Penang, namely, Mr Ramanathan.

Tuan Mohamed Khir Johari: Sir, I never knew the Honourable Member is so pessimistic by nature!

Dr Tan Chee Khoon: Mr Speaker, Sir, I am not that pessimistic. As one who has been associated with higher education in this country for some years, what concerns me, and a large number of people who are interested in the academic standards is that a hastily established University College in Penang may well lead to lowering of standards there, which means that its parent body, the University of Malaya, will not recognise its degrees and, what is more important, may jeopardise its recognition internationally.

Tuan Mohamed Khir Johari: Sir, it is in order to ensure that there would be no hasty action that I have set up this Working Committee, and I think letters must have been sent already to the Council for them to nominate their representatives to the Working Committee.

Dr Tan Chee Khoon: One final question. Will the Honourable Minister give an assurance to this House that no hasty action will be taken regarding the establishment of the University College in Penang before all the various facets of a University educa-

tion will be considered by this Committee and that Mr Ramanathan should be told to tune down or pipe down as regards establishing classes next year or the year after?

Tuan Mohamed Khir Johari: Well, I gladly give that assurance. But as regards my asking Mr Ramanathan to pipe down, I do not think I should. I think the Honourable Member for Batu will be the first to criticise me if I try to do that, because that is trying to prevent the freedom of speech from being practised by our countrymen.

(Question time is up and the following are answers to Oral Questions Nos. 26 to 29)

NUMBER OF FORM IV CLASSES— INCREASE

26. Dr Tan Chee Khoon asks the Minister of Education to state whether he would increase the number of Form IV classes next year for all language streams in view of the fact that unless this is done, only five percent of the students sitting for L.C.E. this year will find places in Form IV next year.

The Minister of Education (Tuan Mohamed Khir Johari): The number of Form IV places will depend on the performance of the candidates appearing for the Lower Certificate of Education/Sijil Rendah Pelajaran in November 1967. It is not true to say that only five per cent of the students sitting for L.C.E. this year will find places in Form IV next year. Of the 86,432 candidates who will sit for the Examination, an estimated 40,204 places (representing 46.5% of the total number of candidates) would be available if they achieve the required standards. For the information of the Honourable Member, in the past only 38%-39% passed this Examination.

SECONDARY SCHOOL FEES— INCREASE

27. Tuan C. V. Devan Nair asks the Minister of Education what increase in secondary school fees the Government plans to introduce next year, the total amount of additional revenue it expects to collect or save by this increase, and whether the increase in

school fees could not have been avoided by slashing Government expenditure on non-essential projects.

Tuan Mohamed Khir Johari: No decision has been made yet by the Government on the question of raising school fees in secondary schools.

SHORTAGE OF CEMENT IN SARAWAK, JULY, 1967

28. Tuan Ong Kee Hui asks the Minister of Commerce and Industry to state whether he is aware that during July, 1967, cement was in very short supply in Sarawak and if so what steps his Ministry intends to take to avoid a recurrence of such a shortage in future.

The Minister of Commerce and Industry (Dr Lim Swee Aun): There was some shortage in the supply of cement in Sarawak during July, 1967. This was due to a considerable reduction in the import of cement from China since April and May 1967 on account of shipping delays arising from the trouble in Hong Kong. Cement from China sources accounts for 73% of Sarawak's total import of this item.

To meet the temporary shortage, Sarawak importers arranged for the purchase of cement from West Malaysia but on account of the limited shipping schedules from Port Swettenham to the ports in Sarawak there was some delay in the arrival of cement.

This temporary shortage would not have been felt if there was no increase in the demand for cement resulting from weather condition which permitted longer working hours in the construction business.

My Ministry understands that the importers in Sarawak have now made arrangements to charter vessels to ensure the regular supply of cement from Malaysia. My Ministry will give every possible assistance to both importers in Sarawak and to the cement exporters in Malaysia to ensure adequate supply of cement. So far there is no restriction and no duty on the import of cement into Sarawak.

TELEVISION IN SARAWAK

29. Dato' Ling Beng Siew asks the Minister of Information and Broadcasting to state when Government will implement the promise made by the Prime Minister when he visited Sarawak in July, 1966, that television stations would be set up in Sarawak soon.

The Minister of Information and Broadcasting (Tuan Senu bin Abdul Rahman): As I have already explained in this House on several occasions, the question of the setting up of television stations in East Malaysia has been receiving the uppermost attention of my Ministry. However, in view of the financial position of Government at this moment, priority has to be given to economic projects first. Once the position improves Government will definitely implement the extension of television services to East Malaysia.

BILLS PRESENTED

THE MALAYSIAN COMBINED CADET FORCE BILL

Bill to provide for the establishment of the Malaysian Combined Cadet Force and for matters incidental thereto; presented by the Parliamentary Secretary to the Deputy Prime Minister; read the first time; to be read a second time at a subsequent sitting of the House.

THE SUPPLEMENTARY INCOME TAX BILL

Bill to make provisions for the imposition, collection and recovery of supplementary income tax and for incidental and related matters; presented by the Assistant Minister of Finance; read the first time; to be read a second time at a subsequent sitting of the House.

THE INDUSTRIAL RELATIONS (AMENDMENT) BILL

Bill to amend the Industrial Relations Act, 1967; presented by the Parliamentary Secretary to the Minister of Labour; read the first time; to be read a second time at a subsequent sitting of the House.

Mr Speaker: The sitting is suspended for fifteen minutes.

Sitting suspended at 11.12 a.m.

Sitting resumed at 11.40 a.m.

(Mr Speaker in the Chair)

MOTIONS

THE FINANCE ACT, 1967 AND THE TURNOVER TAX ACT, 1965

(Exemption of the Sarawak Shell Oilfield Ltd from Turnover Tax)

The Parliamentary Secretary to the Minister of Finance (Tuan Ali bin Haji Ahmad): Mr Speaker, Sir, I beg to move,

That this House pursuant to the provisions of section 4 of the Finance Act, 1967, and sub-section (2) of section 7 of the Turnover Tax Act, 1965, resolves that the Third Schedule to the Act be amended in respect of turnover tax payable for the years 1965 and 1966 by inserting immediately after item 7 thereof the following:

“Sarawak Shell Oilfields Ltd, but only in respect of its undertakings under the Oil Mining Lease entered into between the Sarawak Government and the Company on the 23rd June, 1952.”

Tuan Yang di-Pertua, Lombong² Minyak Shell Sarawak Berhad telah membuat perjanjian sewa dengan Kerajaan Sarawak pada 23hb Jun, 1952, di-mana Sharikat tersebut di-beri kebebasan, kuasa, dan keutamaan² tersebut untuk menchari dan mengusahakan minyak di-sekitar kawasan yang di-sewa di-Sarawak. Fasal 57 (1) jadual perjanjian sewa itu menyebutkan bahawa Lombong² Minyak Shell Sarawak Berhad akan di-kechualikan dari sewa chukai sa-chara langsung sa-lain daripada chukai² yang berjalan kuat-kuasa-nya tatkala surat sewa itu di-tandatangani.

Mengikut sekshen 76, Undang² Malaysia No. 26/1963, semua hak, tanggungan dan perjanjian mengenai apa² hal yang dahulu-nya ada-lah tanggong-jawab Sarawak tetapi seka-rang menjadi tanggong-jawab Kerajaan Persekutuan. Chukai turnover ada-lah tanggong-jawab Kerajaan Persekutuan. Mengikut kuat-kuasa sekshen 76 Un-dang² Malaysia, maka perjanjian sewa

antara Sarawak dengan Sharikat itu mengikat juga Kerajaan Pusat sa-panjang yang mengenai chukai turn-over dan hal² lain yang menjadi tanggong-jawab Kerajaan Persekutuan.

Oleh itu Lombong² Minyak Shell Sarawak Berhad hendak-lah di-kechu-alikan daripada membayar chukai turnover mula² 1hb Januari, 1965, tetapi hanya-lah sa-panjang mengikut perjanjian itu sahaja.

Tuan Yang di-Pertua saya memohon chadangan ini di-luluskan.

Tuan Thomas Kana: Tuan Yang di-Pertua, saya mohon menyokong.

Question put, and agreed to.

Resolved,

That this House pursuant to the provisions of section 4 of the Finance Act, 1967, and sub-section (2) of section 7 of the Turnover Tax Act, 1965, resolves that the Third Schedule to the Act be amended in respect of turnover tax payable for the years 1965 and 1966 by inserting immediately after item 7 thereof the following:

“Sarawak Shell Oilfields Ltd, but only in respect of its undertakings under the Oil Mining Lease entered into between the Sarawak Government and the Company on the 23rd June, 1952.”

THE PARLIAMENT (MEMBERS' REMUNERATION) ACT, 1960—RESCISSION OF RESOLUTION ON AMENDMENT TO SCHEDULE

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr Speaker, Sir, on behalf of the Prime Minister I beg to move the following resolution:

That the House do resolve that the following resolution which was passed by the House during the sitting on the 22nd day of June, 1967, be rescinded:

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

For items 5 and 6 of the Schedule substitute the following—

5. *Travelling Allowance:* Members (other than Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries) shall be paid a sum of one hundred and fifty dollars per mensem.

6. (1) *Travel by Rail:* Members who are Ministers, Assistant Ministers, Parliamentary Secretaries and Political

Secretaries shall be supplied with two free railway passes (first class including sleeper) one for use by the Member and the other for use by the wife or husband of the Member or by any person accompanying the Member. Other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use.

(2) *Travel by Sea or Air:* Members may recover the expenses of any journeys made by sea or air for the purpose of attending meetings of the House or any Committee thereof."

Mr Speaker, Sir, Section 4 of the Parliament (Members' Remuneration) Act, 1960, provides that the Schedule to the Act may be amended by a resolution of both Houses of Parliament. This means that the motion passed by each House must be the same as the motion passed by the other House in order to amend the Schedule.

At a sitting of this House on 22nd June, 1967, this House passed a resolution to amend the Schedule to the Act. The same resolution was moved in the Dewan Negara on 26th June, 1967, but that House amended the resolution and the resolution which was passed was not the same as the resolution passed by this House. The effect of the amendment by the Dewan Negara and the resolution passed by the Dewan Ra'ayat is that the resolution cannot be said to have been passed by both the Houses of Parliament. In the circumstances both the resolutions have become ineffective.

The Government has reconsidered this matter and has decided to move a new resolution which in substance differs slightly from the resolution already passed by this House and the resolution passed by the Dewan Negara. It is, therefore, necessary to rescind the resolution which was passed on the 22nd June, 1967, so that a fresh resolution can be moved in this House. The motion before the House now is therefore intended to rescind the resolution.

Sir, I beg to move.

Tuan Ali bin Haji Ahmad: Sir, I beg to second the motion.

Dr Tan Chee Khoon: Mr Speaker, Sir, it is a matter for congratulation to this country at large that the Dewan Negara at long last has shown some backbone, at long last has drummed up enough courage to be at variance with the Lower House. In the past it was pathetic to see how the Dewan Negara had toed the line of the Lower House in passing all Bills from this House sent to it. It is pathetic to see how the debate on the speech made by the Minister of Finance, which I think normally in this House takes about two weeks, sails through in less than one day in the Upper House. It does not speak well for democracy in this country if the Upper House acts as a rubber stamp to the Lower House without considering very carefully all legislation sent to it. I do hope that in the future the Upper House will look a little more critically at whatever Bills that the Lower House send to it. This is so because as we know in this country the Upper House is packed with "Yes" men, is packed with political failures who are kicked upstairs and is packed with political appointees for services outside this House. In other countries where the Upper House is a fully elected House, for example, as in the United States or in Australia where the Senate is fully elected and where the Senators are more matured people, they are as powerful as the Lower House.

Having congratulated the Upper House on the courageous stand it has taken over this, what must be admitted as almost inconspicuous and innocuous Bill, I now wish to warn the Upper House that it should not get power-drunk and it should not take into its heads that it can delay legislation sent from the Lower House to it on any major issue. None other than Mr Harold Wilson has warned the House of Lords that if it obstruct the Government of the day in the United Kingdom, the Lower House will introduce legislation not only to curb the powers of the Upper House but possibly to do away with an anachronism like the Upper House. Hence, I do hope, while I am glad that the Upper House is

courageous enough to differ with the Lower House, that it will not take into its head to try and supersede the Lower House.

Dr Ng Kam Poh: Mr Speaker Sir, I would like to reply to the Honourable Member for Batu on what he said about the Upper House. Far from being a rubber stamp, the Honourable Members of the Upper House are people of some standing and if the Honourable Member for Batu has been in the Upper House, and I hope he has been, he would have listened to very, very interesting and cogent arguments put forward by Members of the Upper House. The reason why they were, shall we say, recalcitrant was that they wanted not only the President of the Senate as well as the Speaker of Parliament to be included, which I should think is right

Dr Tan Chee Khoon: Mr Speaker Sir, I think the Honourable the Assistant Minister of Finance is getting the wrong end of the stick. Where my speech is concerned, I congratulated the Upper House

Mr Speaker: Well, let him finish his speech, as he did yours.

Dr Tan Chee Khoon: In a sense both he and I agree that what the Upper House

Mr Speaker: Let him finish.

Dr Ng Kam Poh: Mr Speaker Sir, there is one point of difference between his argument and mine and that is where he calls them a rubber stamp and political failures. I did not say so.

Mr Speaker Sir, the point where I said that they have been recalcitrant is that they wanted both the railway passes and in addition \$150. That, as you know, has not been passed by this Lower House. However, I think they were quite correct to point out to the Lower House that the President of the Senate and also the Speaker of the House should be given these passes, and I quite agree with the Upper House in that respect. But I do not play one side against the other, like praising the Upper House and saying

that they have done a duty and that they have asserted their powers, and at the same time warning the Senate that they should not use these powers to curb the Lower House. I would not do such a thing, but I will leave it to the good sense of the Upper House to do these things by themselves. That is in reply to the Honourable Member for Batu. Thank you.

Question put, and agreed to.

Resolved,

That the House do resolve that the following resolution which was passed by the House during the sitting on the 22nd day of June, 1967, be rescinded:

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

For items 5 and 6 of the Schedule substitute the following—

5. *Travelling Allowance:* Members (other than Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries) shall be paid a sum of one hundred and fifty dollars per mensem.

6. (1) *Travel by Rail:* Members who are Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries shall be supplied with two free railway passes (first class including sleeper) one for use by the Member and the other for use by the wife or husband of the Member or by any person accompanying the Member. Other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use.

(2) *Travel by Sea or Air:* Members may recover the expenses of any journeys made by sea or air for the purpose of attending meetings of the House or any Committee thereof.”

THE PARLIAMENT (MEMBERS’ REMUNERATION) ACT, 1960 (AMENDMENT TO SCHEDULE)

Dr Ng Kam Poh: Mr Speaker Sir, on behalf of the Prime Minister, I beg to move this resolution. The House having rescinded the previous resolution to amend the Schedule to the Parliament (Members’ Remuneration) Act, 1960, I now beg to move the following resolution:

That the House pursuant to the provisions of section 4 of the Parliament (Members’

Remuneration) Act, 1960, resolves that the following amendments be made to the Schedule to that Act:

For items 5 and 6 of the Schedule substitute the following—

“5. Travelling Allowance: Members (other than President of the Senate, Speaker of the House of Representatives, Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries) shall be paid a sum of one hundred and fifty dollars per mensem.

6. (1) *Travel by Rail:* Members who are President of the Senate, Speaker of the House of Representatives, Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries shall each be supplied with two free railway passes (first class including sleeper) one for use by the Member and the other for use by the wife or husband of the Member or by any other person accompanying the Member. Other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use.

(2) *Travel by Sea or Air:* Members may recover the expenses of any journeys made by sea or air for the purpose of attending meetings of the House or any Committee thereof.”

Mr Speaker Sir, this new resolution differs very little from the resolution which was passed by the House on the 22nd June, 1967 and rescinded just now. The difference is as follows.

Under the previous resolution the President of the Senate and the Speaker of the House of Representatives were to be given the same privilege as the Members of Parliament who are not holding any office in the Government and they were to get \$150 travelling allowance and a railway pass for their own personal use in exchange for the second railway pass which they now have. However, the Dewan Negara by its resolution has suggested that the President of the Senate and the Speaker of the House should be given the same privileges as the Ministers. The Government has considered this suggestion and has agreed to it. This resolution before the House now provides that the President of the Senate and the Speaker would be given the same privileges as the Ministers. They will not get the \$150 travelling allowance but instead will each get two railway passes, one for his use and the other for the use of his wife or by any person accompanying him. There is no other difference bet-

ween this resolution and the resolution previously passed by the House and rescinded just now.

I might mention, Mr. Speaker Sir, that the Dewan Negara has also in its resolution suggested that a railway pass be issued to each member in addition to the \$150 travelling allowance for the use of his wife. The Government cannot accept this proposal as this will increase Government expenditure. It is to be noted that the Members are to be given \$150 travelling allowance in addition to the privilege of claiming mileage allowance for actual transport expenditure for attending meetings of this House. It is, therefore, considered fair and reasonable that the pass be restricted to personal use only. If the wife is to accompany the Member concerned in his railway travel, the Member can surely pay from his own \$150 travelling allowance.

Sir, I beg to move.

Tuan Ali bin Haji Ahmad: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That the House pursuant to the provision of section 4 of the Parliament (Members' Remuneration) Act, 1960, resolves that the following amendments be made to the Schedule to that Act:

For items 5 and 6 of the Schedule substitute the following—

“5. Travelling Allowance: Members (other than President of the Senate, Speaker of the House of Representatives, Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries) shall be paid a sum of one hundred and fifty dollars per mensem.

6. (1) *Travel by Rail:* Members who are President of the Senate, Speaker of the House of Representatives, Ministers, Assistant Ministers, Parliamentary Secretaries and Political Secretaries shall each be supplied with two free railway passes (first class including sleeper) one for use by the Member and the other for use by the wife or husband of the Member or by any other person accompanying the Member. Other members shall be supplied with one free railway pass (first class including sleeper) for their own personal use.

(2) *Travel by Sea or Air:* Members may recover the expenses of any journeys made by sea or air for the purpose of attending meetings of the House or any Committee thereof.”

BILLS

**THE PADI CULTIVATORS
(CONTROL OF RENT AND
SECURITY OF TENURE) BILL****Second Reading**

The Parliamentary Secretary to the Minister of Agriculture and Co-operatives (Tuan Thomas Kana): Mr Speaker, Sir, I beg to move that a Bill entitled "The Padi Cultivators (Control of Rent and Security of Tenure) Act, 1967" be read a second time. The Bill seeks to amend and re-enact the Padi Cultivators (Control of Rent and Security of Tenure) Ordinance, No. 9 of 1955.

The object of the Act is to control the level of rents in padi lands and to give security of tenure to padi cultivators. This Act will have a great impact in all the padi growing areas, as 50 per cent of the padi farmers in the country rent a part or the whole of the padi land they cultivate. It is estimated that there are 125,000 tenant padi farmers and over 90 per cent of them are in the five States of Kedah, Perlis, Kelantan, Province Wellesley and Perak and further, padi growing is confined to only certain districts within each State.

The Padi Cultivators Ordinance of 1955 was ineffective and was largely ignored by most of the States, except in Kedah where some efforts were made to achieve effectiveness. The other States either failed to apply the Ordinance or failed to implement it although several States, in principle, set up the necessary administrative machinery such as Tenancy Committees, Attesting Officers, Registrars, etc.

There are several reasons for the ineffectiveness of the 1955 Ordinance. To investigate and study these, the Malaysian Government requested the Ford Foundation to assist, and in 1964 a team of two experts, consisting of Messrs. E. D. Smith and P. R. Goethals, arrived in this country. They examined the changes in legislation that will be required if the laws designed to provide rent control and security of tenure are to be effective. The experts submitted their Report in 1965, and this has been

thoroughly studied and examined at various levels, such as:

- (i) an "ad hoc" Committee comprising Senior Officers of the Ministry of Lands and Mines, Ministry of National and Rural Development, Ministry of Agriculture and Co-operatives and the Economic Planning Unit of the Prime Minister's Department;
- (ii) all State Governments, who after studying the Report gave their views to the "ad hoc" Committee.

Consequently, in the light of these comments, the amendments that were necessary to the 1955 Ordinance were drawn up by the representatives of the principal padi producing States (Kedah, Kelantan and Perak), officials from the Ministry of Lands and Mines, Economic Planning Unit and the Ministry of Agriculture and Co-operatives.

The Draft Bill was further discussed from the legal and technical aspects with the State Governments of Perlis, Kedah, Perak and Penang at two separate meetings held at Alor Star and Ipoh. Here, more refinements and the practical implementation of the Act were deliberated. These meetings were called by the Office of the Peguam Negara for the purpose of finalising the Draft Bill.

This Draft Bill takes into consideration the weaknesses of the 1955 Ordinance and also the rapidly changing situation of padi cultivation in this country that has taken place in the last twelve years.

The Bill provides for the maximum rents on padi lands which are divided into three classes according to their productivity (Section 11—Second Schedule). The rents are to be paid in padi after the harvest and maximum rates as follows:

Classification of land	Rent in Gantangs per acre	
Class I	...	140
Class II	...	115
Class III	...	70

The State Authority may, with the concurrence of the Ministry of Agriculture and Co-operatives, amend the

above level and prescribe the maximum rents.

For lands that have been declared as double cropping padi areas, a further 30 per cent of this maximum rents will be imposed.

In this Bill, there is no provision for crop-sharing, that is, rents have to be paid in terms of a fixed quantity of padi and share renting will not be allowed. This is a big change from the existing practice but is necessary if tenant farmers are to make the best use of their resources and the facilities provided by the Government.

