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Wednesday
23rd 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

Wednesday, 23rd 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 