Security of tenure is assured to all tenant padi farmers as all tenancy agreements are to be in writing in prescribed forms, (Section 3) and these agreements will not be for a period of less than three seasons (Years) (Section 6) and the tenant has the option to a renewal of his tenancy agreement (Section 7). The landlord will be committing an offence if he does not draw up a tenancy agreement, or have it registered (Section 33). The existing Ordinance of 1955 made illegal any agreement for more than one year but this is one of its weaknesses for no useful purpose is served in re-negotiating and re-registering agreements annually. The extension of the minimum period to three seasons makes it less burdensome for landlords, tenants and administrators and also induces better cultivation practices as farmers will apply fertilizers and bring about other improvements to the farm, for the beneficial effects of these may be up to three years.

Under the proposed Act, new posts of Enforcement Officers will be created by the Minister for Agriculture and Co-operatives (Section 15). The responsibility for investigating cases of non-compliance, and the prosecution of these cases, will be with the Chief Enforcement Officer. He will be responsible to the State Government for the enforcement and the administration of the provisions of the Act. A weakness of the 1955 Act was that there was no adequate enforcement machinery and this made it difficult or impossible for

a public official to take the initiative in prosecuting cases of non-compliance.

The adjudication of landlord/tenant disputes will be by a Tenancy Committee of three persons, (Section 16) one of whom shall be a public officer who will be the Chairman. The State Authority, instead of establishing and appointing a full Committee of three persons, may appoint a single Enquiry Officer who will have all the powers and perform all the duties of the Chairman. The Chairman will have all the powers of a First Class Magistrate. The decisions or orders of the Committee will be binding on all landlords and tenants and will be treated as the decision or order of a Magistrate.

However, there is provision for appeal (Section 26) from any decision or order of a Committee. The appeal will be to a Tribunal consisting of three persons appointed by the State Authority, one of whom shall be a public officer possessing professional legal qualifications and he shall be the president of the Tribunal. The decision of the Tribunal is final and shall not be called in question and be the subject of any proceedings in Court.

This proposed Act, in addition to providing for maximum rents and security of tenure to tenants, states very precisely the responsibilities of landlords and tenants in relation to the tenancy agreement (Section 9). The landlord will pay the quit rents, water rates, and other outgoings. The tenant will bear all costs of cultivation and must also practise good husbandry. Further, the tenant must not sub-let, lease or rent any part of the padi land held under agreement.

It was stated earlier that the conditions under which padi is cultivated is changing very rapidly. A definite effort is now being made to increase production by the development of new techniques. One major change, is the possibility of growing two crops of padi per year in the more important padi growing areas of the country in place of the traditional single crop. The level of rent for the second crop is a comparatively new question and a very important one; if the rent is too high there

will be no incentive for tenant farmers to cultivate the second crop; at the same time although it is recognised that double cropping is mainly the result of Government investment in irrigation and the landlord's contribution is practically nil, nevertheless, it is felt that the landlord should also have some share in the increased productivity of the land. In this proposed Act, the level of rent for the second crop of padi is fixed at 30 per cent of the maximum prescribed rent (Section 11); this will be fair to both the landlord and the tenant and at the same time encourage the full use of the resources of the tenant farmer.

Sir, I beg to move.

Dr Ng Kam Poh: Sir, I beg to second the motion.

Dr Tan Chee Khoon (Batu): Mr Speaker, Sir, it has been evident a long time ago that the Padi Cultivators (Control of Rent and Security of Tenure) Ordinance, 1955 has been inadequate and toothless, and since that time, and perhaps even before that time, the padi planters and cultivators in this country have been exploited, as you all know, by, in most cases, absentee landlords. In the previous Parliament, the then Socialist Front had brought up this matter time and again. I myself in this Parliament have, as far back as 1964, brought to the attention of this House how padi planters have been exploited by absentee landlords and while the Ministry of Agriculture and Co-operatives may introduce double cropping, double cropping does not mean that the padi cultivators will enjoy a double income. In fact, the benefits of the double cropping has been negated by the rapacity of the absentee landlords. As such, since it is better late than never, the Labour Party welcomes this Bill as an act in the right direction to improve the livelihood of the padi cultivators in this country.

Mr Speaker, Sir, the Government must not think that bringing this Bill to this House and getting it passed means that the problems of the cultivators in this country are over. The Government knows that the control of rent and

security of tenure forms part of the panorama of life of the padi cultivator, that he needs much more than control of rent and security of tenure for his land if he is to lead a meaningful life in this country and if he is to be free from the tentacles of the absentee landlords who exploit him to the full making use of the ineffectiveness of the Act of 1955. The Government knows that it has to embark on a vast and bold scheme of land reforms if it is to make life more meaningful to the padi cultivators in this country. Here, again, the Government has moved in the right direction to form the Authority to acquire land and distribute it to the padi farmers. But the Government needs to open many more vacant areas of land for the land-hungry padi cultivators in this country. We all know that F.L.D.A. caters only for 3% of the need for land in this country and, as such, the Ministry of Agriculture and Co-operatives in conjunction with the Ministry of Lands and Mines and also with the various State Governments, should see that many and more areas of land should be opened up for cultivation so as to assuage the need for land by the padi cultivators. The Government should, and I believe the Ministers have time and again gone to Taiwan amongst other places to look at land reforms in that Island Republic. Land reform and land exploitation of the peasants by absentee landlords is the bane of life amongst the peasants in Asia and very few Asian countries have been successful in achieving a breakthrough in this question of land reform. I believe Taiwan is about one of the very few examples where the Government has been successful in passing out land to those who need land and to those who cultivate the land. As such, I commend to the attention of the Minister of Agriculture and Co-operatives that he should liaise with the Minister of Lands and Mines in order to effect much needed land reforms in this country.

Coupled with these land reforms to give land to the padi planter and to the cultivator in this country—because it is no use making him work for an

absentee landlord, what he needs is a plot of land, so that he can say, "This is my land, I will look after it"—is the need for better credit and marketing facilities to protect the cultivators from exploitation. Although various bodies have been established to see that the cultivators are not exploited, for example, the FAMA and the like, we all know that the credit facilities and marketing facilities are still not what they should be and there is need for the Ministry of Agriculture and Co-operatives to effect great changes in these two sectors, namely credit and marketing facilities, before the cultivators can enjoy the full fruits of their labour.

However, Mr Speaker, Sir, what is a little intriguing to me are two omissions in this Act for the protection of padi cultivators. One is, why confine it to padi cultivators alone? Why should not this control of rent and security of tenure be extended to others who cultivate other crops as well? This is a thing that I wish to commend to the attention of the Minister of Agriculture and Co-operatives.

The other thing is that this Bill states, and I shall read it:

"Whereas it is expedient for the purpose of ensuring uniformity of law and policy to amend and re-enact the law relating to the control of rent and security of tenure of padi cultivators in West Malaysia."

Why should this Bill be applied solely to West Malaysia? It seems rather incongruous to me why should the Parliamentary Secretary to the Minister of Agriculture and Co-operatives, who comes from Sarawak, not raise the voice on behalf of Sarawak. Does the Minister of Agriculture and Co-operatives mean to tell us that in Sabah and Sarawak there is no exploitation of the padi cultivators? If there is, then this Act should apply to East Malaysia as well instead of confining it to West Malaysia alone.

Mr Speaker, Sir, I wish to touch on a few more points. Clause 19 (1) lays down the procedure for application to the Committee, and it says:

" for the recovery of land comprised in a tenancy agreement, shall be in writing and shall be addressed to the Chairman."

Now, Mr Speaker, Sir, we all know that most of these padi cultivators are illiterate and the Government should try, as far as possible, to make the rules very easy for the padi cultivators. Is there no possibility for such applications to be made verbally?

The other point is on Clause 20 (1). It says:

"On receipt of an application or reference the Chairman shall notify both parties in writing of the time and place at which the application or reference shall be heard."

Is there no time limit once such an application is made? There should be a time limit, because otherwise it is in the interest of the landlord to drag things as long as possible in the hope that the tenant will think, "Well, the landlord is part and parcel of the Government and the Government is so big. I can't try and tangle with the Government. I better give in to what the landlord may say and do."

Clause 24 (1) (c), Mr Speaker, Sir, talks about bad husbandry. It says:

"If the landlord satisfies the Committee that the tenant has been guilty of bad husbandry so as to cause damage to the land or to impair its value;"

Now, Mr Speaker, Sir, nowhere in this Bill is bad husbandry defined. Surely, on such an important clause as this wherein the tenancy of the land hangs, the Government should try and define what bad husbandry is, so that the tenant can have a case to answer, or knows what bad husbandry means. It may be that the grass grows a little longer, say, by one inch and the landlord comes along and says, "Here, you are not taking good care of my land. This is bad husbandry. You better get out!" And the poor tenant will think, "My God! I have offended the law. I better put something in the pocket of the landlord or I will get kicked out of his land." I shall be very grateful if the Minister of Agriculture and Co-operatives will try, at the later stage, to define what bad husbandry means, so as to see that this Clause is not abused by the landlord, and so as to prevent the tenant from being exploited despite the provisions of this Bill.

Now Clause 27, Mr Speaker, Sir, is a very complicated procedure, and

again we are dealing with people who are mostly illiterate, who do not want to tangle either with the landlord, the Government or the law, and as such, the law should be easily understood to them and should be as simple as possible for the tenant-farmers to comply with; otherwise the provisions of this Bill, good as they are, will be negated by the defeatist attitude that has sieved into the life, unfortunately, of the tenant-farmers in this country.

Now Mr Speaker, Sir, Clause 31 (1) says:

“A party may be represented by a legal practitioner in any proceedings before the Tribunal.”

Now, as you know, most of us have a morbid fear of legal practitioners in this country. We try to stay clear of the law as much as possible, and this applies much more so to the tenant-farmers. Is there no possibility of seeing that the landlord can easily engage a legal practitioner to represent him, the Ministry of Agriculture and Co-operatives providing legal aid to these poor, illiterate, ignorant tenant-farmers, to see that they can get a square deal out of this Bill? If this is not done, then I am afraid the whole essence of this Bill is all loaded against the tenant-farmer. You frighten him with all sorts of rules, you say he must put it in writing, and then in Clause 31 you say he must be represented by a legal practitioner. How on earth is he to do so? He lives up in the *hulu*. He does not know where to get a lawyer—he probably has not heard of such a person as a lawyer. How on earth is he to get a legal practitioner and, even if he knows, how can he afford to get a legal practitioner? This is where, I think, although it may not be the intention of the Minister of Agriculture and Co-operatives, he should see to it that the tenant-farmers, in cases of appeal, should have legal aid if it is required.

In conclusion, Mr Speaker, Sir, the success of this Bill does not depend on we in this House passing this Bill and going to sleep about it; we should see that it is implemented to the full, in the various kampongs up and down the country, not only in West Malaysia

but in East Malaysia as well, and we should see that the farmers know the advantages and their rights under this Bill—and these should be simply and clearly explained to them, so that they can take full advantage of this Bill.

As anyone who has read this Bill knows, this Bill is loaded with agreements—in the nature of complaints, with notices—with all sorts of bureaucratic procedures which frighten the tenant-farmer out of his wits and, as such, it should be made a little simpler, so that these procedures do not frighten the farmers, so as to enable them to take full advantage of the provisions of this Bill, so that they can lead a fuller and more meaningful life, free from the rapacity of the absentee landlords.

Dato' Abdullah bin Abdulrahman (Kuala Trengganu Selatan): Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² Penanaman Padi, Mengawal Sewa dan Menjamin Pemegang yang ada di-hadapan kita pada hari ini. Saya sifatkan Rang Undang² ini ada-lah satu lagi langkah, atau pun usaha Kerajaan Perikatan untuk membelah nasib penanam² padi dengan jalan menambahkan hasil pendapatan mereka tiap² hari.

Kita tahu pada masa sekarang ini banyak penanam² padi ada menjadi mangsa yang melampau kepada tuan² yang empunya tanah padi yang sa-lama ini banyak tinggal di-rumah atau pun di-pekan² dan tanah mereka di-kerjakan oleh orang² lain.

Ada-lah di-harapkan dengan ada-nya Bill ini maka kedudukan ekonomi penanam² padi akan bertambah baik daripada masa² yang lepas.

Saya suka menggesa kepada pehak Kerajaan supaya menghebohkan Bill ini sa-luas²-nya kepada penduduk² kampong dan menerangkan dengan jelas isi kandungan Bill ini, supaya dengan jalan itu dapat-lah orang² kampong, penanam² padi, mengambil kesempatan mendapat keuntungan daripada Bill ini.

Saya juga sa-pendapat, atau pun ber-setuju dengan Yang Berhormat Ahli dari Batu supaya kalau boleh di-dalam

masa yang tidak berapa lama lagi Kerajaan juga akan mengambil langkah membela kaum² tani yang lain dan bukan sahaja terhad kepada penanam² padi.

Tuan Yang di-Pertua, dengan sistem mempunyai tanah yang ada pada kita, yang ada di-dalam negara kita, pada masa sekarang ini di-mana sa-saorang yang kaya itu boleh memileki sampai beribu² ekar tanah kalau mereka terdaya beli, saya rasa patut sangat-lah undang² yang saperti ini di-gubal lebeh banyak lagi dari satu masa ka-satu masa guna untuk membela ekonomi pekerja² yang ada di-atas tanah itu dan dengan jalan itu dapat-lah kita tolong memikirkan jurang di-antara orang² yang berada dengan orang² yang tidak berada.

Tuan Yang di-Pertua, kita semua tahu persaiimbangan ekonomi sangat² mustahak demi untuk kepentingan keamanan dan kebaikan di-dalam negeri kita ini.

Satu perkara lagi, Tuan Yang di-Pertua, saya berharap pihak Kerajaan akan mengambil langkah yang tegas supaya di-dalam melaksanakan atau pun menguat-kuasakan Rang Undang² ini nanti, sa-berapa boleh kita mesti mengelakkan daripada berlaku rasuah di-dalam perbicharaan mengenai tanah² padi ini. Juga, saya suka menarek perhatian Yang Berhormat Menteri yang berkenaan, berkenaan satu dua syarat di-dalam undang² ini yang saya rasa patut di-beri perhatian dan kalau sawajar-nya di-pinda kemudian hari atau pun sekarang ini juga.

Tuan Yang di-Pertua, berkenaan dengan Clause 4 (1) berbunyi:

“ . . . and shall be registered by the landlord within fourteen days of the date of execution thereof with the Registrar:”

Di-sini, Tuan Yang di-Pertua, saya rasa 14 hari untuk mendaftarkan perjanjian itu ada-lah sangat singkat. Saya chadangkan di-jadikan sa-bulan dan bukan 14 hari. Saya buat chadangan ini, Tuan Yang di-Pertua, ia-lah memandangkan ia-itu sa-tengah² penanam padi itu tinggal jauh daripada Pejabat Tanah. Sa-tengah-nya di-ulu² yang mengambil masa 4-5 hari turun dengan sampan ka-bandar.

Saya ada mengambil perhatian tentang syarat (4) 2 yang mengatakan:

“Notwithstanding the provisions of the preceding sub-section, the Registrar may extend the time for the registration of a tenancy agreement if he is satisfied that the failure to present it for registration within the period prescribed in the preceding sub-section was not due to any default on the part of the landlord.”

Tuan Yang di-Pertua, kadang² selalu sahaja berlaku kekeliruan atau pun kerumitan dengan perkara “Not due to any default”. Di-sini-lah saya kata sa-berapa boleh-nya kita hendak hindarkan sa-berapa banyak perkara rasuah di-dalam melaksanankan atau menguat-kuasakan Rang Undang² ini. Jadi, untuk meringankan sedikit lagi beban kepada kedua² landlord dan juga tenant, saya rasa patut-lah juga di-pinda daripada dua minggu tadi untuk meregisterkan kepada tempoh sa-bulan.

Kemudian, Tuan Yang di-Pertua, berkenaan dengan Clause (9) berbunyi macham ini:

“Notwithstanding anything contained in any tenancy agreement such agreement shall be subject to the following implied conditions”—

Kemudian saya bacha Clause 9 (e). Tuan Yang di-Pertua:

“the tenant shall pay the rent due at the place of harvest within two weeks of the completion of the harvest;”

Tuan Yang di-Pertua, saya rasa dua minggu ini sangat-lah singkat masa-nya. Sa-kali lagi saya juga mengshorkan tempoh itu di-panjangkan sampai sabulan bagi membayar sewa itu atau pun membayar hasil kepada tuan yang empunya tanah di-dalam masa sa-bulan sa-lepas daripada tempoh mengetam atau pun harvest. Sebab-nya saya kemukakan shor ini, Tuan Yang di-Pertua, ia-lah memandangkan sa-tengah² tuan yang empunya tanah tadi tinggal di-dalam bandar dan tanah-nya pula tinggal beratus² batu atau berpuluh² batu jauh-nya daripada rumah tuan yang empunya tanah tadi dan ma'alum-lah, Tuan Yang di-Pertua, kadang² untuk petani² tadi atau penanam² padi tadi hendak membawa dengan banyak-nya hasil² padi tadi bukan-nya senang pada masa sekarang ini, memandangkan yang

kita maseh berkurangan jalan² ka-ulu² dan memandangkan kadang² ada susah-nya bagi penanam² padi ini mendapatkan kenderaan baik melalui sungai atau pun jalan raya, maka saya rasa tempoh dua minggu ini patut sangat di-panjangkan sa-hingga sa-bulan sa-kurang²-nya. Fasal apa, Tuan Yang di-Pertua, kalau tidak di-beri dalam masa dua minggu kalau hasil itu tidak di-beri kepada landlord atau tuan tanah oleh penanam² padi tadi di-dalam masa dua minggu ini ada-lah menjadi satu hujjah atau sebab yang membolehkan tuan yang empunya tanah membatalkan perjanjian itu. Ini yang kita bimbang.

Satu lagi, Tuan Yang di-Pertua, ia-lah berkenaan dengan Clause 12 yang berbunyi:

"In the event of a general failure of the padi crop due to natural disaster within the State the Menteri Besar or Chief Minister shall on the advice of the State Agricultural Officer declare in the *Gazette* defining the extent of failure of the crop and the boundaries of the affected area and shall state the percentage of the reduction of the rent allowed to be paid by the tenant to the landlord."

Saya nampak daripada clause ini Menteri Besar, atau pun Ketua Menteri ada-lah terikat kepada nasehat State Agricultural Officer, atau pun Pegawai Tanaman Negeri.

Saya rasa ada elok-nya kalau clause ini tidak mengikat pehak Menteri Besar, atau Chief Minister. Dengan jalan di-pinda perkataan "shall" kepada "may" Menteri Besar, or Chief Minister may on the advice of the State Agricultural Officer declare in the *Gazette*, kemudian yang satu lagi juga "shall" di-pinda kepada "may" yang berbunyi:

" . . . and the boundaries of the affected area and may state the percentage of the reduction of rent allowed to be paid by the tenant to the landlord."

Dengan jalan ini, Tuan Yang di-Pertua, daripada "shall" di-pinda kepada perkataan "may" maka pehak Kerajaan Negeri dan juga pehak Menteri Besar atau Ketua Menteri dapat menggunakan pertimbangan dan kuasa yang ada pada beliau sama ada patut atau tidak hendak di-ishtiharkan dalam *Gazette* seperti yang di-kehendaki di-dalam

Clause 12 ini. Jadi berma'ana tidak-lah sa-saorang pegawai rendah seperti State Agricultural Officer mengikat diri Menteri Besar yang menjadi Ketua di-dalam Kerajaan Negeri, atau Ketua Menteri—Chief Minister—yang ada di-dalam satu² Negeri itu. Saya rasa ini lebeh munasabah pada menggunakan perkataan "may".

Satu sebab lagi yang saya mengemukakan shor ini, Tuan Yang di-Pertua, ia-lah kalau-lah nasehat yang di-beri oleh State Agricultural Officer tadi munasabah dan berpatutan tidak ada sebab Chief Minister, atau pun Menteri Besar tidak mahu mengikut.

Ini satu lagi ia-lah berkenaan dengan stamp, biasa-nya tiap² perjanjian yang di-buat itu di-kehendaki stamp, baharu-lah boleh di-registerkan. Saya rasa memandangkan yang banyak penanam² padi kita maseh buta huruf, atau pun jahil dan juga memandangkan ia-itu banyak di-antara mereka² ini sangat kecil pendapatan-nya—sangat miskin, maka saya rasa elok dan saya mengesah pehak Kerajaan mengechualikan perjanjian² itu daripada di-kenakan stamp, sa-kurang²-nya buat sementara, Tuan Yang di-Pertua. Kemudian dengan jalan itu baharu-lah mengurangkan sedikit bebanan di-atas penanam² padi ini. Oleh kerana kita pun tahu, Tuan Yang di-Pertua, hendak menyiapkan, hendak mengisikan borang yang ada di-Schedule A dan hendak bawa pula borang itu ka-Pejabat Tanah di-registerkan memakan banyak juga belanja oleh penanam² padi tadi, sa-kurang²-nya barangkali dia kena bayar kepada petition writer \$3, \$4 kalau tidak \$10, \$15 dan sa-lain daripada itu hendak pula mereka itu pergi daripada Mukim² itu kepada Pejabat Tanah itu semua-nya kena belanja belaka. Jadi kalau mereka di-paksa pula membayar kerana stamp, saya tidak tahu-lah biasa-nya \$10 kalau tidak silap perjanjian yang sa-macam ini, jadi itu ada-lah satu bebanan yang besar kepada penanam padi. Jadi buat sementara ini, saya shorkan supaya di-kechualikan buat sementara daripada di-kenakan bayaran stamp di-atas perjanjian² ini. Sekian sahaja, terima kaseh.

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, saya bangun untuk menyokong Rang Undang² ini dan saya mengambil peluang menguchapkan sa-tinggi² terima kasih kepada Yang Berhormat Menteri dan Kerajaan yang telah pun mengadakan Rang Undang² ini sa-bagai ganti kepada Rang Undang² No. 9/55. Saya telah beberapa kali mengemukakan perkara ini dalam Dewan yang berbahagia ini supaya dapat di-pinda Undang² yang lama itu supaya sesuai dengan kedudukan pada masa sekarang ini.

Tuan Yang di-Pertua, saya ingin menarek perhatian Yang Berhormat Menteri mengenai Fasal 6. Di-sini ada di-sebutkan :

“(1) Tiada-lah sa-saorang tuan-tanah boleh membuat sa-suatu perjanjian sewa sa-lama tempoh yang kurang daripada tiga musim berturut².”

Dan ta'rif musim pula, erti-nya tempoh mulai daripada masa menyediakan tanah untuk menanam padi hingga-lah selesai padi di-tuai dan jika padi di-tanam dan di-tuai dua kali dalam masa 12 bulan, erti-nya tempoh mulai dari masa menyediakan tanah untuk menanam padi yang pertama hingga selesai tuaian kali yang kedua. Jadi, di-sini saya ingin menarek perhatian kerana jikalau perjanjian itu di-sebutkan pada satu musim, ia-itu musim biasa padi itu di-tanam sa-tahun, bagi negeri Pulau Pinang ada sa-luas lebeh daripada 30,000 ekar yang menanam padi dua kali sa-tahun. Jadi padi yang biasa musim-nya ia-lah di-bagi sewa kepada penyewa² tanah dan di-kenakan sewa tanah itu sa-kuncha bagi satu relong, jadi relong di-Pulau Pinang ini besar sedikit daripada ekar. Dan padi luar musim di-kenakan sa-tengah kuncha bagi satu relong.

Jadi, saya harap-lah supaya Yang Berhormat Menteri mengambil perhatian di-atas perkara ini, yang mengikut sekshen 6 perjanjian sewa sa-lama tempoh yang kurang daripada 3 musim—musim erti-nya daripada mula dia tuai padi hingga-lah di-potong padi—berma'ana sa-kali buat perjanjian, boleh-lah sa-orang itu menanam

tiga kali. Kalau dia mulakan dengan padi biasa, yang kedua-nya padi luar musim, yang ketiga-nya padi biasa habis-lah tempoh perjanjian itu. Kalau tidak silap saya dalam Undang² Tanah Kebangsaan—National Land Code—ada menyebutkan satu syarat; saya chari Undang² ini tidak jumpa, yang mengatakan tiap² satu perjanjian bagi sewa tanah sa-kurang²-nya sa-kali buat perjanjian, mesti-lah sa-panjang tiga tahun. Jadi, bagi pehak penanam² padi, khas-nya orang yang menyewa tanah sawah di-tempat² atau kawasan² yang boleh buat dua kali sa-tahun, patut-lah di-ambil perhatian supaya di-beri peluang kepada mereka itu membuat sawah sa-lama 6 musim, atau pun tiga tahun. Bagi kawasan² yang boleh buat sa-kali sahaja sa-tahun boleh-lah di-sebutkan tiga tahun. Jadi dengan ini akan memberi peluang kepada tuan² penyewa berusaha di-atas tanah itu sa-lama tiga tahun, atau pun 6 musim.

Mengenai perkara jadual yang kedua ia-itu menetapkan had bayaran orang yang menyewa tanah kepada tuan tanah, ia-itu Kelas A yang di-sebutkan di-sini bagi satu² ekar 140 gantang, jikalau di-benarkan buat sawah luar musim sewa kalau ditambah 30% lagi daripada 140.

Tuan Yang di-Pertua, mengenai penetapan pembayaran sewa yang disebut jadual kedua ia-itu muka 23. Kelas “A” 140 gantang satu ekar, kelas “B” 115 gantang dan kelas “C” 70 gantang. Sa-kira-nya sa-orang penyewa di-benarkan buat dua kali sa-tahun maka bagi yang permulaannya kena bayar 140 gantang. Yang kedua tidak lebeh daripada 30% daripada apa yang di-tetapkan dalam perjanjian itu, berma'ana pada satu tahun dia akan dapat 185 gantang satu ekar. Bagaimana saya sebutkan tadi Pulau Pinang biasa-nya tuan tanah beri sewa tanah untuk sa-relong ia-itu satu suku ekar pada padi biasa 160 gantang bagi satu relong dan padi luar biasa sa-tengah kuncha, ia-itu 80 gantang bagi sa-relong. Jika di-sewa sa-tahun untuk membuat dua kali, kena-lah penyewa itu bayar kepada tuan tanah sa-banyak 240 gantang bagi satu relong. Jadi apa yang di-jalankan

di-sana untuk tanaman luar musim ia-itu di-tetapkan $\frac{1}{2}$ kuncha bagi luar musim. Sa-balek-nya di-tetapkan di-sini chuma tak lebih 30% daripada yang di-tetapkan. Ini saya ingin menarek perhatian Yang Berhormat Menteri sunggoh pun ada undang² ini bagi satu dasar, tetapi akan dapat dikaji mengikut kehendak² dan adat resam, atau pun syarat² perjanjian yang di-jalankan di-tiap² satu tempat, dan tiap² satu negeri dapat meminda undang² ini, atau pun ketetapan² mengenakan sewa itu mengikut apa yang di-jalankan di-tempat² masing².

Tuan Yang di-Pertua, undang² ini ia-lah sa-bagai satu chara untuk memberi kemudahan kepada tuan tanah dan juga kepada tuan penyewa tanah supaya mereka mematuhi undang² ini. Sa-balek-nya apa yang di-harapkan kawalan di-atas perlaksanaan undang² ini, mesti-lah di-jalankan dengan kuat dan rapi, kerana sunggoh pun kita adakan undang², ada lagi orang yang pandai untuk mengatasi undang² yang di-adakan, kerana dengan sa-chara undang² mereka buat perjanjian sa-bagaimana yang di-sebut dalam undang², tetapi sa-balek-nya di-buat perjanjian di-antara sa-orang dengan sa-orang berlainan pula, jadi ini akan mendatangkan keburokan kepada undang² ini. Saya harap pehak yang berkenaan akan mengadakan kawalan yang kuat dan rapi supaya undang² ini berjalan dengan baik-nya.

Tuan Yang di-Pertua, sunggoh pun ada undang² kawalan tanah ini, tetapi masalah yang besar yang di-alami oleh petani² kita ia-lah khas-nya pehak² yang menyewa tanah bendang yang tak ada tanah sendiri. Yang kedua orang yang dapat sewa, tetapi tak cukup bagi ekonomi keluarga-nya sendiri. Dan masalah yang besar ini saya harap supaya pehak Kementerian bekerjasama dengan pehak Negeri supaya mengadakan satu undang² lagi supaya membolehkan tiap² orang yang tak ada tanah sawah sendiri, dengan sa-chara bayar beransor² bagaimana Kerajaan laksanakan mengikut dasar perumahan murah di-dalam bandar², kerana jikalau sa-sorang keluarga itu tidak memilik tanah sendiri sa-

kurang²-nya 3 ekar dan sa-banyak² 5 ekar yang saya anggap menjadi sa-bagai milek ekonomi, maka petani² terus akan dapat kesusahan dan penderitaan. Ini-lah satu masaalah yang sangat besar yang di-alami oleh petani² kita.

Jadi saya berharap supaya satu lagi undang² dapat mengatasi perkara ini dengan mengadakan satu chara, ia-itu Kerajaan menghadkan sa-luas² tanah sawah yang patut di-miliki oleh satu² keluarga ia-itu tak lebih daripada 10 ekar atau pun 5 ekar mithal-nya, dan yang lebeh-nya itu Kerajaan beli mengikut harga pasaran.

Perkara ini saya telah pun bawa kepada Kerajaan Negeri dan Yang Amat Berhormat Ketua Menteri menjawab, Kerajaan tidak ada undang² hendak paksa mengambil tanah orang. Saya bukan-lah bermaksud supaya Kerajaan paksa ambil (acquire) tanah orang, yang saya bermaksud supaya Kerajaan adakan satu tabong supaya membeli tanah ikut harga pasaran. Kata-lah satu keping tanah mengikut harga pasaran \$3,000 bagi satu ekar dan boleh-lah Kerajaan beli tanah itu mengikut harga pasaran, dan di-jualkan kepada petani² yang tak ada tanah, atau yang tidak cukup milek tanah ekonomi dan di-bayar sa-chara beransor² sa-lama 15 tahun bagaimana yang di-jalankan mengikut ranchangan perumahan murah. Jikalau satu ekar di-kenakan bayaran harga-nya \$3,000 dalam masa 15 tahun, maka dapat-lah petani itu kumpulkan wang \$200 satu tahun dan patut juga di-kenakan faedah, sebab Kerajaan pun pinjam wang kena bayar faedah dan kenakan sa-rendah² faedah 3%. Jadi kalau sa-orang itu mengikut patut-nya dia memilik 3 ekar, dia bayar \$600 satu tahun, dan dengan faedah-nya barangkali \$620; \$650 sa-tinggi²-nya satu tahun sa-luas 3 ekar; 15 tahun selesai pembayaran itu dan jadi hak milek dia sendiri. Ini satu chara saya berharap supaya Kerajaan Pusat bekerjasama dengan pehak Kerajaan Negeri supaya dapat membaiki kedudukan petani² kita yang tak ada tanah. Mengikut keterangan, lebeh daripada 60% daripada petani² kita yang ada dalam

negara kita ini menyewa tanah orang. Jadi sa-lama mana-kah yang kita patut membiarkan mereka ini terus menyewa tanah.

Ini-lah yang saya harap sa-tinggi² harapan supaya Kementerian mengadakan satu Kertas Kerja atau undang², buat undang² baharu supaya membolehkan petani² yang tak ada tanah milek ekonomi sa-luas 3 ekar hingga 5 ekar yang akan beransor² memilik-nya sendiri juga untok kepentingan tuan² tanah yang sa-tengah² kawasan saya dapat tahu di-atas nama-nya sendiri mempunyai sa-hingga 1,500 ekar, 500 ekar, 100 ekar yang dia sendiri tidak berusaha di-atas tanah itu, maka patut Kerajaan beli tanah² ini ikut harga pasaran dan wang yang patut di-bayar kapada-nya, kata-lah sa-orang itu Kerajaan belikan 100 ekar; kalau \$3,000 bagi satu ekar, dia dapat \$300,000 dan daripada \$300,000 itu diberi kapada orang itu 50% daripada harga tanah dan yang 50% lagi di-tanamkan modal kapada perusahaan² bagaimana taraf perintis yang di-laksanakan dan di-anjorkan oleh Kerajaan yang tuan tanah itu ada jaminan bahawa taraf perintis yang di-tanamkan modal itu akan memberi ke-untungan kapada tuan tanah itu. Ini akan membolehkan keuntungan faedah memelihara kedua² pehak—orang yang tak ada tanah dapat mengad-kan tanah, orang yang ada tanah yang Kerajaan belikan tanah-nya, dapat modal itu di-tanamkan kapada tempat yang ada harapan; ada keuntungan bagi orang yang tuan tanah itu sendiri.

Dengan ini, saya berharap supaya pehak Kementerian akan memikirkan masaalah ini yang mana kita sendiri menjalankan dasar ia-itu dasar demo-krasi milek harta. Ini-lah masa-nya dan peluang yang chemerlang bagi Kerajaan Pusat bekerjasama dengan Kerajaan Negeri melaksanakan satu dasar yang sa-benar²-nya menolong kapada orang² yang tak ada tanah dalam negara kita ini.

Mr Speaker: Persidangan ini di-tangguhkan hingga pukul 4.00 petang ini.

Sitting suspended at 1.00 p.m.

Sitting resumed at 4.00 p.m.

(Mr Speaker in the Chair)

**THE PADI CULTIVATORS
(CONTROL OF RENT AND
SECURITY OF TENURE)
BILL**

Second Reading

Debate resumed.

Tuan Haji Ahmad bin Saaid: Tuan Yang di-Pertua, menyambong ucapan saya sa-belah pagi tadi saya telah pun mengemukakan satu shor dan pandangan untok di-ambil perhatian oleh pehak Yang Berhormat Menteri mengenai masaalah yang di-alami oleh peladang² yang tidak mempunyai tanah sendiri dan saya berharap supaya Yang Berhormat Menteri bekerjasama dengan Kerajaan Negeri dan dapat membuat satu undang² atau peratoran supaya memberi peluang kapada peladang² yang tidak ada tanah sendiri untok mereka berusaha, sa-bagaimana yang saya shorkan, dalam tanah sa-luas sa-kurang²-nya 3 ekar sa-bagai milek ekonomi dan orang yang tidak chukup daripada itu di-tambah supaya menjadi chukup sa-bagai milek ekonomi kerana kalau di-laksanakan oleh sharikat² kerjasama mithal-nya, faedah yang di-kenakan itu tinggi ia-itu di-antara 8% hingga 12%. Jikalau Kerajaan sendiri melancharkan ranchangan ini, menge-nakan faedah yang rendah, kata-lah 3% maka dapat-lah peladang² yang tidak mempunyai tanah itu mempunyai tanah milek sendiri dalam jangka panjang sa-lama 15 tahun.

Di-kawasan saya pada masa sekarang ini, sa-orang peladang yang tidak mempunyai tanah terpaksa menyewa tanah orang dan terkadang²-nya tuan tanah menghendaki bayaran wang dahulu, ia-itu sa-banyak \$250.00 bagi satu relong baharu-lah boleh dia berusaha. Jadi, dengan sa-chara mengad-kan satu peruntokan oleh Kerajaan Pusat dan Kerajaan Negeri boleh menguruskan perkara ini bagaimana yang kita adakan dalam ranchangan perumahan murah sa-lama 5 tahun, Ranchangan Pertama Malaysia di-peruntokkan sa-banyak \$20 juta.

Oleh yang demikian, saya yakin dan perchaya Kerajaan dapat mengadakan

wang peruntokan sa-kurang²-nya \$10 juta, atau pun \$5 juta bagi tahun hadapan untok memulakan ranchangan beli tanah daripada orang yang memileki lebeh daripada yang patut supaya di-bahagi²kan kapada orang² yang tidak ada tanah kerana kerumitan ini khas-nya di-negeri Pulau Pinang tidak ada tanah sa-bagaimana negeri Pahang—perkara ini dapat di-atasi oleh kerana tanah resab banyak dan negeri² lain pun bagitu juga.

Tuan Yang di-Pertua, akhir-nya saya berharap pehak Yang Berhormat Menteri menimbangkan di-atas orang² yang berusaha di-atas tanah menggunakan tanah itu menanam sayor, mithal-nya, kerana banyak di-antara warga negara kita yang berusaha menanam sayor. Undang² ini tidak mengenai orang² yang berusaha berchuchok tanam, ia-itu menanam sayor, dan juga pekebun² buah²an yang kechil². Saya berharap pada satu masa nanti Rang Undang² ini dapat di-pinda dan di-masokkan bersama² dalam Undang² ini orang² yang berusaha tanam sayor dan kebun² buah²an.

Saya ingin menarek perhatian Yang Berhormat Menteri mengenai perkara menanam luar musim. Ada di-satengah² kawasan mereka menanam padi sa-tahun sa-kali dan tanaman dua musim-nya ia-lah bukan daripada padi, bahkan di-tanam dengan jagong, atau saya lihat di-sabelah Kelantan sana dengan tembakau. Oleh yang demikian undang² ini yang hendak di-kenakan sa-banyak Kelas "A", kata-lah satu ekar 140 gantang, jikalau di-tanam dengan jagong, atau di-tanam dengan tembakau, harus akan menjadi satu perbalahan di-antara tuan tanah dengan penyewa bendang itu. Jadi, saya harap Yang Berhormat Menteri bekerjasama dengan Kerajaan² Negeri untok memerhatikan perkara ini supaya dapat di-atasi dan dapat di-selesaikan manakala ada perbalahan di-antara dua² belah pehak dan akhir-nya saya berharap-lah dan saya menyokong penoh Rang Undang² ini supaya dapat di-laksanakan sa-chepat mungkin. Terima kaseh.

Tuan Abdul Karim bin Abu (Melaka Selatan): Tuan Yang di-Pertua, saya suka mengambil bahagian

sadikit berchakap berhubong dengan Rang Undang² pindaan ini. Tentu-lah bagi pehak petani² memberikan sokongan yang penoh kapada Undang² ini, tetapi pada pendapat saya berhubong dengan Rang Undang² ini, dalam bahagian 6 tadi ada di-dalam ini, ia-itu berhubong dengan "tiada-lah sa-saorang tuan tanah boleh membuat sa-satu perjanjian sewa sa-lama tempoh kurang daripada 3 musim berturut²". Perkara ini telah berlaku di-dalam Mahkamah di-Negeri Melaka dalam satu perbicharaan di-antara yang memegang gadai dengan yang menggadai tanah. Perkataan "3 Musim" atau "musim" ini tidak ada dalam Mahkamah.

Jadi saya mengeshorkan bagaimana yang telah di-suarakan oleh salah sa-orang daripada rakan saya tadi patut di-potong perkataan "musim" ini diganti terus dengan "tahun". Pada pendapat saya 3 tahun yang di-letakkan ini sangat-lah pendek yang sa-patut-nya saya chadangkan 5 tahun.

Tuan Yang di-Pertua, Undang² ini saya nampak ia-lah berhubong dengan penanam padi sahaja. Saya harap dapat di-pinda Rang Undang² ini bukan-lah kapada penanam padi sahaja tetapi sa-bagai negeri yang dudok di-sabelah Selatan tanah ayer kita ini, umpama-nya negeri kami di-Melaka, pajak yang sa-rupa ini terkena kapada dusun² buah²an dan kelapa, lebeh dahshat lagi daripada yang di-gelarkan padi kuncha atau pun Undang² yang sa-rupa ini. Jadi saya berharap Menteri Pertanian dapat menjalankan penyiasatan berhubong dengan pajak musim yang berlaku di-sabelah selatan tanah ayer kita ini, lebeh dahshat lagi daripada apa yang berlaku di-sabelah utara. Saya telah pun menyuarakan sa-tahun yang lalu dalam Parlimen ini, tetapi hingga kini maseh senyap lagi.

Tuan Yang di-Pertua, mata pencharian, terutama sa-kali petani² di-Melaka, sa-lain daripada bertanam padi, ada juga-lah apa yang saya katakan dusun dan kelapa. Saya mengalut²kan dalam Undang² ini ada melantek Pengerusi sa-buah Jawatan-kuasa. Saya berharap Yang Berhormat Menteri dapat memileh Pengerusi yang akan di-lantek itu sa-orang yang berperasaan

bukan-lah dia itu orang tengah. Kalau-lah salah Pengerusi, Jawatan-kuasa ini, rasa saya bagi pehak petani² tidak sunggoh² akan mendapat belaan. Akhir-nya Undang² Pindaan ini, petani² yang miskin tentu-lah akan dapat perlindungan dan dengan jalan ini tanaman padi, kerana tanaman padi-lah yang menjadi hasil utama dalam negeri ini.

Jadi saya berharap sangat², lahir-nya Undang² ini dapat petani² dan peladang² juga dudok di-bawah naungan yang selamat. Sekian, terima kaseh.

Tuan Mohamed Zahir bin Haji Ismail (Sungei Patani): Tuan Yang di-Pertua, saya menguchapkan sa-tinggi² tahniah kepada Kerajaan yang akhir-nya telah pun berjaya mengadakan satu Rang Undang² Penanam Padi, Mengawal Sewa, dan Menjamin Pegangan. Sa-tahu saya banyak memorandum yang telah pun di-hantarkan kepada Kerajaan supaya Kerajaan meminda-kan undang² yang lama yang telah di-gubahkan dalam tahun 1955, kerana kita tahu Undang² yang lama itu banyak chachat-nya dan banyak perkara² yang kurang lengkap dan demikian perjalanan-nya tidak-lah begitu lichen dan sempurna, terutama-nya dengan tidak ada satu syarat pun di-dalam Undang² tahun 1955 itu yang membolehkan pehak berkuasa memperkuat-kuasakan perjalanan Undang² itu.

Tetapi walau bagaimana pun, Tuan Yang di-Pertua, Undang² yang lama itu telah pun berjalan juga di-satengah² Negeri, umpama-nya, di-dalam negeri Kedah, Perlis, Pulau Pinang, tetapi malang-nya Undang² tahun 1955 itu tidak berjalan langsung di-dalam Negeri Kelantan. Sa-bagaimana kita ma'alum, Undang² yang lama tahun 1955 itu kuat-kuasa hendak menjalankan-nya ia-lah di-dalam tangan Kerajaan Negeri, dan Kerajaan Negeri Kelantan tidak memperkuat-kuasakan Undang² 1955 itu.

Tuan Yang di-Pertua, di-Kelantan saperti yang telah saya di-fahamkan, atoran menyewa tanah ia-lah di-kira pawah, ia-itu tuan tanah akan berhak mendapat 50 peratus daripada hasil gross bukan daripada hasil berseh,

daripada pendapatan tanah padi-nya pada tiap² tahun. Tetapi di-dalam negeri² yang lain, umpama-nya, negeri Kedah, atau Perlis, tuan tanah ada-lah berhak sa-lebeh²-nya 6 naleh pada tiap² relong atau pun jikalau di-kira peratus ia-lah lebeh kurang 20 peratus daripada hasil gross tanah bendang-nya. Itu-lah, Tuan Yang di-Pertua, pada fikiran saya tidak patut Kerajaan Kelantan tidak memperkuat-kuasakan Undang² Kawalan Sewa Tanah Bendang tahun 1955 itu, kerana yang demikian maka tuan² tanah di-Kelantan telah memerah keringat penyewa² bendang di-negeri Kelantan itu, dan kita berharap muga² Kerajaan Kelantan menguat-kuasakan Undang² yang baharu ini sa-telah di-luluskan oleh Dewan ini dan Dewan Negara kelak.

Tuan Yang di-Pertua, berkenaan dengan Rang Undang² yang sedang di-bincangkan sekarang ini, saya suka hendak membuat sedikit sa-banyak pandangan². Pertama-nya, di-atas nama, nama di-dalam bahasa Inggeris, "Cultivators (Control of Rent and Security of Tenure). Saya tidak ada apa² bantahan, tetapi nama di-dalam bahasa kebangsaan, ia-itu Undang² Penanam Padi (Mengawal Sewa dan Menjamin Pemegangan). Tentang perkataan "pemegangan" ini-lah yang saya ragu²kan dengan kerana apa-kah istilah yang telah pun di-dapati berkenaan dengan perkataan "pemegangan" ini. Sa-benarnya ia-lah terjemahan daripada perkataan "tenure" dan dalam negeri Kedah, Undang² tahun 1955, perkataan "security of tenure" telah pun di-terjemahkan kepada "ketentuan hak".

Jadi "pemegangan" ini datang-nya daripada mana, saya pun tidak faham. Tetapi pada fikiran saya oleh sebab "tenure" itu ma'ana-nya tidak lebeh, tidak kurang kepada "sewaan" atau pun "pajakan", lebeh baik-lah kita tetapkan kepada sewaan atau pun kepada pajakan, kerana lebeh tepat kepada ma'ana yang di-kehendaki oleh Undang² ini.

Tuan Yang di-Pertua, saya hendak berchakap bersangkutan dengan sekshen 6 (1) ia-itu perjanjian sewa hendak-lah sa-lama tempoh yang tidak kurang daripada 3 musim berturut².

Tentang ini, Tuan Yang di-Pertua, telah pun di-binchangkan beberapa lama, ia-itu berapa-kah lama masa yang patut hendak di-adakan perjanjian di-antara penyewa dengan tuan tanah. Ada yang memikirkan ia-itu sa-tahun yang di-sharatkan di-dalam Undang² tahun 1955 sekarang ini tidak-lah elok dan sangat² membanyakkan kerja dengan kerana tiap² tahun tuan tanah dan juga penyewa terpaksa meregisterkan perjanjian² sewa mereka itu. Sa-lepas daripada itu ada yang memikirkan patut supaya di-adakan lebeh daripada sa-tahun, dua tahun, tiga tahun dan lima tahun dan sa-terus-nya.

Tuan Yang di-Pertua, saya menge-luarkan hujah ini dengan kerana perkara ini tert'a'lok kepada syarat 7 (2) itu dan jikalau sa-kira-nya penyewa, di-dalam masa dua bulan sa-lepas habis tempoh perjanjian sewa itu, tidak memasokkan satu notice kepada pendaftar mengikut bentok yang di-tetapkan di-dalam Borang B Jadual Pertama, maka luchut-lah sewa-nya. Jadi, jikalau sa-kira-nya penyewa itu hendak sambong, hendak mempunyai option di-bawah seksyen 7 (2) itu, dia dalam masa dua bulan lepas daripada luchut masa tempoh tiga tahun, umpama-nya dalam perkara ini 3 musim di-sharatkan dalam seksyen 6 (1) ini, maka hendak-lah dalam dua bulan sa-belum luchut masa itu dia memasokkan borang yang di-tetapkan dalam Jadual Pertama itu.

Tuan Yang di-Pertua, perkara ini sa-tahu saya sangat²lah menjadi kesusahan kepada orang² kampong dengan kerana jikalau sa-kira-nya dia terlalai, dia tidak memasokkan borang hendak memanjangkan masa sewa-nya lebeh daripada tiga musim sa-lepas tamat-nya sewa yang lepas itu, maka ia tidak berhak lagi dan hak-nya itu telah pun di-tamatkan mengikut seksyen 24 (1) (a) yang mengatakan :

“apabila habis tempoh perjanjian sewa.”

Jadi lazim-nya, Tuan Yang di-Pertua, orang² kampong selalu-lah tidak begitu chekap dan chermat, hendak memanjang masa tempoh itu. Jikalau sa-kira-nya dia tidak memanjangkan masa tempoh-nya itu maka serta-merta itu-lah tuan tanah itu boleh membawa satu

pengaduan di-bawah seksyen 24 supaya mengambil balek tanah yang telah di-sewakan kapada penyewa tadi.

Mengikut pandangan saya, Tuan Yang di-Pertua, seksyen 7 (2) tidak-lah lagi boleh orang penyewa itu elak lagi dia kena serahkan dengan bulat² kapada tuan tanah balek tanah itu jika sa-kira-nya dalam dua bulan lepas tempoh tarikh sewa-nya maka ia tidak menyambongkan masa sewa-nya itu saperti yang di-kehendaki di-dalam seksyen 7 (2) itu. Jadi, Tuan Yang di-Pertua, dalam perkara ini hendak-lah kita kaji sa-mula di-atas syarat 6 (1) itu, ada-kah patut di-adakan tiga tahun?

Jadi, pada fikiran saya elok jika sa-kira-nya sambongan² pada tiap² perjanjian, sa-lepas mati-nya atau pun habis masa-nya satu² perjanjian itu, maka sambongan itu di-kira sa-chara automatic, tidak payah lagi orang penyewa itu meminta supaya di-masokkan borang supaya di-minta sambongkan, di-kira automatic, di-kira sa-lama tiga tahun lagi umpama-nya.

Jikalau tidak macham ini, Tuan Yang di-Pertua, umpama-nya apabila perjanjian yang telah habis dalam, umpama-nya dalam bulan Jun dan jika sa-kira-nya dalam bulan Ogos dia tidak sambong dan tidak memasokkan borang ini umpama-nya dalam bulan Julai dia telah menenggalah tanah itu dengan tractor, kemudian tuan tanah berhak mengambil balek di-bawah seksyen 24 ini, maka menjadi kesusahan-lah kapada penyewa itu. Jadi, tujuan dan maksud undang² ini yang di-chita²kan, yang di-tuju²kan, di-dalam undang² ini tidak sampai.

Tuan Yang di-Pertua, berkenaan dengan perkara 9 (b) ia-itu penyewa tidak boleh memindahkan, menyewakan atau memajakkan tanah padi yang di-pegang di-bawah perjanjian itu, atau mana² bahagian-nya kapada sa-siapa juga orang lain, atau apa² syarat, atau janji bagi mengusahakan tanah padi itu. Jikalau dia berbuat demikian maka boleh-lah tuan tanah itu meminta melalu² committee, atau pun jawatan-kuasa, meminta balek tanah itu daripada penyewa itu.

Tuan Yang di-Pertua, pada fikiran saya syarat itu tidak-lah praktikal, dengan kerana kadang²-nya kata-lah sa-orang itu sakit dia tidak boleh buat, di-suroh anak dia buat bendang itu—itu telah pun berchanggih dengan syarat 9 (b) ini. Ada kala²-nya penyewa hendak keluar negeri, hendak pergi ka-Mekah umpama-nya, hendak pergi mengembara umpama-nya barangkali dua tiga bulan dia serah kepada chuchu-nya buat kerja tanah itu. Maka telah pun berchanggih dengan syarat 9 (b) ini.

Dan lagi yang lazim-nya, Tuan Yang di-Pertua, yang selalu di-jalankan oleh penyewa bukan-nya si-penyewa itu sa-orang sahaja yang membuat bendang itu, bukan dia sa-orang, barangkali isteri-nya pun menolong dia, barangkali anak menolong dia, kadang² dia bagi kepada anak-nya buat tiga ekar-kah atau empat ekar. Jikalau sa-kira-nya dia buat macham itu maka berchanggih pula dengan sekshen 9 (b) ini. Maka yang demikian membolehkan tuan tanah itu meminta balek tanah itu. Jadi yang demikian maka ada-nya syarat² yang saperti ini tidak menjamin penyewaan kepada si-penyewa itu sa-bagaimana yang telah di-sharatkan atau pun yang di-kehendaki oleh Undang² ini.

Dan lagi, Tuan Yang di-Pertua, ada kadang²-nya sa-orang yang mempunyai tanah yang besar kata-lah 300 ekar. Maka dia sa-bagai tuan tanah kadang²-nya dia berkehendakkan supaya dilantekkan sa-orang yang di-panggilkan principal tenant, ia-itu ketua penyewa. Kemudian ketua penyewa ini dia pulalah yang akan bagi kepada orang² yang di-bawah dia yang di-panggilkan sub-tenant. Yang demikian, Tuan Yang di-Pertua, berma'ana jikalau sa-kira-nya ada sekshen 9 (b) ini tak ada-lah lagi sub²-tenant, atau pun sub-tenant, ia-itu penyewa² yang kechil² yang ada pada masa sekarang ini.

Jadi, Tuan Yang di-Pertua, jikalau yang demikian apa-kah yang akan berlaku kepada sub-tenant yang pada masa sekarang ini ada di-dalam negeri kita? Ada-kah di-kehendaki mereka itu membuat surat sewa dengan tuan tanah itu terus? Dan syarat² tak ada di-dalam Undang² ini yang berkehendakkan tuan

tanah membuat surat sewa kepada sub²-tenant umpama-nya, dan tentu-lah tuan tanah itu tidak mengakui sub-tenant dengan kerana tidak ada surat, atau pun tidak ada hubungan di-antara orang yang menyewa dan orang yang memberi sewa, atau pun contractual rights di-antara kedua² orang mereka itu. Jadi, ini-lah, Tuan Yang di-Pertua, saya minta-lah Menteri yang berkenaan memikirkan soal itu.

Tuan Yang di-Pertua, satu lagi sekshen 11 (1), ia-itu berkenaan dengan pembayaran sewa dan hendak-lah di-bayar mengikut yang tersebut dalam Jadual Kedua kepada Act ini berse-suaian dengan kelas tanah bagi tanah yang terkandung di-dalam perjanjian sewa itu. Dengan syarat bahawa dengan persetujuan bersama antara tuan tanah dan penyewa sa-telah padi di-tuai penyewa boleh-lah menggantikan sewa itu dengan bayaran wang tunai yang di-kira mengikut harga padi yang ada terdapat di-tempat penuai pada masa pembayaran kena di-bayar dan mengikut jumlah padi yang kena di bayar sa-bagai sewa di-bawah sekshen ini.

Tuan Yang di-Pertua, saya tidak ada apa² tegahan di-atas sekshen ini, hanya yang saya minta supaya Kementerian yang berkenaan memikirkan satu masalah lagi, ia-itu kita jangan-lah menganggap mengatakan bahawasa-nya tiap² tuan tanah itu semua-nya kaya² belaka. Ada tuan² tanah yang hanya ada lima ekar, enam ekar, ada sa-tengah-nya ada empat ekar dan sa-umpama-nya. Jadi, kadang²-nya tanah ini telah pun di-sewakan kepada orang lain, dan kadang²-nya dia berkehendakkan wang. Dan orang penyewa suka hendak membayarkan wang kepada-nya, dan jikalau sa-kira-nya kita mengadakan satu syarat ia-itu jikalau sa-kira-nya kedua² pehak itu bersetuju di-bayar dengan, kata-lah, sewa dengan duit tak lebih daripada harga padi untuk lima tahun, atau enam tahun, tujuh tahun, mengikut persetujuan di-antara kedua pehak. Jadi, tuan tanah ini pun boleh menggunakan wang.

Umpama-nya ia hendak membuat modal hendak meniaga, hendak membuat modal untuk hendak meninggikan

pelajaran anak-nya, dia tak gadoh hendak menunggukan pada tiap² tahun lepas tuai padi sa-tahun sa-kali dan boleh ambil lima tahun sa-kali umpama-nya. Ya'ani, Tuan Yang di-Pertua, tidak pula kita hendak menindas kapada penyewa itu dengan kerana kita hendak buat perkara ini dengan persetujuan penyewa dengan memberi keuntungan kapada penyewa, jikalau sa-kira-nya wang yang akan di-bayar itu sa-bagai sewa kurang daripada apa yang dia kena bayar pada tiap² tahun lepas menuai maka tentu-lah berfaedah kapada-nya. Dan dia tentu-lah mempunyai hak dan jaminan akan boleh buat sa-lama lima tahun. Jikalau kita tak mahu mengadakan syarat yang sa-umpama itu maka principle pajak—lease yang telah pun di-adakan, yang lepas², yang selalu di-turuti untuk commerce, untuk perniagaan, kita telah batalkan dan mansokhkan di-dalam Undang² ini. Yang demikian, Tuan Yang di-Pertua, tanah² bendang tidak lagi mempunyai commercial value, tidak boleh lagi dijadikan sa-bagai modal. Jadi, itu-lah saya harap patut di-adakan satu syarat, ia-itu tuan tanah dan penyewa itu boleh mengambil sewa dengan wang untuk beberapa tahun supaya yang demikian menolongkan kapada tuan tanah.

Di-samping itu juga memberikan ketentuan hak atau pun menjaminkan pemegangan kapada si-penyewa itu beberapa tahun yang akan datang dengan tidak takut mendapat satu notis daripada tuan tanah sa-lama sa-tahun yang membolehkan tuan tanah itu mengambil balek tanah-nya saperti yang di-sharatkan di-dalam Undang² ini.

Tuan Yang di-Pertua, sekshen 24 (1) (a) apa yang saya sebutkan tadi, apabila habis tempoh perjanjian sewanya itu, jadi jikalau sa-kira-nya dia tak masuk notis di-dalam masa dua bulan, maka tuan tanah itu dengan sertamerta jika tuan tanah yang tak berapa baik hati, macham helang di-sambarkan hak-nya ia pergi kapada loyar membuat tuntutan balek akan tanah-nya. Saya fikir ini ia-lah syarat—requirement—satu syarat yang tak boleh di-kechualikan, yang tak membolehkan

lagi penyewa itu hendak lawan di-hadapan jawatan-kuasa dengan kerana dia terlalai daripada menunaikan satu syarat yang di-kehendaki oleh Undang². Jadi, tidak ada defence lagi atau tiada jawapan lagi.

Saya fikir perkara 24 (1) (a) ini, patut-lah di-timbang supaya di-pindahkan berbunyi lebeh kurang :

“Jikalau penyewa telah serah balek tanah itu kapada tuan tanah.”

Jikalau dia telah serah balek baharu-lah tuan tanah itu boleh ambil balek, jikalau tidak dia berhak automatic—automatic right to continue the lease, ia-itu ia berhak hendak sambongkan sewa-nya pada tiga tahun sa-kali, melainkan, sa-bagaimana yang di-kehendaki oleh undang² ini, tuan tanah itu boleh mengambil balek tanah itu sa-telah penyewa itu telah pun melanggarkan syarat² yang telah di-bubuhkan di-dalam undang² ini atau pun tuan tanah itu boleh ambil balek jikalau sa-kira-nya telah pun memberi sa-tahun notis dia hendak membuat sendiri mengikut sekshen 24 (1) (f).

Tuan Yang di-Pertua, berkenaan dengan 24 (1) (b), “ahli”, “keluarga” atau “sa-siapa juga” atau “sa-saorang ahli keluarga”. Ahli keluarga ini tidak di-ta'rifkan di-mana² entah-lah barangkali saya tidak terbacha di-mana², tetapi di-dalam undang² ini nampak-nya tidak ada. Jadi, ahli keluarga ini lazim-nya termasuk-lah isteri, atau pun janda-nya. Janda laki², janda perempuan, anak² laki² dan anak² perempuan ada-lah ahli keluarga yang di-ta'rifkan di-bawah Undang² Kawalan Sewa Rumah. Tetapi dalam perkara ini saya rasa patut ta'rif supaya di-permasokkan kapada anak angkat sama. Kadang² itu dua suami isteri itu tidak ada anak, dia buat sewa kemudian dia bela anak orang, kemudian dia meninggal. Anak angkat-nya yang mengerjakan tanah itu. Apabila si-penyewa itu meninggal kemudian tidak boleh anak angkat-nya itu mendapat hak di-bawah sekshen 24 (1) (b).

Jadi, saya rasa ahli keluarga ini patut-lah di-ta'rifkan supaya luas sedikit supaya termasuk kapada orang²

yang membuat bendang² itu yang sa-benar²-nya bukan-lah hanya terhad kepada janda, atau pun anak² kepada penyewa yang telah meninggal dunia itu.

Tuan Yang di-Pertua, berkenaan dengan seksyen 31 (2) yang mengatakan:

“Tiada sa-orang pengamal undang² atau pleader berhak hadir bagi pehak mana² pehak dalam apa² pembicharaan di-hadapan Jawatan-kuasa di-bawah Act ini kechuali dengan kebenaran Jawatan-kuasa dan Jawatan-kuasa boleh memberi atau tidak memberi kebenaran itu sa-bagaimana di-fikirkan-nya patut.”

Tuan Yang di-Pertua, dalam perkara ini saya agak ganjil dengan kerana sa-orang peguam boleh mewakili mana² pehak di-hadapan badan pengadil di-bawah seksyen 31 (1) itu. Tetapi mengapa pula di-hadkan di-bawah seksyen 31 (2). Apabila appeal ka-atas peguam boleh hadir. Di-bawa ka-hadapan jawatan-kuasa maka di-hadkan melainkan jikalau sa-kira-nya di-beri kebenaran oleh Pengerusi Jawatan-kuasa itu. Jadi saya rasa ini tidak-lah lojik dengan kerana banyak perkara² kalau sa-kira-nya boleh peguam hadir di-jawatan-kuasa itu dengan tidak lagi mendapat kebenaran, maka perkara appeal yang membawa kepada pengadil itu boleh kurang berlaku. Jadi, perkara banyak² yang boleh di-selesaikan di-bawah dengan ada peguam di-situ ada kadang²-nya tidak payah lagi di-appeal ka-atas.

Jadi, sa-belah atas itu boleh ada peguam, di-bawah ini tidak boleh, ini saya rasa ganjil dengan kerana jikalau sa-kira-nya sa-saorang itu hendak peguam di-bawah dalam Jawatan-kuasa dia tidak boleh. Lazim ia akan bichara dahulu dan jika dia kalah kemudian appeal pergi kepada pengadil. Di-dalam bichara pengadil itu dia ambil peguam juga. Jadi apa-kah tujuan yang sa-benar-nya dalam undang² ini yang menghadkan supaya sa-orang peguam itu tidak dapat menghadhiri di-dalam perbicharaan di-perengkat Jawatan-kuasa. Saya rasa tidak ada-lah bagitu lojik-nya dalam perkara ini.

Tuan Yang di-Pertua, akhir-nya perkara saya hendak berchakap dalam perkara ini, saya hendak membuat sa-bagai satu pertanyaan. Ia-itu tanah²

bendang baik di-dalam negeri Kelantan atau pun dalam negeri Kedah dan juga barangkali dalam negeri Perak boleh di-katakan kebanyakan-nya, di-dalam simpanan Melayu. Dan jikalau sa-kira-nya mengikut syarat 7 (2) ia-itu orang penyewa itu boleh ada option, ia-itu dengan kehendak sendiri-nya hendak membaharu perjanjian sewa itu dan jikalau sa-kira penyewa itu bukan-nya orang Melayu, jadi, berma'ana dia dapat enam tahun memileki tanah Simpanan Melayu. Lepas itu dia ada berhak pula, sambongkan lagi pula kepada 3 tahun, jikalau sa-kira-nya tanah itu tanah sa-orang yang hartawan, tanah itu tanah Simpanan Melayu, tentu-lah orang hartawan itu tidak boleh meminta balek tanah ini, di-bawah seksyen 24 (1) (f) yang mengatakan tuan tanah itu kena-lah buat sendiri tanah itu, kerana dia hartawan tentu-lah dia tidak buat bendang. Jadi pada tiap² tahun tanah Simpanan Melayu ini kena di-sambongkan pada tiap² 3 tahun, mengikut seksyen 6 (1) ia-itu kena-lah tiga² musim. Mengikut undang² Reserve Melayu, tanah Simpanan Melayu, tidak boleh di-pajak kepada orang² yang bukan Melayu lebeh daripada 3 tahun—itu di-negeri Kedah. Jadi, jikalau bagitu, maka berma'ana, Tuan Yang di-Pertua, undang² ini telah pun berchanggh dengan Undang² Tanah Simpanan Melayu—dengan sa-chara indirect. Saya minta-lah pehak Kementerian memikirkan soal ini dengan kerana barangkali dengan ada-nya syarat ini entah² berchanggh pula dengan Perlembagaan negeri kita yang tersentuh dengan tanah² Reserve Melayu. Sekian-lah.

Tuan C. V. Devan Nair (Bungsar):
Mr Speaker, Sir, over the last few years in this House I have had occasion frequently to remind the Government of the crying need to introduce new legislation to provide effective rent control and security of tenure for the padi farmers in this country numbering about 200,000. Every time the reply was that some committee or other was studying the matter and, in the circumstances, Sir, no one is gladder than I am to see that this Bill has at last seen the light of day.

In one respect the Bill is a distinct improvement on the 1955 Ordinance, in

providing enforcement powers which were conspicuously lacking in the previous law. I wish to stress from the outset, Sir, that whether the padi farmers in the *sawahs* will benefit from the revised law will depend on whether the Alliance Government is determined to enforce the powers that it will acquire under this law. If the Alliance's past is any reliable guide, then the plight of the Malayan padi farmers do not appear to be heading for improvement.

The existing law was passed some 12 years ago. Among other things, it fixed the ceiling for rent at one-third of the harvest, but it was never implemented. The Government will reply that the reason why the 1955 law was not implemented was because of its lack of enforcement powers. This is acceptable, but why has it taken the Government 12 years to rectify an obvious omission in the previous law, and this, Sir, makes a mockery of the Alliance's concern for the plight of the rural peasants when for the last 12 years it did nothing to relieve the miseries and the hardships of 200,000 padi farmers, who were exploited by land owners, many of whom, incidentally, happen to be Alliance big wigs. The next General Election, Sir, is around the corner and now the Government has acted with an unusual alacrity to revise the law. In the interest of the 200,000 padi farmers and their families, we sincerely and earnestly pray that this revised Bill is not just another election gimmick, which will become another dead letter like its 1955 ancestor.

Now, Sir, to the Bill itself, we have been told that the revised draft Bill was based on the Ford Foundation Report on Land Tenure in this country. This report, known as the Eldon Smith Report, has been submitted to the Cabinet. The Minister of Agriculture promised in June this year that this report would be released. So far it has not been done. We would like to know why this has not been done. We must be clear, Sir, in our minds as to why we need effective tenancy legislation.

The purpose is to establish equitable tenure relations which provide for continuous farming operations, sustained production, a reasonable standard of

living for the cultivator and his protection against unjust eviction. It is only when the cultivator is assured that he would enjoy benefits from his additional efforts and his permanent or semi-permanent investments, that he will be encouraged to make all the improvements he possibly can in relation to his productivity and to the development of the agricultural resources at his disposal. Insecurity of tenure will not only discourage initiative but may permanently damage the land by tempting the cultivator to indulge in harmful husbandry practice, which I have incidentally pointed out before, in order to get quick results, quick harvests.

Clause 7 (2), Sir, of the Bill provides that an option to renew a tenancy agreement shall be exercised not later than two months before the expiry of the tenancy agreement by the tenant filling a required form. The onus is, therefore, on the tenant. We know, Sir, that the overwhelming majority of the padi tenants are illiterate. Many of them, through ignorance of the law, will therefore, forfeit their option to renew their tenancy agreements, and God knows, Sir, that this Government, like all Governments, have a habit of intimidating members of the illiterate public with formidable looking forms.

Sir, we propose that the Government should seriously consider amending this Clause to put the onus of renewing the tenancy agreement on the landlord just as the onus of registering tenancy agreements is on the landlord. If tenants wilfully refuse to renew the tenancy agreement, the landlord has recourse to apply for recovery of possession of land to a Committee of Inquiry under Clause 24 (1) (d). Clause 24 (1) (b) permits the recovery of possession of any land by the landlord, and I quote, "in the event of the death or incapacity or otherwise of the tenant" with the proviso that, again I quote—"any person or member of the family of the tenant who is actually cultivating the land may apply to the Committee for an Order transferring the tenancy agreement to him." If the Committee makes such an order the transfer is made, but the Committee may refuse to make the order. This is

manifestly contrary to social justice and we, therefore, urge on the Government to make such transfers of tenancy agreements to members of the family of the tenant, in the event of the death or incapacity of the tenant, mandatory. We are also perturbed by the uninhibited power of the landlord to recover possession of land on the grounds that he requires the land for self-cultivation. Taking into cognisance the fact that the majority of the padi farmers are tenants, it is in the social interest to prohibit landlords, who are already cultivating more than 50 acres of land, to the right of recovery of possession.

Finally, Mr Speaker, Sir, the Bill should have provided for the absolute right of pre-emption in the tenants' favour by establishing the principle that land under lease may be sold only to the tenant. Such provisions are contained, Sir, in the Japanese and Belgian legislation. In Belgium, the owner may not sell the property by private agreement to a person other than the lessee—the right of pre-emption. The owner must inform the lessee of the price and sale conditions. The lessee must notify his acceptance within 30 days. If the lessee does not accept, the owner may not sell the property to a third party for a lower price or on more favourable conditions than those proposed to the lessee, and I will submit, Sir, with all respect to the Government, that it take into consideration the suggestions that I have made in the interest of affording greater protection to the tenants than is contained in the Bill. Thank you, Sir.

Tuan Haji Abu Bakar bin Hamzah (Bachok): Tuan Yang di-Pertua, dengan izin tuan, saya turut berchakap sedikit berkenaan dengan Rang Undang-undang² Penanam Padi, Mengawal Sewa dan Menjamin Pemegangan.

Tuan Yang di-Pertua, ini ada-lah satu perkara yang pada dasar-nya baik tetapi saya yang dukachita Rang Undang² ini di-beri dalam tempoh yang tidak sempat bagi Wakil² Ra'ayat, atau pun bagi saya sendiri, menyemak dan mengambil tahu ada-kah butir² dalam undang² ini dapat di-amalkan oleh ra'ayat jelata. Kita telah mendengar tegoran², atau pendapat² yang di-beri oleh sa-orang Ahli

Yang Berhormat yang juga sa-bagai peguam yang datang daripada tempat yang banyak kejadian sewa-menyewa yang sa-macam ini, dan nyata-lah apabila kita tolak champor dari segi merit dan demerit-nya itu kita dapati bukan sahaja kehendak Rang Undang² ini tidak di-chapai tetapi nature of the very Bill itself sudah berlawanan di-antara satu section dengan satu section yang lain, ini sudah menchukupi untuk kita memberi perhatian.

Tuan Yang di-Pertua, di-bawah section 4 (2) boleh jadi telah diperchakapkan, tetapi saya datang lewat, saya minta ma'af, kalau sa-kira-nya saya ulangkan balek, ia-itu walau apa pun peruntukan² section kecil yang di-atas itu, Pendaftar boleh melanjutkan masa untuk pendaftaran sa-suatu perjanjian sewa, jika dia puas hati bahawa sebab²-nya perjanjian itu tidak di-serah untuk di-daftarkan dalam tempoh yang di-tetapkan dalam section kecil yang di-atas itu tidak-lah kerana apa² keengkarannya di-pehak tuan tanah. Tuan Yang di-Pertua, mentafsirkan perkataan "tidak-lah kerana apa² keengkarannya", jadi keengkarannya daripada pehak tuan tanah itu, tentu-lah payah hendak di-tafsirkan, kechuali kalau di-butirkan dengan tetap. Saya perchaya, Tuan Yang di-Pertua, ada section² lain yang mentafsirkan section ini, tetapi apa salah-nya pula, Tuan Yang di-Pertua, clause ini atau sub-section ini memberi pula hak kepada penyewa bukan sahaja tuan tanah yang dapat membuktikan atau pun dapat peruf bahawa dia tidak engkar tetapi penyewa pun dapat membuktikan juga.

Mithal-nya, Tuan Yang di-Pertua, katakan-lah perjanjian itu tidak di-serahkan dan tidak di-daftarkan dalam masa yang di-kehendaki dan salah satu sebab-nya ia-lah tuan tanah itu tidak berada di-negeri itu, atau tidak berada di-tempat itu, maka nyata-lah bukan tuan tanah itu yang engkar, sebab dia tidak ada di-dalam negeri. Maka tidak menjadi kesalahan, atau pun tidak dapat di-ambil satu² tindakan terhadap-nya, boleh-lah di-teruskan pendaftaran itu tetapi apa kata pula, Tuan Yang di-Pertua, penyewa itu pergi keluar negeri, mithal-nya penyewa itu telah

dapat nikmat dan dia pergi ka-Mekah dan masa yang di-kehendaki untuk mendaftarkan itu, dia tidak ada di-sini dan itu bukan-lah satu keenggaran.

Dalam spirit-nya, dalam jiwa undang² ini, boleh Pendaftar itu menerima, tetapi apabila tidak bertulis, maka kerap kali-nya dalam undang², spirit hanya-lah dapat meng-untongkan pehak yang cherdek sahaja, sebab pehak yang bodoh ini dia bergantung kepada keadaan sa-mata², tidak ada spirit dan ini ada-lah satu perkara yang dia niat baik, tetapi dengan amalan itu menjadi tidak baik sama-lah dengan beruang yang hendak menolong tuan-nya yang tidor meng-halau lalat, di-bawa-nya ketul batu, di-hempaskan di-atas muka, dengan niat hendak menghalau lalat itu, tetapi lalat terbang pechah-lah muka tuan-nya. Dan ini ada-lah satu gara² bagi dalam undang² ini.

Dalam section 6, Tuan Yang di-Pertua, kita dapati bahawa tiada-lah sa-saorang tuan tanah boleh membuat sa-suatu perjanjian sewa sa-lama tempoh yang kurang daripada 3 musim itu berturut². Tuan Yang di-Pertua, tiga musim bagi Tanah Melayu ini ia-lah 3 tahun yang ghalib-nya, tidak 18 bulan oleh kerana menanam padi dua kali itu tidak banyak tempat-nya. Jadi kalau di-buat satu undang² hanya untuk di-maksudkan sama sa-chara langsung, atau tidak, sa-chara niat, atau pun tidak, undang² itu boleh di-pakai kepada pehak yang terkechil, sebab itu tidak dapat di-namakan undang² untok ra'ayat. Kita boleh buat undang² itu bagi kesemua pehak dan termasuk pehak yang kechil. Jadi mithal-nya, Tuan Yang di-Pertua, kita katakan-lah tiga musim, saya mempunyai lima ekar tanah dan saya berhajat hendak pergi ka-Mekah dan saya sewa hanya dua musim atau pun dua tahun, kerana duit daripada menyewa menchukupi bagi ka-Mekah, jadi ada-lah orang yang hendak menyewa tanah itu, tetapi oleh kerana Rang Undang² ini tidak membenarkan kita membuat sewa kurang daripada tiga musim, maka hajat saya tidak sampai dan ini saya lebeh suka kalau sa-kira-nya section 6, sub-section (1)

ini berbunyi, tidak-lah sa-saorang tuan tanah boleh membuat perjanjian sewa sa-lama sa-suatu tempoh tidak kurang daripada sa-kali tanam padi, sebab kalau kurang dari satu kali itu, tentu-lah tidak menjadi sewa. Ini bukan maksud kita hendak menghalang dari tiga musim, tetapi kita tidak mahu menetapkan tiga musim itu, kerana maksud²-nya yang saya kata tadi.

Tuan Yang di-Pertua, tuan² tanah ini, kalau di-Tanah Melayu, bukan kesemua orang yang mempunyai tanah—landlord—sa-bagaimana di-India, atau pun di-mana² tempat yang lain mempunyai beratus² ekar, boleh jadi ada 5, 4 ekar dan tak dapat duit nak pergi ka-Mekah, sebab orang² Melayu kita hendak pergi ka-Mekah itu-lah satu benda yang ia ingin nak champion dalam dunia ini, sebab dia hendak memileki kemegahan itu dan dengan demikian lagi satu pula Rang Undang² Tanah ini menyekat hasrat manusia. Jadi, di-sini, Tuan Yang di-Pertua, section 6 ini pada saya tidak sesuai kepada ra'ayat jelata.

Tuan Yang di-Pertua, ada satu perkara yang tersempat bacha ia-itu section 9 (c)—penyewa hendak-lah sa-tiap masa mengusahakan tanah yang tersebut itu mengikut atoran pertanian yang sempurna dan hendak-lah menanggung segala belanja bagi mengusahakan-nya.

Tuan Yang di-Pertua, kita belum pernah mendengar di-negara kita ini telah mengemukakan satu undang² tanah untok mengelok tanah² yang ekonomik. Ada satu undang² yang nak mengelokkan tanah atau pun maseh dalam peringkat perchubaan, jadi erti-nya kebanyakan atau boleh di-katakan kesemua tanah sawah dalam negara kita ini tanah yang tidak berat. Kalau bagitu penyewa ini sudah lebeh tidak tahu lagi dengan peratoran itu, maka menjadi sesuai kepada penyewa yang di-kampung itu hendak tahu sa-bagaimana yang di-katakan petani sempurna.

Jadi, Tuan Yang di-Pertua, apabila keluar satu surat pekeliling pertanian yang lebeh sempurna ini hendak di-adakan tali ayer yang kechil yang

bagitu bagini yang kesemua-nya di-tanggung oleh si-penyewa tadi dan ini amat-lah berat yang di-harapkan nak mendapat untong dalam 200 gantang atau 300 gantang pada satu ekar, dia terpaksa pula membuat chara² peratoran pertanian yang sempurna bagi negara kita. Saya tidak tahu apa-kah yang di-katakan negara chara yang sempurna kepada kita, sedang negara kita ini belum membuat satu peratoran Land Reform untok di-kemukakan kepada ra'ayat, jadi membuat undang² dengan tidak memberi tahu dahulu ada-lah berlawanan dengan chara² membuat undang².

Saya perchaya, Tuan Yang di-Pertua, ada peguam² yang tolong membuat—frame—undang² ini, tetapi, Tuan Yang di-Pertua, peguam² yang membuat undang² ini, dia tidak berhak men-champor polisi, hanya dia sa-mata² mengikut teknik—itu sahaja, apa yang di-kehendaki oleh Kerajaan dia mem-betulkan dari segi legal—itu sahaja. Jadi ini saya perchaya, kalau section (9) (c) ini berlaku, maka, Tuan Yang di-Pertua, menjadi salah pula kepada penyewa yang tidak tahu peratoran tadi; jadi kalau-lah dia chuba nak develop tanah itu, hendak tanam tanah itu pada musim-nya, kemudian datang-lah landlord, tuan tanah, yang cherdek sadikit itu, dia taksir chara, kemudian ini tidak betul dan terpaksa-lah kamu mengadakan tali ayer bagitu dan bagini maka kachau-lah penyewa itu nak buat.

Tuan Yang di-Pertua, ini pula dalam satu section yang lain saya tidak dapat hendak chari di-sini, tetapi saya telah baca ia-itu apabila nak menyerahkan balek, boleh-lah pehak yang menyewa itu meminta balek perjanjian yang dia telah berikan di-masa dia menyewa, tetapi dengan chara benda² yang di-buat itu mengikut persetujuan tuan tanah. Jadi, Tuan Yang di-Pertua, kalau mengikut persetujuan tuan tanah, tentu-lah dia-tidak dapat hendak mengerjakan, sebab orang² kampung yang menyewa tanah ini dia tidak tahu ilmu pertanian dan apabila datang ayer bah, mithal-nya, yang ia-tahu ia-lah changkol buat batas dan boleh jadi batas itu tidak valid mengikut legal

pula dan dia tidak tahu perkara ini semua dan dia hendak minta duit itu tidak boleh, sebab batas yang di-buat itu tidak sampai kepada taraf yang patut di-minta sugu hati balek.

Ini semua, Tuan Yang di-Pertua, undang² sa-macham ini boleh di-buat kepada farmers di-Amerika, atau pun orang² yang sudah mengerti ia-itu penanam² yang mengerti laws, yang mengerti peratoran pertanian. Bagi Tanah Melayu ini, Tuan Yang di-Pertua, orang² kampung kita tidak pandai, sebab itu-lah kita kuat dalam ranchangan² luar bandar, kalau orang² kampung kita ini pandai saperti negeri yang advance dan sudah maju, sudah tentu mereka itu tidak mengundi Perikatan bagi memerintah negeri ini.

Tuan Yang di-Pertua, section 25, Tuan Yang di-Pertua, saya datang daripada kampung dan kedudukan orang kampung, saya rasa, saya lebeh pandai daripada Menteri². Saya dari kampung, saya besar dari kampung dan saya tahu segala²-nya, sa-hingga dengan Menteri Pertanian itu pun saya lebeh tahu hal kampung. Tuan Yang di-Pertua, section 25 jikalau kita tengok di-sini, apabila sa-suatu rayuan di-maksudkan terhadap keputusan, atau perintah jawatan-kuasa, maka boleh-lah jawatan-kuasa, atas permohonan mana² pehak dalam perbicharaan itu, menggantung perlaksanaan keputusan atau perintah itu sementara menanti keputusan badan pengadilan.

Tuan Yang di-Pertua, dari segi legal boleh jadi sedap bunyi clause ini, tetapi saya mengatakan clause ini tidak practicable, sebab, Tuan Yang di-Pertua, katakan-lah hujan sudah turun, musim sudah datang untok peladang bersawah, tiba² jadi-lah satu salah faham antara penyewa dengan tuan tanah, di-antara tenant dengan owner atau landlord, maka penyelesaian itu terpaksa di-bawa kepada jawatan-kuasa dan jawatan-kuasa ini kalau dia memikirkan hendak menchari keadilan yang lebeh baik dia terpaksa kena serah kepada satu badan keadilan yang lain atau badan yang lebeh tinggi. Apa akan terjadi kepada musim itu sendiri, sebab legal proceeding itu tentu-lah

mengambil masa sa-kurang²-nya sabulan, hujan sudah turun, hendak tanam padi tidak boleh, tiba² jawatan-kuasa itu pula rasa takut hendak memutuskan, dan kemukakan pula kepada satu badan yang lebeh tinggi. Kebetulan badan yang lebeh tinggi itu mempunyai tugas² yang lain, dia pergi ka-luar negeri-kah, bagitu bagini, maka tuan tanah itu pun tidak dapat duit, orang menyewa pun tidak dapat duit, sebab tidak boleh hendak ditanam, pelaksanaan penanaman itu tidak boleh kerana tertangong pending judgement. Jadi dia terpaksa kena menunggu maka berlalu-lah musim. Tuan Yang di-Pertua, musim membuat padi ini dia tidak menunggu Menteri² atau pun wakil ra'ayat senang maka hujan itu turun, dia turun dan masa dia pergi habis dan hilang-lah musim yang sa-macham itu. Ini, Tuan Yang di-Pertua, ada-lah perkara yang kena-mengena dengan ra'ayat. Ada pun masaalah Rang Undang² ini sendiri saya berasa tujuan-nya baik, tetapi amalan-nya tidak baik.

Tuan Yang di-Pertua, lagi satu ia-lah masaalah yang kita hendak kenakan kepada orang² penyewa ia-itu sa-bagaimana yang saya dengar tadi dalam jawatan-kuasa ini tidak boleh pakai peguam, tetapi di-dalam badan pengadilan baharu kita boleh pakai peguam. Tuan Yang di-Pertua, masaalah ra'ayat, Tuan Yang di-Pertua, kalau dia dapat menggunakan peguam di-pehak yang atas itu sudah tinggi berfikir-nya, tetapi kebanyakan ra'ayat bukan sahaja hendak menunggu tidak sampai masa dia hendak menunggu badan pengadilan, badan jawatan-kuasa itu sendiri pun dia tidak sampai. Di-setengah² tempat Penghulu sahaja, di-Kelantan orang panggil Penghulu, di-tempat lain Ketua Kampong. Jadi, orang ini sahaja dapat menyelesaikan. Jadi, dalam perkara ini, Tuan Yang di-Pertua, Penghulu dan Ketua Kampong tidak boleh masok champor dalam perkara ini kerana dia tidak di-daftar atau pun tidak ada peruntokan dalam Rang Undang² ini. Saya tidak minta di-masokkan peruntokan, tetapi kedudukan maka terpaksa-lah penyelesaian itu di-bawa kepada jawa-

tan-kuasa dan di-bawa kepada badan pengadilan dan di-masa itu kalau dia hendak minta pertolongan daripada To' Penghulu atau pun To' Peggawa atau pun Ketua Kampong, maka pegawai² negeri yang berkenaan yang saya sebutkan ini sudah tentu-lah lepas tangan. Mereka berkata kami tidak dapat bertindak di-bawah Rang Undang² ini. Kesemua-nya, Tuan Yang di-Pertua, menambahkan lagi kerumitan kepada ra'ayat jelata.

Akhir-nya, Tuan Yang di-Pertua, berlain sadikit saya membahathkan Rang Undang² ini, sebab saya membahathkan detail, kemudian baharu saya hendak membahathkan dalam umum, in general. Jadi yang saya dapati, Tuan Yang di-Pertua, Kerajaan kita sekarang ini berniat baik, tetapi dia tidak mempunyai satu konsep di-dalam pelaksanaan penyewaan tanah. Mithal-nya yang di-sebut di-sini yang saya dapati yang di-tekanan-nya ia-lah pendaftaran itu atau penyewaan tidak boleh di-lakukan kalau kurang daripada tiga musim, tetapi dia tidak menetapkan pula tanah sa-luas mana yang patut menjadi sewa. Ada-kah tanah itu ekonomik dan kalau ekonomik ada-kah darjat ekonomik itu sesuai dengan Malaysia kita atau pun ekonomik mengikut negeri yang advance atau pun kita sa-mata² memberi sa-barang tanah. Ini juga, Tuan Yang di-Pertua, patut di-kaji oleh pehak Kementerian kita.

Yang kedua, Tuan Yang di-Pertua, nampak-nya rasa² Kerajaan sekarang ini sudah berubah fahaman-nya daripada capitalistic dan feudalistic kepada socialistic dan chuba hendak menceilingkan ia-itu menghadkan milek dan interfere kepada landlord dan nampak-nya hendak membunuh absentee landlord. Saya menyokong perkara ini, tetapi biar-lah Kerajaan mengemukakan dahulu dasar-nya. Mithal-nya, sa-orang pemilek tanah berapa ratus ekar yang dia berhak memileki untok beri di-sewa. Jadi dapat-lah kita menimbangkan Rang Undang² ini dengan baik, tetapi oleh kerana tidak ada undang² tanah yang sa-macham ini saya berasa saya yakin apa yang di-sebutkan oleh wakil dari Sungai Patani tadi kalau diberi tempoh Rang Undang² ini kepada

ra'ayat untuk mendalami-nya banyak yang kita akan dapati berlawanan dengan Undang² Tanah Negeri dan boleh jadi berlawanan dengan National Land Code dan boleh jadi berlawanan dengan Perlembagaan sendiri. Dengan itu, Tuan Yang di-Pertua, kalau betul Kerajaan ini hendak menchari satu social justice atau ke'adilan social kapada ra'ayat jelata, saya menchari Kerajaan supaya berani menyerahkan Rang Undang² ini kapada Select Committee dan Select Committee akan melantek satu Selection Committee untuk mendalami. Jika tidak, erti-nya Kerajaan kita hendak memaksa satu undang² yang belum masak dan ini ada-lah amalan Kerajaan Perikatan dan saya harap tidak-lah disambong².

The Minister of Agriculture and Co-operatives (Tuan Haji Mohamed Ghazali bin Haji Jawi): Tuan Yang di-Pertua, saya mengambil peluang menguchapkan terima kaseh kapada Ahli² Dewan yang telah memberi tegoran, shor dan keseluruhan-nya memberi sokongan kapada Rang Undang² ini.

Ahli Yang Berhormat dari Batu, pada pagi tadi dalam menyokong Rang Undang² ini telah pun membayangkan ia-itu dengan lulus-nya Rang Undang² ini tidak-lah berma'ana semua masalah² berkenaan dengan pertanian dan peladang² dapat di-selesaikan. Dalam masalah ini saya telah beberapa kali menerangkan ia-itu masalah yang berhubung dengan peladang², atau pun petani² ini amat-lah banyak dan sukar. Kita chuma berikhtiar menyelesaikan satu demi satu dari satu masa ka-satu masa. Beberapa perkara telah pun kita mula laksanakan, atau jalankan sa-umpama pemasaran, sekarang penyewaan tanah dan saya juga telah pun menjemput pakar² daripada Bangsa² Bersatu untuk mengkaji masalah pinjam meminjam dan lain². Dengan sokongan daripada Kerajaan² Negeri dan juga Ahli² Dewan, atau Wakil² Ra'ayat, saya perchaya masalah² yang ada sangkutan dengan peladang dan petani ini akan dapat kita selesaikan satu demi satu bagi masa yang akan datang ini.

Ahli Yang Berhormat itu telah pun mengeshorkan supaya pehak Kerajaan

berikhtiar membeli, atau pun mengambil tanah² yang kepunyaan tuan² tanah yang besar² atau pun luas itu dan tanah² itu pula di-bahagikan kepada peladang² dan petani². Daripada segi ini pehak Kerajaan telah pun berikhtiar bagi membeli beberapa kawasan padi dan tanah² bendang itu telah pun dijual balek kapada petani² dengan bayaran ansonan jangka lama. Bertam Estate telah pun di-beli sejak beberapa tahun yang sudah oleh Sharikat Kerjasama dan Sharikat Kerjasama itu dengan beberapa sebab maseh terhutang kapada beberapa puncha dan pada akhir-nya Sharikat Kerjasama Bertam Estate itu telah memohon bantuan daripada Kerajaan dan Kerajaan telah pun memberi pinjaman \$1.7 juta kapada Sharikat Kerjasama Bertam Estate itu.

Baharu² ini dua buah Sharikat Kerjasama lagi telah pun berjaya membeli Brown Estate di-Pulau Pinang dengan pinjaman di-buat daripada Kerajaan dan tanah² dalam Brown Estate itu sedang di-dalam usaha untuk di-bahagi²kan kapada, atau di-beri hak milek kapada peladang² dan petani² yang tinggal di-atas tanah Brown Estate itu. Langkah sa-umpama ini akan di-jalankan oleh Kerajaan daripada satu masa kapada satu masa.

Ahli Yang Berhormat itu juga telah pun bertanya mengapa-kah Rang Undang² ini chuma di-hadkan kapada negeri² di-Malaysia Barat tidak di-Malaysia Timor. Masalah berkenaan dengan penyewaan tanah ini telah pun di-kaji dengan bagitu rapi dan teliti di-Malaysia Barat dan sa-telah mengkaji masalah itu dan mengetahui keadaannya maka itu-lah menyebabkan pehak Kementerian saya dapat merangkakan Undang² ini untuk di-jadikan Undang² bagi penyewaan tanah.

Langkah mengkaji keadaan² di-Sabah dan Sarawak akan di-jalankan dan sa-kira-nya mustahak kelak sama ada Undang² ini akan di-pinda untuk di-laksanakan di-Sabah dan Sarawak atau pun sa-kira-nya mustahak Undang² baharu dapat di-chadangkan.

Dr Tan Chee Khoon: Untuk penjelasan, Tuan Yang di-Pertua, Rang Undang² ini telah di-ambil 10 tahun

untuk membawa ka-Rumah Yang Berhormat ini. Saya berharap Menteri yang berkenaan boleh menjamin kepada Rumah Yang Berhormat ini jangan-lah mengambil 10 tahun lagi untuk melaksanakan Rang Undang² ini ka-Sabah dan Sarawak.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Dato' Yang di-Pertua, saya dapat memberi jaminan itu sa-kira-nya persetujuan daripada Kerajaan Sarawak dan Sabah boleh di-dapati, kerana sabbagaimana Ahli Yang Berhormat sedia ma'alum walau pun kita luluskan Undang² ini pada hari ini dan Undang² ini akan di-hantar ka-Senate dan di-luluskan oleh Senate, tetapi Undang² ini tidak akan berjalan kuat-kuasa-nya, melainkan Kerajaan² Negeri membawa Undang² ini ka-Majlis Meshuarat Undangan Negeri masing² dan di-luluskan di-dalam Majlis Meshuarat Undangan Negeri masing², kerana saya suka-lah memberi tahu kepada Ahli Yang Berhormat kuasa berkenaan dengan masalah tanah ada-lah di-tangan Kerajaan Negeri, bukan-nya di-tangan Kerajaan Persekutuan.

Ahli Yang Berhormat itu juga bertanya mengapa-kah Undang² ini chuma di-hadkan kepada tanah² yang bertanam padi tidak jenis² tanaman yang lain². Jadi berkenaan dengan perkara ini masaalah yang sa-umpama ini boleh di-katakan chuma terdapat di-kawasan² tanaman padi sahaja dan kita tidak mendapati-nya di-kawasan² tanaman kelapa sawit, kelapa, atau pun kebun² getah. Maka oleh yang demikian tidak-lah di-fikirkan mustahak tanah² yang di-tanam dengan tanaman² lain di-masokkan di-bawah Undang² ini.

Dr Tan Chee Khoon: Untuk penjelasan, Tuan Yang di-Pertua, kalau perkara yang di-sebutkan oleh saya berbangkit tentang mengenai tananam² kelapa sawit, kelapa, dan getah, bolehkah Menteri mengambil langkah membawa Rang Undang² saperti ini ka-Rumah Yang Berhormat ini?

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, manakala ada perkara² itu berbangkit, perkara² itu akan di-timbangan. Ahli Yang Berhormat itu juga telah pun menhadangkan, atau pun mengeshorkan supaya

Bab 19 (1) ia-itu permohonan² daripada sa-orang penyewa itu hendak-lah di-buat dengan sa-chara bertulis dan di-'alamatkan kepada Pengerusi. Beliau menhadangkan supaya tidak dengan sa-chara bertulis chuma berchakap mulut sahaja. Jadi selalu-nya pada adat-nya kalau berchakap mulut boleh jadi tidak dapat di-pegang dan saya berharap-lah kepada Ahli Yang Berhormat itu jangan-lah memandang rendah sa-hingga orang kampung tak tahu menulis, tak tahu membacha padahal masa ini kebanyakan daripada mereka dalam apa perjanjian yang di-buat di-kampung² kebanyakan-nya adalah dengan sa-chara bertulis dan manakala bertulis, dapat-lah kita pegang perjanjian² mereka. Kalau sa-kira-nya apa pun tak bertulis chuma chakap mulut sahaja, boleh jadi siapa juga yang berpengaruh maka orang itu akan menang pada akhir-nya. Jadi pada kebiasaan-nya tuan² tanah ada-lah lebeh pengaruh daripada penyewa² tanah, dan barangkali boleh jadi kalau sa-kira-nya tidak di-buat dengan bertulis chuma berchakap mulut sahaja boleh jadi peladang², atau petani² akan teraniaya pada satu masa akan datang kelak.

Fasal 20 (1) apabila di-terima satu permohonan, atau rojokan, Pengerusi hendak-lah memberi tahu kedua² pehak dengan bertulis waktu dan tempat permohonan, atau rojokan itu hendak di-bichara. Perkara ini saya akan membawa pindaan dalam masa Committee Stage ia-itu memberi tempoh dalam masa 30 hari hendak-lah Pengerusi itu memberitahu kedua² belah pehak dengan bertulis waktu dan tempat permohonan, atau rojokan itu hendak di-bicharkan. Itu akan di-bawa dalam Committee Stage.

Fasal 24 (1) berkenaan dengan tafsiran bab husbandry, saya rasa perkara ini tidak-lah payah kita risaukan sangat, kerana Pegawai² Pertanian ada di-semua kawasan dan sa-kira-nya datang satu² masaalah maka nasihat daripada Pegawai² Pertanian itu akan di-minta oleh pehak² yang berkuasa di-situ.

Fasal 27, dalam tegoran Ahli Yang Berhormat mengatakan fasal ini adalah sangat complicated. Saya rasa

tidak-lah begitu complicated sa-hingga tidak dapat di-fahami atau di-jalankan. Jadi saya rasa tidak-lah mustahak fasal itu di-pinda atau di-kaji sa-mula.

Fasal 31, ia-itu berkenaan dengan . .

Dr Tan Chee Khoon: Untok penjelasan, Tuan Yang di-Pertua, mengenai fasal ini saya meminta Menteri yang berkenaan, boleh-kah Kerajaan menolong petani², atau peladang² tentang procedure for appeal.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, berkenaan dengan memberi pertolongan dan bantuan kepada peladang² ini, saya berani-lah mengaku ia-itu pehak Kementerian, Jabatan dan badan² di-bawah Kementerian Pertanian dan Sharikat Kerjasama akan menolong atau membantu petani² pada sa-tiap masa, kerana di-semua kawasan² atau jajahan² dan daerah² dalam negeri ini akan di-tubuhkan Persatuan² Peladang dan Persatuan² Peladang akan di-arah oleh saya sendiri bagi menolong semua petani² di-dalam masaalah yang berhubung dengan kehidupan petani dan peladang² dalam negeri ini.

Fasal 31, ia-itu berkenaan dengan bantuan dalam masa perbicharaan sa-kira-nya tuan tanah mengambil sa-orang loyar, atau sa-bagai-nya. Jadi dalam perkara ini pada kebiasaan-nya, atau pun dalam undang² ini Yang di-Pertua Committee itu ia-lah sa-orang yang berkelulusan undang² dan saya percaya beliau dapat menimbangkan mana yang baik, mana yang burok berkenaan dengan masaalah² ini. Jadi jika sa-kira-nya apa² perkara berbangkit pada masa akan datang maka dapat-lah kita timbangkan pada masa akan datang pula.

Ahli Yang Berhormat daripada Kuala Trengganu Selatan dalam ucapan-nya telah pun membawa bayangan supaya perkara² rasuah jangan berlaku di-dalam masa membuat perjanjian antara peladang² dan tuan² punya tanah. Jadi perkara ini ada-lah di-dalam pandangan yang berat oleh pehak Kerajaan dan sa-bagaimana yang saya sebutkan tadi semua badan² pertanian yang ada dalam negeri ini akan di-minta untok memberi pertolongan dan bantuan kepada petani²

dan peladang² dalam melaksanakan undang² ini.

Ahli Yang Berhormat daripada Kuala Trengganu Selatan juga telah mengeshorkan supaya Fasal 4 (1) di-pindahkan daripada 14 hari kepada 30 hari. Saya rasa 14 hari ini ada-lah memadai kerana kalau sa-kira-nya kita lewatkan sangat boleh jadi ini akan menggendalakan petani² dan peladang² dalam usaha mereka untok menjalankan perusahaan penanaman padi kerana pada masa ini padi ditanam dua kali sa-tahun dan perbedzaan atau masa lapang di-antara satu musim dengan satu musim ia-lah chuma lebeh kurang sa-bulan dan pada musim yang kedua ia-lah lebeh kurang tiga bulan. Jika sa-kira-nya di-lanjut-kan masa daripada 14 hari kepada sa-bulan, boleh jadi ini menjadi kesuntukan masa berkenaan dengan hendak memulakan menanam padi dan perusahaan padi. Tetapi kalau sa-kira-nya di-dapati kelak ia-itu 14 hari ini tidak memadai atau menggendalakan peladang² dan petani², saya memberi kesanggupan untok mengkaji dan meminda sa-kira-nya mustahak.

Ahli Yang Berhormat itu juga mengeshorkan supaya 9 (e) di-pinda daripada masa dua minggu kepada sa-bulan. Pada pendapat saya ini tidak-lah mustahak kerana saya rasa Ahli Yang Berhormat itu ada-lah salah faham berkenaan dengan fasal ini. Dalam masa beliau mengemukakan pindaan ini beliau telah pun memberi satu contoh, sa-kira-nya tuan tanah itu berada di-bandar maka ada-lah mengambil masa bagi peladang² atau petani² hendak menghantar sewa padi daripada kampong ka-bandar dan sa-bagai-nya. Tetapi dalam undang² ini pula di-sebutkan ia-itu penyewaan hendak-lah di-bayar sewa-nya di-tempat menuai dalam masa dua minggu sa-lepas selesai menuai. Maka di-sini ada-lah menjadi kewajipan kepada tuan tanah untok datang mengambil sewa di-tempat menuai bukan di-bandar atau di-rumah-nya yang jauh daripada ladang-nya, tidak. Hendak-lah padi sewaan itu di-ambil di-tempat menuai. Jadi di-sini saya rasa tidak-lah menjadi kesulitan kepada petani²

untuk hendak membayar sewa padi dia terpulang-lah kepada tuan² tanah datang mengambil sewa tanah-nya itu.

Beliau juga telah pun menhadangkan supaya stamp duty bagi perjanjian² itu di-lepaskan. Perkara ini insha' Allah saya akan berunding dengan Menteri Kewangan dan akan di-beri pertimbangan bagi masa akan datang ini.

Ahli Yang Berhormat daripada Seberang Utara telah pun menegor Fasal 6 (1) ia-itu tiga musim. Kata-nya, kalau sa-kira-nya di-buat tiga kali ini boleh jadi bukan tiga tahun, tetapi chuma lebeh kurang 18 bulan. Jadi dalam masaalah ini saya suka-lah menerangkan dengan lanjut sedikit. Kita tidak dapat hendak menghadkan berkenaan dengan sewa tanah bendang ini sa-lama sa-tahun, dua tahun atau tiga tahun, kerana musim padi tidak dapat hendak di-hadkan bila berakhir, mithal-nya bulan dua belas atau bulan sa-belas. Ada kala-nya di-lanjutkan sampai bulan satu, bulan dua dan sa-bagai-nya. Maka dengan sebab itu-lah di-dalam undang² ini kita menetapkan tiga musim dan tafsiran musim itu ia-lah, kalau sa-kira-nya di-buat sa-kali sa-tahun berma'ana musim itu daripada mula kita bekerja membuat bendang kepada akhir-nya ia-itu sa-lepas daripada menuai. Tetapi kalau sa-kira-nya dia tanam padi dua kali sa-tahun berma'ana-lah daripada tarikh awal kita membuat tanaman musim pertama kepada akhir tuaian padi musim kedua, jadi berma'ana-lah dua kali penanaman padi itu di-kira sa-bagai satu musim sahaja. Jadi dengan keadaan yang demikian itu saya per-chaya ada-lah lebeh sesuai di-sebutkan 3 musim daripada di-sebutkan 3 tahun dan di-tetapkan tarikh-nya, kerana itu tidak dapat di-buat di-dalam menentu-kan musim padi.

Beliau juga telah pun berasa ragu² berkenaan dengan perjanjian² luar dan sa-bagai-nya. Jadi perjanjian luar itu tidak di-buat kerana semua sa-kali ada-lah di-tulis di-dalam surat perjanjian. Tetapi kalau sa-kira-nya berlaku juga boleh-lah peladang² atau petani² membuat aduan dan kita akan mengambil tindakan yang sewajar-nya.

Ahli Yang Berhormat daripada Seberang Utara juga telah pun menegor berkenaan dengan sewa tanah yang di-tetapkan itu ada-lah sangat kechil, kalau sa-kira-nya di-bandingkan dengan keadaan di-Pulau Pinang, tetapi di-dalam undang² ini pada Fasal 11 (2) kita ada meletakkan satu syarat ia-itu sewa² tanah yang terdapat di-schedule itu boleh di-pinda sa-kira-nya di-persetujui sama oleh saya sendiri. Jadi ini membolehkan sewaan² itu sama ada hendak di-naikkan, atau di-kurangkan daripada satu masa ka-satu masa.

Tetapi, sewaan yang ada pada Schedule ini ada-lah di-tetapkan berdasar kepada pendapatan padi yang ada pada hari ini, ya'ani pukul rata pendapatan padi kebangsaan ia-lah lebeh kurang 450 gantang. Jadi, kita tetapkan bagi tanah first class, atau perengkat yang pertama 140 gantang, tetapi kalau sa-kira-nya pendapatan padi kita kelak sa-chara pukul rata dapat lebeh daripada 1,000 gantang maka pada masa itu sudah tentu sewaan padi itu akan terpaksa kita memberi pertimbangan lain pula.

Ahli Yang Berhormat daripada Melaka Selatan mengeshorkan supaya lantekan Pengerusi itu hendak-lah dengan betul² supaya Pengerusi² itu dapat menjalankan tugas² yang baik. Jadi ini sudah-lah tentu menjadi kebiasaan, ia-itu kita menchari pegawai² yang berkelulusan yang mempunyai pandangan yang luas dan dapat memberi timbang rasa yang baik kepada kedua² pehak dalam masa kita melantek Pengerusi² bagi lembaga ini.

Ahli Yang Berhormat daripada Sungai Petani telah pun memikirkan berkenaan dengan Undang² Penanaman Padi, Mengawal Sewa dan Menjamin Pemegangan ini tidak di-laksanakan di-negeri Kelantan. Sa-bagaimana yang saya telah terangkan pada mula tadi, Undang² ini tidak dapat di-laksanakan melainkan negeri itu sendiri membawa ka-dalam Majlis Meshuarat Undangan Negeri masing² dan meluluskan-nya. Manakala telah di-lulus maka terpulang kepada negeri itu sendiri menjalan dan melaksanakan Undang² ini. Chuma di-dalam Undang² yang baru ini

ada dua bab sahaja di-mana saya dapat champor tangan sedikit sa-banyak.

Yang pertama sa-kali ia-lah untuk hendak meminda sewa² tanah dan yang kedua ia-lah berkenaan dengan lantikan dan tanggung-jawab enforcement officers, atau pun pegawai² menguatkuasa. Jadi, yang dua ini sahaja yang ada kait-mengait dengan Kementerian saya, tetapi sa-lain daripada itu ada-lah kerja² yang mesti di-laksanakan oleh Kerajaan Negeri masing².

Tuan Haji Ahmad bin Abdullah (Kelantan Hilir): Saya minta penjelasan, Tuan Yang di-Pertua, daripada Yang Berhormat Menteri sa-kira-nya Kerajaan Negeri terpaksa meluluskan Rang Undang² ini di-dalam Majlis Meshuarat Undangan Negeri oleh kerana sebab hendak berhutang-kah atau apa²-kah, maka soal yang di-bangkitkan oleh wakil daripada Sungai Petani itu terpaksa Kerajaan negeri meluluskan Rang Undang² ini, walau pun perkara itu akan menyebabkan tanah Malay Reservation itu terlepas masuk ka-tangan yang bukan orang Melayu. Jadi ini ia-lah satu point yang paling penting yang saya menyokong penuh yang telah di-bangkitkan oleh wakil daripada Sungai Petani tadi, kerana kita tahu sa-kira-nya Kerajaan Negeri hendak meminta hutang untuk kerana tali ayer-kah, atau irrigation-kah atau apa²-kah, di-sharatkan hutang itu tidak boleh di-beri kepada Kerajaan Negeri, melainkan sa-kira-nya Kerajaan Negeri itu meluluskan Rang Undang² ini. Jadi, ketika itu apa-kah satu jalan untuk hendak menyelamatkan tanah Malay Reservation tadi?

Tuan Haji Mohd. Ghazali bin Haji Jawi: Dato' Yang di-Pertua, sa-benarnya saya tak faham apa kehendak² daripada Ahli ini. Yang saya tahu apa yang di-tegor oleh Ahli daripada Kota Star Selatan tadi ia-lah Undang² yang ada ia-itu Undang² tahun 1955 tidak di-laksanakan di-Kelantan. Tetapi, Undang² ini pada dasar-nya telah pun di-persetujui bersama oleh Yang Amat Berhormat Menteri Besar Negeri Kelantan, kerana saya sendiri telah berunding dengan semua Menteri² Besar berkenaan dengan Undang² ini dan pada dasar-nya mereka telah pun

bersetuju dengan Undang² ini. Chuma saya sebutkan sa-kira-nya Undang² ini tidak di-bawa ka-dalam Majlis Meshuarat Undangan Negeri, maka tidak-lah dapat di-laksanakan mengikut Undang² yang ada ini, dan kuasa yang hendak melaksanakan Undang² ini bukan-lah dudok di-tangan Menteri Pertanian dan Sharikat Kerjasama, atau Menteri Tanah dan Galian, tetapi adalah dudok di-tangan Kerajaan Negeri masing².

Tuan Haji Ahmad bin Abdullah: Untuk penjelasan. Soal yang saya bangkitkan tadi sangat-lah mudah dan terang. Terang-nya bagini, sungguh pun pelaksanaan Rang Undang² ini dudok-nya di-dalam tangan Kerajaan Negeri dan Kerajaan Negeri boleh tidak melaksanakan Rang Undang² ini, tetapi oleh kerana satu² sebab, ia-itu Kerajaan Negeri terpaksa meminta hutang daripada mana pehak juga untuk hendak mengadakan irrigation, atau tali ayer dalam negeri yang tersebut dan di-sharatkan bahawa hutang ini tidak boleh di-berikan kepada Kerajaan Negeri yang tersebut, melainkan Kerajaan Negeri itu melaksanakan Rang Undang² ini. Jadi, apabila terpaksa Kerajaan Negeri melaksanakan Rang Undang² ini, walau pun pelaksanaan itu akan melibatkan yang di-katakan Malay Reservation, maka ketika itu soal yang di-bangkitkan oleh wakil daripada Sungai Patani memang kena pada tempat-nya.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, perkara yang di-bangkitkan

Mr Speaker: (Kapada Tuan Haji Mohd. Ghazali) Faham-kah, tak faham?

Tuan Haji Mohd. Ghazali bin Haji Jawi: Faham.

Mr Speaker: Saya tak faham (Ketawa).

Tuan Haji Mohd. Ghazali bin Haji Jawi: Perkara yang di-bangkitkan oleh Ahli Yang Berhormat daripada Sungai Patani itu ada-lah satu perkara yang debatable, atau pun boleh di-binchangkan kerana perkara itu ada-lah terikat kepada Undang² Malay Reservation.

ia-itu tanah² dalam Malay Reservation tak boleh di-sewakan kepada sa-siapa juga yang bukan di-ta'arifkan sa-bagai orang Melayu, tetapi ada Negeri yang membenarkan penyewaan sa-lama tiga tahun, ia-itu mengikut Undang² itu. Tetapi, ini masa kita membuat Bill ini, kita tidak menyangkakan di-Kelantan sana mithal-nya banyak tanah² itu di-sewakan kepada orang lain daripada orang Melayu, tanah² yang dalam Malay Reservation. Tidak ada terlintas di-fikiran, atau di-kepala saya sama sa-kali, tetapi kalau sa-kira-nya perkara itu ada, ia-itu tanah² yang ada dalam Malay Reservation di-Kelantan kebanyakan telah di-sewa kepada orang lain daripada orang Melayu, maka dapat-lah saya membincangkan, atau merundingkan perkara ini dengan pehak yang kerkenaan Kerajaan Negeri Kelantan sendiri dan juga pegawai² undangan² sama ada chara mana dapat di-elakkan, kalau sa-kira-nya mustahak di-pindahkan Undang² ini untuk mense-suaikan kehendak negeri Kelantan supaya tanah yang ada dalam negeri Kelantan, tanah yang ada Malay Reservation itu, tidak terlepas ka-tangan orang lain, kita akan bawa pindaan kerana untuk kebajikan dan kebaikan ra'ayat yang ada dalam negeri itu. Jadi, perkara itu dapat di-rundingkan, dapat-lah saya membuat kesanggupan menjalankan rundingan berkenaan dengan perkara itu.

Tuan Haji Othman bin Abdullah (Hilir Perak): Tuan Yang di-Pertua, sebab saya tak faham juga tadi sa-bagaimana Dato' Yang di-Pertua, ia-itu mengikut keterangan daripada Yang Berhormat Menteri tadi dapat kita fahamkan bahawa tanah reservation yang ada di-negeri Kelantan itu tidak termasuk dalam fikiran dia hendak di-gadaikan kepada orang yang bukan Melayu. Kalau saya tak salah, saya minta penjelasan daripada Yang Berhormat Menteri, ia-itu seluroh tanah dalam negeri Kelantan itu ia-lah di-ta'arifkan dalam Malay Reservation, sama ada di-buka atau tidak di-buka, maka tanah itu di-namakan tanah Malay Reservation. Jadi, bagaimana kedudukan-nya tanah yang telah di-gadaikan oleh Kerajaan PAS negeri

Kelantan sa-banyak 375,000 ekar itu ada-kah dia telah melanggar peratoran itu; itu yang saya tidak faham.

Tuan Haji Ahmad bin Abdullah: Soal gadai itu tidak berbangkit, tetapi oleh kerana wakil daripada Hilir Perak itu tidak mengerti dan faham soal ini, sebab itu-lah di-keluarkan-nya soal gadai. Soal gadai telah di-bahathkan, kami telah terangkan sa-jelas²-nya dalam Rumah yang mulia ini. Tidak berbangkit lagi.

Mr Speaker: Tetapi sudah di-bangkitkan-lah pada masa ini. (*Ketawa*).

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, Fasal 7 (2), pilehan untok membaharui sa-suatu perjanjian sewa hendak-lah dibuat tidak lewat daripada dua bulan sa-belum habis tempoh perjanjian itu dengan memasokkan satu notis kepada pendaftar mengikut bentuk yang ditetapkan dalam borang B ini.

Chadangan daripada Ahli Yang Berhormat dari Sungai Patani minta di-jadikan sa-chara automatic, ia-itu tidak payah di-beri tempoh, terus perjanjian itu akan berjalan kuat-kuasa sa-lanjut-nya. Tetapi perkara ini kita mesti-lah juga memikirkan kepada kepentingan dua pehak bukan sahaja satu pehak, kerana kalau sa-kira-nya kita tidak tetapkan, ia-itu chita² atau tujuan hendak membaharui perjanjian itu di-beritahu oleh penyewa², kemudian bila sampai chukup masa tiga tahun, datang si-penyewa kata, "Saya tak hendak buat tanah." Apa akan jadi kepada tanah itu? Masa sudah suntok, kerana sekarang sa-bagaimana saya sebutkan tadi, tempoh di-antara satu musim dengan satu musim chuma di-dalam masa dua bulan atau tiga bulan sahaja. Kalau sa-kira-nya per-sediaan tidak di-buat daripada awal, boleh jadi tanah itu akan terbengkalai. Bila tanah itu tidak di-buat bendang atau tidak di-tanam pula, tuan tanah pula kena saman, bermacham² pula perkara akan berlaku. Jadi, ada sa-tengah tempat, umpama di-Perak, di-tempat saya sendiri di-Lenggong, kalau sa-kira-nya tuan tanah itu tak buat bendang, tak tanam padi di-atas tanah dia, maka tuan tanah itu akan

di-kenakan da'awa pula dengan sebab tak membuat padi. Jadi, kalau sa-kira-nya perkara ini berlaku sudah tentu-lah akan menjadi kesusahan yang besar kepada tuan² tanah. Maka saya fikir bagi sementara, chara yang di-jalankan ini ada-lah berpatutan dan saya rasa memuaskan dan sa-kira-nya di-dapati kelak mendatangkan kesusahan yang besar kepada peladang² atau petani², maka kita akan memberi pertimbangan yang lain pada masa itu.

Ahli Yang Berhormat daripada Sungai Patani juga, berchakap berkenaan dengan soal tenant dan sub-tenant. Jadi, saya rasa perkara ini-lah yang hari ini pehak Kerajaan chuba menghapuskan atau membasmi-kan ia itu ada-nya sub²-tenant berselerak di-dalam negeri ini. Jadi, kalau sa-kira-nya kita membenarkan sub-tenant ada di-dalam negeri ini, berma'ana-lah sewa tanah tadi tidak boleh di-tetapkan sa-banyak 140 gantang sa-ekar. Manakala tenant mengambil tanah sa-ekar 140 gantang dan dia hendak beri pula kepada sa-orang lain untuk di-sewa kepada sa-orang lain tentu-lah sewa itu akan naik daripada 140 gantang sa-kurang² jadi 150 gantang atau 160 gantang. Kemudian sub-tenant itu pula ambil lagi beri kepada orang lain pula, di-naikkan jadi 180 gantang. Kemudian akhir-nya kita akan dapati tuan² tanah akan mempunyai beberapa orang tenant dan sub-tenant di-bawah-nya dan yang penghabisan sa-kali orang yang bekerja peladang² dan petani² akan teraniaya dan akan di-tekan dengan terok-nya. Jadi, perkara itu senang sahaja kalau di-benarkan sub-tenant dalam undang² kita chukup senang hendak buat. Hari ini saya lantek Enche' "A" di-jadikan tenant saya—ambil tanah 140 gantang sa-ekar. Dia pula beri kepada "B" 160 gantang. "B" beri kepada "C" 180 gantang. Akhir-nya "D" dapat dengan harga 200 gantang. Jadi, dengan sebab itu-lah kita tak hendak membenarkan perkara yang sa-umpama ini berlaku, ia-itu kita berkehendak semua sa-chara terus, ia-itu di-antara tuan tanah dengan penyewa, dan sewa-nya tidak boleh lebeh daripada 140 gantang. Jadi, kita boleh kawal harga tanah. Kalau sa-kira-nya kita membenarkan

sub-tenant, kita tidak dapat hendak mengawalkan harga sewa tanah.

Tuan Mohamed Zahir bin Haji Ismail: Tuan Yang di-Pertua, saya hendak berchakap sedikit. Pada fikiran saya tidak mungkin jadi sa-macam itu dengan kerana jikalau sa-kira-nya sub-tenant itu mengambil sewa yang lebeh, dia akan melakukan kesalahan ini sa-bagai tuan tanah juga. Sewa telah pun di-tetapkan di-dalam undang² ini, dia tidak boleh lebeh daripada apa yang telah di-tetapkan di-bawah Jadual yang tersebut di-dalam perkara ini. Dan lagi pula berkenaan dengan perkara ini, Menteri itu tidak berchakap bersangkutan dengan, kata-lah, sa-orang si-penyewa itu hendak ka-luar negeri, umpama-nya dalam enam bulan, kemudian dia tidak boleh hendak bagi kepada kawan-nya menolong-nya. Undang² ini terlampau ketat. Katakan-lah dia sakit, jadi jikalau dia tidak ada anak yang besar yang boleh menolong dia, dia panggil meminta pertolongan kawan-nya membuat sawah itu pun berchanggung dengan sekshen 9 (b) ini.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, dengan sebab Ahli Yang Berhormat tadi telah pun meminta supaya di-benarkan penyewaan daripada tenant ka-sub-tenant, saya rasa saya tidak silap. Jadi itu-lah sebab-nya saya sebutkan berkenaan dengan sub-tenant ini kita tidak dapat hendak membenarkan, kerana ini-lah tujuan undang² ini ia-itu hendak menghapuskan segala kerja² churang yang ada berkenaan dengan penyewaan ini. Tetapi kalau sa-kira-nya berlaku sa-bagaimana yang di-sebutkan oleh Yang Berhormat itu, itu saya perchaya perkara itu dapat di-bawa kepada Jawatan-kuasa dan Jawatan-kuasa itu boleh menyelesaikan masalah² pertikaian dan lain² yang ada bersangkutan dengan penyewaan tanah ini. Jadi, kalau sa-kira-nya itu tidak dapat hendak di-jalankan dengan sebab undang² itu ketat, maka saya akan memberi pertimbangan lagi berkenaan dengan itu dan sa-kira-nya mustahak di-pinda, kita akan pinda, bagi masa yang akan datang.

Sa-perkara lagi yang di-bawa oleh Ahli Yang Berhormat itu ia-lah Fasal 10 berkenaan dengan sewa yang di-kutip pada tiap² tahun. Beliau meng-shorkan supaya undang² ini dapat menentukan ia-itu sewa boleh di-ambil dua atau tiga tahun terlebih dahulu. Jadi perkara ini saya suka-lah menerangkan kepada Dewan ini ia-itu maseh, atau pun ada berlaku di-dalam Negeri Pulau Pinang, ia-itu sa-siapa juga yang hendak menyewa sa-keping tanah pada hari ini terpaksa, ia-itu di-minta oleh tuan² tanah, supaya membayar sewa tiga atau empat tahun terlebih dahulu kepada tuan² tanah dan kebanyakan daripada penyewa² yang tidak dapat hendak membayar sewa sa-lama tiga atau empat tahun ini ada-lah di-halau keluar daripada tanah itu dan tidak di-beri tanah itu untuk di-sewa. Jadi, perkara ini berlaku dan saya rasa perkara itu juga tidak dapat hendak di-buat chara itu dengan sebab kita katakan-lah satu mithal tahun itu padi baik, kita membayar sewa dengan 140 gantang sa-ekar, tetapi tahun hadapan padi rosak, tidak baik; ada-lah tidak menasabah yang penyewa mesti juga membayar 140 gantang sa-ekar. Jadi, itu-lah sebab-nya kita menetapkan sewa tanah ini tiap² tahun bukan-nya di-ambil tiga atau empat tahun sa-bagai pendahuluan atau sa-bagai-nya.

Tuan Mohamed Zahir bin Haji Ismail: Tuan Yang di-Pertua, fikiran saya tadi bukan-lah hendak memaksa penyewa itu bersetuju, jikalau sa-kira-nya kita buat satu syarat yang membolehkan penyewa itu sendiri dengan tidak payah di-paksa, dengan persetujuan dia sendiri. Kata-lah hendak buat sewa untuk 10 tahun umpama-nya, maka dia membayarkan duit kepada tuan tanah itu kata-lah \$5,000 kemudian penyewa dapat jaminan untuk 10 tahun dan bukan-lah boleh, jikalau sa-kira-nya dia tidak setuju, tuan tanah itu tidak boleh memaksa seperti jawapan yang telah di-keluarkan oleh Yang Berhormat Menteri tadi, ia membayangkan sa-olah²-nya kita hendak membolehkan tuan tanah itu—boleh memaksakan penyewa—tidak. Chadangan saya ini biar-lah dia itu bersetuju; jikalau dia bersetuju, maka

boleh-lah kedua² pihak itu membuat perjanjian supaya penyewa itu boleh menyewa sa-hingga 10 tahun. Yang demikian dia boleh ada ketentuan hak dan mendapat sewa tanah itu, dia tahu sudah 10 tahun dan bagi pihak tuan tanah itu pula, dia boleh dapat duit-nya itu untuk hendak membuat perniagaan dan memberi pelajaran, umpama-nya.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Yang di-Pertua, pada kebiasaan-nya perkara itu amat sukar hendak berlaku. Kalau sa-kira-nya kita hendak katakan penyewa bersetuju hendak membayar sewa 10 tahun dahulu, saya rasa susah-lah sadikit, tetapi kalau sa-kira-nya perkara sa-umpama itu ada berbangkit, saya rasa Jawatan-kuasa yang di-lantek itu kelak dapat memberi pertimbangan berkenaan dengan yang demikian dan juga Yang Amat Berhormat Menteri Besar, atau pun Ketua² Menteri, saya rasa dapat memberi pertimbangan. Sa-kira-nya tidak ada bab² yang membolehkan perkara itu, perkara itu dapat pula di-timbang dan di-kaji pada masa yang tersebut.

Fasal 24 (b) yang di-mushkilkan oleh Ahli Yang Berhormat daripada Sungai Patani itu ia-itu ada-kah anak angkat di-sifatkan sa-bagai sa-orang ahli keluarga. Jadi, saya rasa perkara itu dapat-lah di-selesaikan dengan perkataan “sa-siapa jua”, kerana di-dalam fasal itu jika sa-kira-nya penyewa tanah mati, atau tidak berdaya, atau sa-bagai-nya dengan syarat bahawa “sa-siapa jua”—anak angkat pun jadi, adek pun jadi, apa pun jadi, atau sa-orang ahli keluarga penyewa yang sa-benar² mengusahakan tanah itu—itu-lah qualify clause dia. Kalau anak angkat tidak berusaha, kata-lah bapa dia dudok di-Sungai Patani, anak angkat dia dudok bekerja di-Singapura, sudah tentu-lah agreement itu kita tidak hendak beri kepada anak angkat dia, kerana anak angkat dia itu besok bila dia dapat kerja tanah itu dia pula tidak buat bendang, dia terpaksa sewakan kepada orang lain pula. Jadi, kalau sa-kira-nya dia sa-benar² mengusahakan tanah itu boleh-lah memohon kepada jawatan-kuasa untuk mendapat

satu perintah memindahkan hak perjanjian sewa itu kepada-nya. Jadi, saya rasa itu boleh-lah di-jalankan di-bawah bab yang demikian itu.

Ahli Yang Berhormat itu juga bertanya mengapa-kah loyar tidak dibenarkan hadir di-peringkat committee, tetapi chuma di-peringkat badan pengadilan. Jadi, saya rasa kalau sa-boleh²-nya biar-lah perkara ini tidak sampai ka-committee sa-kali pun, kalau boleh di-selesaikan oleh ketua² kampung, oleh Dato' Penghulu atau sa-bagai-nya atau oleh Wakil Ra'ayat, saya rasa ada-lah lebeh baik daripada sampai ka-committee, dan di-committee pula di-situ Pengerusi-nya ada-lah sa-orang yang berkelayakan, berkelulusan Undang² dan saya perchaya perkara itu dapat di-selesaikan lebeh baik dan tidak berpanjangan, kalau sa-kira-nya tidak ada pembela bagi mana² pihak dan kemudian kalau sa-kira-nya tidak dapat hendak di-selesaikan pada peringkat committee itu, baharu-lah di-bawa kepada peringkat badan pengadilan, dan di-situ baharu-lah dapat di-benarkan pihak pembela² atau loyar² hadir bagi peringkat yang tersebut. Jadi, saya rasa, chara ini ada-lah lebeh sesuai kalau sa-kira-nya di-pandang keadaan² di-kawasan² bendang atau kawasan² kampung.

Ahli Yang Berhormat daripada Bungsar telah mengeshorkan ia-itu supaya tuan² tanah yang mempunyai lebeh daripada 50 ekar di-hadkan daripada mengambil balek tanah itu. Jadi, saya rasa kebanyakan daripada tuan² tanah yang ada di-dalam negeri ini ada-lah mempunyai tanah kurang daripada 50 ekar, kebanyakan-nya 10 ekar, 8 ekar, 7 ekar dan sa-bagai-nya. Barangkali saya rasa kalau ada pun sa-orang berdua sahaja yang mempunyai lebeh daripada 50 ekar di-dalam negeri ini, melainkan estate² sa-bagaimana yang saya sebutkan Bertam Estate dan Brown Estate tadi.

Ahli Yang Berhormat itu juga telah pun mengeshorkan supaya tanah² yang hendak di-jualkan itu hendak-lah chuma di-jual atau di-beri keutamaan kepada penyewa² sa-bagaimana di-negeri Jepun dan negeri lain². Perkara itu insha' Allah saya akan mengkaji dan menimbangkan-nya.

Ahli Yang Berhormat daripada Bachok telah pun mengeshorkan ia-itu section 4 (2) supaya di-beri peluang ini kepada penyewa² juga. Jadi, perkara itu saya telah pun terangkan ia-itu ini ada-lah dengan sebab kesuntukan masa. Clause 4 (2) berbunyi:

"Walau apa pun peruntukan² sekshen-kecil yang di-atas itu, Pendaftar boleh melanjutkan masa untuk pendaftaran sa-suatu perjanjian sewa jika ia puas hati bahawa sebab-nya perjanjian itu tidak di-serah untuk di-daftarkan dalam tempoh yang di-tetapkan dalam sekshen-kecil yang di-atas itu tidak-lah kerana apa² keengkaran di-pehak tuan-tanah."

Tetapi di-atas daripada itu di-beri juga peluang kepada penyewa² untuk mendaftarkan perjanjian itu. Jadi, saya perchaya siapa jua yang membuat perjanjian pendaftaran itu sudah tentu-lah dengan segala keinginan-nya untuk mendaftarkan perjanjian itu dengan pihak pendaftar penyewa² tanah dalam sa-sabuah negeri. Jadi, saya rasa perkara itu tidak-lah mustahak di-pinda atau apa² lagi.

Ahli Yang Berhormat itu minta pindaan ia-itu 6 (1) di-jadikan chuma sa-kali tanaman padi sahaja. Saya rasa perkara ini sangat-lah tidak memuaskan kerana ini akan mengechiwakan penanam² padi atau penyewa² tanah dan memberi keuntongan besar kepada tuan² tanah. Kalau sa-kira-nya kita membuat perjanjian sewa ini chuma sa-kali tanam sahaja, kemudian manakala perjanjian telah di-buat, musim sampai, penyewa tanah itu akan berusaha di-atas tanah itu membersehhkan tanah itu, buboh baja itu dan ini, kemudian di-akhir musim kalau sa-kira-nya dia tidak dapat hendak menyambungkan sewa-nya itu berma'analah dia akan rugi besar kerana dia terpaksa menchari tanah lain pula, berusaha di-atas tanah yang lain pula, buboh baja di-atas tanah lain pula dan mengeluarkan wang dengan lebeh banyak. Jadi, pada fikiran Kementerian tiga tahun ini ada-lah masa sangat sesuai ia-itu memberi peluang bukan sahaja kepada tuan² tanah untuk menentukan yang tanah dia bersewa tiga tahun tetapi juga kepada penyewa² supaya dapat dia membaiki tanah itu dan dia sendiri tahu yang dia juga akan dapat berusaha di-atas tanah itu

pada musim yang akan datang sa-kurang² tiga musim kalau sa-kira-nya kawasan itu di-tanam dua kali sa-tahun berma'ana-lah 6 musim. Jadi ini akan memberi keuntungan peluang yang lebeh baik kepada penyewa² tanah.

Berkenaan dengan tafsiran "pertanian yang sempurna" ia-itu di-bawah 9 (c):

"Penyewa hendak-lah sa-tiap masa mengusahakan tanah yang tersebut itu mengikut atoran pertanian yang sempurna dan hendak-lah menanggung segala belanja bagi mengusahakan-nya;"

Jadi, dalam masaalah ini tiap² jajahan ada mengeluarkan jadual berkenaan dengan berusaha membuat bendang, musim turun ka-bendang, musim menajak, musim menanam, merumput itu dan ini, masa buboh baja dan sa-bagai-nya. Jadi saya rasa perkara berkenaan tafsiran "pertanian yang sempurna" itu ada-lah sa-bagaimana yang lazim di-jalankan dan dengan nasihat yang di-beri oleh Pegawai² Pertanian. Jadi, saya rasa perkara itu tidak akan berbangkit; kalau sa-kira-nya berbangkit, ia-itu pehak penyewa teraniaya atau sa-bagai-nya, perkara itu boleh di-bawa kepada Jawatan-kuasa² dan Jawatan-kuasa² akan dapat memberi timbang dengan menerima pula nasihat Pegawai Pertanian yang ada di-dalam kawasan masing². Sa-takat ini-lah sahaja dan saya ucapkan terima kaseh.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clause 1 to 19 ordered to stand part of the Bill.

Clause 20—

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Pengerusi, saya ingin meminda Fasal 20, ia-itu berbunyi "Apabila di-terima sa-suatu permohonan atau rojokan, Pengerusi hendak-lah dalam tempoh tidak lewat daripada 30 hari memberitahu kedua² pehak

dengan bertulis waktu dan tempat permohonan, atau rojokan itu hendak di-bicharakan".

Mr Chairman: Ada-kah kertas pindaan, atau tidak? Pindaan ini saya minta Menteri yang berkenaan membuat dalam bahasa Inggeris, sebab bahasa Inggeris kita pakai hari ini.

Tuan Haji Mohd. Ghazali bin Haji Jawi: Tuan Pengerusi, pindaan-nya berbunyi:

On receipt of an application or reference the Chairman shall within not later than 30 days notify both parties in writing of the time and place at which the application or reference shall be heard.

Amendment put, and agreed to.

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

Clauses 21 to 42 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

THE MINOR OFFENCES (MALAYSIA) (AMENDMENT) BILL

Second Reading

The Parliamentary Secretary to the Deputy Prime Minister (Tuan Chen Wing Sum): I beg to move that a Bill entitled "an Act to amend the Minor Offences Ordinance of the States of Malaya, Sabah and Sarawak" be now read a second time.

Mr Speaker, Sir, as stated in the Explanatory Statement to the Bill itself, this Bill seeks to amend the Minor Offences Ordinance, 1955, of the States of Malaya, the Minor Offences Ordinance of Sabah, and the Minor Offences Ordinance of Sarawak, for extending the provisions relating to offences for affixing advertisements, etc., on public or private property or defacing such property.

During the recent illegal demonstrations, it has been found that the demonstrators had defaced public roads by painting slogans. As the law stands, it is not an offence as road has not been specifically mentioned in Section 15 of the Minor Offences Ordinance applicable to West Malaysia. Slogan writing on roads is becoming very common and it is, therefore, necessary to make it an offence so that persons would be deterred from slogan writing on roads as a means of putting across propaganda detrimental to the national security. To further deter persons from carrying out such activities and in order to enable the authorities to arrest such offenders, it is proposed that the punishment stipulated be enhanced and that arrest be allowed without warrants.

Under the existing law, a person guilty of an offence under Section 15 of the Minor Offences Ordinance, namely, for writing upon, defacing or marking any public building, without the consent of the owner in the case of public or private property, walls, fence or trees being chopped or painted or in any other way, shall be liable to a fine not exceeding \$100. In the light of such offences and the frequency with which they are being committed, it is realised that the punishment stipulated is clearly inadequate and therefore needs to be enhanced. It is also proposed that the existing laws applicable in Sabah and Sarawak be brought in line with the law applicable in West Malaysia.

Sir, I beg to move.

The Assistant Minister of Culture, Youth and Sports (Engku Muhsein):
Dato' Yang di-Pertua, saya menyokong.

Tuan Haji Abu Bakar bin Hamzah:
Tuan Yang di-Pertua, dengan izin Tuan, saya berchakap sedikit berkenaan dengan Rang Undang² ini. Tuan Yang di-Pertua, saya mengalu²-kan Rang Undang² yang sa-macham ini, tetapi saya menguchapkan pula dukachita oleh kerana Rang Undang² atau pun undang² yang sa-macham ini sa-patut-nya sudah lama kita kemuka-

kan memandang kepada keadaan² yang kita telah alami sejak pilehan raya tahun 1955.

Tuan Yang di-Pertua, ada sungutan² yang berkata bahawa kalau-lah perkara² yang berlaku seperti mana tunjok perasaan baharu² ini bukan dilakukan oleh pehak² daripada parti lain daripada parti yang berkuasa tentu-lah Rang Undang² yang baik yang sa-macham ini tidak di-kemukakan, tetapi oleh kerana perkara² yang berlaku ini di-lakukan oleh pehak parti lain, maka itu-lah di-kemukakan. Ini, Tuan Yang di-Pertua, ada-lah satu kesempatan yang tidak begitu baik bagi negara kita.

Yang kedua, Tuan Yang di-Pertua, orang yang akan bersalah di-sini ialah barang siapa yang tidak ada kuasa terhadap harta Kerajaan atau pun tidak dengan kebenaran tuan punya hak kalau hak itu hak persaorangan. Ini, Tuan Yang di-Pertua, amat-lah susah oleh kerana kalau pehak Kerajaan mudah-lah kita mengetahui barang siapa mempunyai authority atau pun sebab pehak Kerajaan boleh mengeluarkan borang² yang tertentu untuk mereka itu membuat sa-suatu. Mithal-nya, dalam pilehan raya, satu canvasser tidak boleh membuat canvassing melainkan kalau ada Form (E), tetapi dalam kita hendak kepada private property consent yang di-beri itu ada-kah consent yang dengan chakap sahaja, atau pun dengan bertulis dan ini akan menyusahkan lagi ra'ayat. Saya bersetuju dengan Kerajaan bahawa perbuatan² yang sa-macham ini tidak patut di-lakukan dalam negara kita menchonteng di-sana, menchonteng di-sini, tetapi menchonteng jalan, Tuan Yang di-Pertua, pehak Kementerian tidak menunjukkan kesalahan itu. Mithal-nya, kalau kita hendak pergi membuat kempen hendak pergi satu jalan. Kita tidak tahu hendak masuk ka-kiri atau ka-kanan, tiba² pehak kita ini kalau kita pasang kayu atau pun indicator yang di-plant, atau pun di-pachak begitu boleh jadi parti lain memegang signboard itu di-tarek keluar, tetapi kalau kita buat anak panah di-jalan itu tidak ada-lah orang hendak pergi garu meter di-atas batu itu. Ini, Tuan

Yang di-Pertua, mustahak bagi sim-pang² yang kita tidak tahu oleh kerana orang yang menjalankan kempen itu tidak kesemua orang tempatan. Maka saya minta-lah perkara ini di-perhatikan apabila melaksanakan besok² undang² ini.

Yang ketiga, Tuan Yang di-Pertua, dan yang terakhir sa-kali mengenakan kesalahan kechil² yang sa-macham ini sampai kepada satu masa yang satu tahun amat-lah saya rasa tidak patut dengan erti-kata minor offence. Minor offence ini sa-patut-nya sa-takat satu tahun sahaja. Kalau-lah kita memandang perkara ini berat patut-lah kita membawa kepada kesalahan jenayah yang lain. Tuan Yang di-Pertua, boleh jadi pelawat² akan datang ka-negara kita dan di-dapati undang² criminal di-negara kita ini minor offence-nya satu tahun. Jadi, kalau major offence-nya tidak tahu-lah sa-tara mana. Jadi, menunjokkan kata bahawa ra'ayat kita terlalu degil, minor offence sa-kali pun mesti kena satu tahun. Ini mencherminkan bahawa negara kita ini ra'ayat²-nya tidak sopan dan tidak beradab dan mesti-lah di-lakukan dengan kekerasan. Perkara ini sudah berbangkit, Tuan Yang di-Pertua, dalam beberapa journal law di-negeri² luar sa-hingga capital punishment, ia-itu hukuman yang tertinggi sa-kali pun ahli² undang² sudah minta hendak memansokhkan, minta abolish capital punishment itu. Jadi di-negara kita ini mengamalkan falsafah yang sa-macham itu juga ia-itu capital punishment kita memikirkan hendak memansokhkan. Saya tidak berchakap dari segi hukum ugama atau pun hukum apa, tetapi yang saya maksudkan ia-lah minor offence di-negara kita ini tidak-lah patut hukuman-nya sampai sa-tahun.

Tuan Yang di-Pertua, dalam undang² saya perchaya bahawa satu tahun itu menjadi maximum dan bukan minimum dan ada-lah kebebasan kepada tuan hakim memilih di-antara yang tinggi dengan rendah dan di-sini, Tuan Yang di-Pertua, akan bermain-nya perkara² yang tidak 'adil. Saya tidak hendak menyentoh keputusan mahkamah, tetapi sa-bagai

chontoh, Tuan Yang di-Pertua, saya dapati ada orang² yang di-tangkap kerana membawa senjata yang merbahaya. Mithal-nya keris, atau pun badek dan hukuman-nya itu ada-lah tingkat maximum-nya dengan minimum-nya. Ada orang yang di-tangkap bagitu di-kenakan hukum 3 minggu, ada yang satu bulan dan ada yang 9 bulan.

Mr Speaker: Masa sudah sampai. Sambong sa-mula besok.

ADJOURNMENT

(Motion)

The Minister of Transport (Tan Sri Haji Sardon bin Haji Jubir): Tuan Yang di-Pertua, saya menchadangkan persidangan ini di-tangguhkan.

The Parliamentary Secretary to the Minister of Agriculture and Co-operatives (Tuan Thomas Kana): Tuan Yang di-Pertua, saya mohon menyokong.

ADJOURNMENT SPEECH

IMMIGRATION

Tuan C. John Ondu Majakil (Sabah): Mr Speaker, Sir, the question of immigration has been discussed and has caused much confusion mainly because of the fault of both the State and Federal Governments who seem to be unable to define clearly the functions of their respective roles in the matter. Not long ago, the twenty point safeguards have been raised by my Party. My Party feels that most of these safeguards, agreed to in the Inter-Government Committee meeting, and embodied in the Malaysia Agreement, have been broken. The Honourable Deputy Prime Minister made a statement when he visited Sabah: amongst many other things, he mentioned that Immigration is a concurrent department. His implication, however, was that the Federal Government had greater power in the matter.

Mr Speaker, Sir, the I.G.C. Report has clearly defined the role of the Federal and State Governments on immigration. It is clearly shown that the State should have power to restrict anyone, including West Malaysians, to

enter Sabah. West Malaysians are allowed to come to Sabah if only they are coming on Federal matters and that the Federal Government can intervene on the entry of non-Malaysians only when it feels that the people seeking admission can constitute security risks.

Mr Speaker, Sir, it is my contention that today the Federal Government has practically taken over the control of Sabah's immigration. It is the Federal Government who make decisions, either directly or by means of unofficial pressure on the State Government. Let me refer first to the Migration Fund Board. It is said that it was the State Government of Peter Lo who asked for the setting up of this body. This body was supposed to have come into existence because, we are told, there is shortage of labour in Sabah. As far as I am aware, there is no shortage of labour in Sabah. Indeed, there is the problem of unemployment. However, it is interesting to note that only labourers from West Malaysia are imported. To me, Mr Speaker, Sir, I have reasons to assume the following: there is the problem of unemployment in West Malaysia and to alleviate that problem temporarily they must send the unemployed to Sabah; these so-called labourers are given attractive inducements, such as, ownership of land after two years' stay in Sabah; the policy is to continue to send immigrant workers from West Malaysia, who would continue to come in indefinitely. For those who went ahead, they need not work as labourers any more, for they have their own land afforded to them to till. I suspect also, Mr Speaker, Sir, that the Federal Government has purposely sent West Malaysian immigrants. Mr Speaker, Sir, we are not really blind to see that these migrant workers have already joined the USNO Party. Whilst the problem of unemployment in West Malaysia can be temporarily stopped, the unemployment problem in Sabah is increasing. Right now Sabah suffers from unemployment. There are many people in the interior of Sabah who want jobs. They have not been given inducement to make them move

out from their villages. There are also many young people who have finished the primary six education in Malay but who cannot enter into secondary English education and who are now in need of jobs. What is the Government to do with these people? Mr Speaker, Sir, not a single one of us in the UPKO Party is on the Committee of the Migration Fund Board. It is easy to see the reason why not one of us is included in the Committee. If I may say so, Mr Speaker, Sir, this Migration Fund Board is suspect. This body was created without the people's consent.

Now, Sir, there is another aspect of the Immigration Act that I would like to discuss. As I said earlier, immigration control lies entirely with the Federal Government. It is the Federal Government who puts pressure on our State officers to do things that might not be in accordance with the spirit of the 20 points. Firms who are in need of experts, or expertise knowledge, have been victimised by the Federal Government, through the State Government, by cancelling the Work Passes of these people. The Federal Government policy now is to have West Malaysians working in firms, or in the Government Departments in the State, if the State cannot provide experts. Firms wanting experts from outside have been requested to advertise in West Malaysia. A recent example of victimisation concerns the Chief Editor of a newspaper in Sabah. This newspaper happens to be independent and critical in its outlook. Its ex-Chief Editor was a Singaporean. He had been in Sabah for more than 7 years, long enough to qualify him to become a permanent citizen. He applied for permanent citizenship many times, but his Work Pass was cancelled. He was given exactly 24 hours to leave the newspaper. The directive, of course, came from the State Government, but I think the Federal Government had a hand in it. Mr Speaker, Sir, we do not lack labourers in Sabah but we do lack experts. I feel, Mr Speaker, Sir, that the Government must give a lot of explanation as to its past actions on workers in Sabah. I feel that the

Federal Government had, on many occasions, interpreted the law according to its whims and fancies and not in accordance with the letter or spirit of the Malaysia Agreement. Thank you.

The Parliamentary Secretary to the Minister of Labour (Tuan Lee San Choon): Mr Speaker, Sir, the Honourable Member's speech just now consists of nothing but broad and baseless attacks on the Central Government. However, I welcome this opportunity to make what, I hope, is a final clarification of this much talked about issue.

The Honourable Member has, as expected, raised the question of the so-called 20 points. Let me clarify the position on this. Before the Inter-Governmental Committee submitted its report, the political leaders of Sabah had at that time submitted to the Cobbold Commission a memorandum outlining 20 points on which they wished certain safeguards and assurances to be made in joining Malaysia. The Inter-Governmental Committee subsequently went through this memorandum and in the discussions in the Inter-Governmental Committee these 20 points were formally argued and negotiated. The subsequent report of the Inter-Governmental Committee was the negotiated result of the so-called 20 points memorandum and this report was accepted *in toto* by all the Governments concerned. It is quite obvious that what is relevant to us today, therefore, is not the 20 point memorandum, but the report of the Inter-Governmental Committee and the Malaysian Act and subsequent actions. It is quite misleading and mischievous to still refer to these 20 points, and I hope that this is firmly and finally laid to rest.

Let me now deal with the Honourable Member's remarks concerning the immigration law and policy. This matter has been dealt with adequately by our Honourable Deputy Prime Minister quite recently and I, therefore, need not dwell at length on it. It should be sufficient for me, at this stage, to refer to the Inter-Governmental Committee Report and the

Immigration Act of 1963, which spell out the division of powers and responsibilities between the Federal Government and the State Government on the subject of immigration. The Immigration Act of 1963 empowers the State Government to exercise full control of entry into the State from within Malaysia. A Malaysian citizen from West Malaysia, or from Sarawak, for instance, has no right of entry into Sabah, except with the express consent of the State Government. He has to possess all the necessary travel documents and, even after entry, cannot enjoy permanent stay in Sabah, except with the permission of the State Government. On the other hand, Malaysian citizens of Sabah and Sarawak origin have full right of entry into West Malaysia, and they enjoy every right of permanent stay without having to obtain the Federal Government's approval. The Immigration Act, however, empowers the Federal Government to exercise full control of entry into Malaysia from any place outside Malaysia. Even in this, however, the State Government has the final power to refuse such entry to any person, even though the Federal Government might have no objections to the entry of such person. In other words, the State Government can veto the decision of the Federal Government on the entry of any person into the State, but the State Government has no power to permit the entry of any foreigner from outside Malaysia into Sabah, except after consultation with the Federal Government. I would refer the Honourable Member to paragraph 16 (f) (i) of the I.G.C. Report and the Immigration Act, 1963—to these provisions—as he does not appear to be fully versed with the significance of these provisions. Contrary to what he claims, the Federal Government can intervene on the entry of non-Malaysians into Sabah not only when it feels that this is necessary on security grounds but also on the grounds of national interest. The reasons for such provisions should be fully known to him, and I am surprised that he should, at this stage, talk of the Federal Government taking away the State powers.

He referred to the question of the Chief Editor of a newspaper in Sabah and complained that his work pass was cancelled at the instigation of the Federal Government. Let me inform the Honourable Member that the issuance of work passes is, subject to what I have stated earlier, completely in the hands of the State Government and section 5 (1) of the Immigration Act, 1963, very clearly empowers the State Government to refuse to issue or cancel the work pass of any person. The decision in this case is entirely that of the State Government, and I am surprised that the Honourable Member, after preaching about State functions and powers, should now complain about the State having used these powers or carried out its functions.

Let me now deal with his attacks on the Malaysian Migration Fund Board. It is quite clear that his attacks on the Board are motivated entirely by the political ambitions of the UPKO, an ambition which seeks, not for the betterment of the people and the State of Sabah and the better co-operation between the State and the Federal Governments, but merely the glory of UPKO and its leaders.

The Board was established in 1966 after exhaustive discussions between the Federal and State Governments and represents the co-operative efforts and aims of the two Governments. These discussions were open and frank discussions and, I believe, the UPKO were then part of the Alliance Government in the State. We did not then hear even a squeak of dissatisfaction from the UPKO members about its establishment—for very good reasons—as no one could deny that the establishment of the Board was an urgent necessity not only to fill the gap created by the drying up of the massive influx of outside labour into Sabah but also to man the development projects made possible by Malaysia.

The Honourable Member states vehemently that Sabah has no shortage of labour and that on the contrary there is a growing unemployment problem there. This is such a flagrant

mis-statement of facts that it should require no reply. Before Malaysia, an average of no less than 10,000 workers from Indonesian territory and the Philippines entered Sabah every year. The very fact that so many thousands of persons entered Sabah for work must in itself, surely, show that there was a heavy demand for and a serious shortage of labour in Sabah. To quote only one figure: 40% of Sabah's mature rubber remains untapped because of the shortage of labour.

Whatever the policy might have been before independence, it was clear to every sane thinking person that such a total dependence on foreign labour cannot long continue. If Sabah could not produce the men it required, it is only natural that the first place to look for that supply should be the rest of Malaysia. If anyone suggests otherwise, it only goes to show the sad truth that even the basic sense of patriotism or nationalism is lacking in that person.

Now, Sabah, during the discussions in the I.G.C. asked for and obtained a certain amount of control over immigration into the State, especially immigration for the purpose of employment. It was realised and accepted, however, that despite this degree of State autonomy, Sabah's immigration policy should not contradict the overall national policy in this regard—thus the concurrent nature of this subject.

The Honourable Member protests that activities of the Migration Fund Board constitute a violation of this understanding. Let me examine this more closely. About 40% of Sabah's mature rubber remains untapped, and much of the maintenance work on estates remains unattended to, because of the shortage of labour. Even today, about 500 undocumented Filipino workers enter Sabah per month to meet this shortage and for other things. In addition, an average of about 300 workers from other countries were granted entry into Sabah monthly—and the Honourable Member talks glibly of there being no shortage of labour in Sabah and of the Federal Government shutting out Sabah to

expert and trained personnel from outside Malaysia and of only workers from West Malaysia being, to use his word, "imported" into Sabah.

He is upset about the migration of workers to Sabah alleviating the unemployment situation somewhat. May I ask him, why is he not at all concerned about Sabah relieving the unemployment problem of other countries by the thousands as the figures I quoted just now show? The hypocrisy of his argument sticks out like a very sore thumb!

Let me state categorically here and now that the Migration Fund Board is neither an imposition on an unwilling State Government, nor are the migrant workers from West Malaysia robbing even a single Sabahan of a job. The Board was established at the invitation of the State Government as a joint Federal/State project, managed and financed by both Governments. The Federal Government contributes 70%, while the State Government pays 30% of the cost of the Board's operations. The Board consists of nine persons, of whom six are nominated and appointed from Sabah. The Office of the Board is in Jesselton and its daily administration is overseen by the Vice-Chairman, who is the direct nominee of the State. Does this, I ask, constitute Federal Government domination over the affairs of the Board? He complains that UPKO does not have a seat on the Board. I have little wonder that the State Government has not nominated an UPKO man. I am sure that the State does not wish to see the work of the Board prejudiced by the destructive approach of the UPKO to its most constructive objectives.

He stated that the migrant workers are given such attractions as ownership of land while the people in the interior of Sabah are offered no such incentive. This is a fabrication of the worst order. Migrant workers to Sabah are offered the same, I repeat, *the same* wage rates as anybody else in Sabah. They are eligible, after completion of two years' work under the Board's scheme, to participate in land settlement schemes that might be promoted by the State

Government, or the FLDA, in much the same way as the other people in Sabah are eligible to do. They enjoy no priority or preference in this eligibility and steps have been worked out to ensure that *under no circumstances* will such workers account for more than 40 per cent or so of the settlers in any scheme. They do not obtain land for the asking; no land held under native title is offered to them and my estimate is that there is not going to be a flood of applications from migrant workers to participate in these schemes.

In its flights of fancy and fabrication, the UPKO has alleged that very shortly there would be 20,000 West Malaysians in Sabah under the Migration Fund Board Scheme. So far about 600 workers have been sent and the target for next year is 1,800 workers. No West Malaysian is sent to Sabah if a Sabahan is available—the flow of such workers to Sabah is carefully and closely watched by the Controller of Immigration and the Commissioner for Labour there, and no employer is likely to seek workers from here if Sabahans are available. The Board itself does not envisage that it would need to arrange for the migration of this number of West Malaysians indefinitely. It is a transitional arrangement to meet the pressing and immediate demand. While the UPKO might feel that it is to its advantage that the development and growth of the State should not be as it is today and that the Federal/State Government relationships should be soured up, I am sure that the people of Sabah are not foolish enough to fall into their trap. The people of Sabah want Malaysia; they want unhampered and immediate progress, and they do not want anyone throwing a spanner into these substantial and concrete efforts, I am satisfied that this is so and that UPKO is barking up the wrong tree in its quest for political status and power.

He complains that firms requiring experts are first requested to advertise in West Malaysia. Far from it, Sir, the first preference goes to Sabahans; the next preference to persons from other States of Malaysia, and thereafter only to persons from outside Malaysia. In

any case, except for workers under the Migration Fund Board (which is confined to the agricultural sector), no person from outside Sabah is given permanent stay in that State and are required to leave Sabah the moment a Sabahan is trained and available for the job. Can there be anything wrong about this? Or does UPKO prefer that non-Malaysians should be given first priority and allowed to stay indefinitely in Sabah? In fact, Sir, the UPKO should thank us for ensuring that in the skilled trades and occupations, the first condition for entry of a non-Sabahan is that conscious effort must be made to train a local man for the job. A work permit is extended by the Controller of Immigration only if he is satisfied that satisfactory arrangements have been made to train such local men.

He alleges that West Malaysian migrants are sent to Sabah to boost the USNO. There was an allegation by UPKO earlier that the Migration Fund Board requires the migrant workers to join the USNO. This charge has quite pointedly been denied by the Board as baseless and mischievous. I have no information concerning the political leanings of migrant workers, and indeed I have no interest in it. Perhaps the rub is in the UPKO's suddenly trying to recruit these persons into their Party and their turning their backs to them! I would not be surprised at all, if this were the position.

Mr Speaker: The House is now adjourned till 10.00 o'clock tomorrow morning.

Adjourned at 6.55 p.m.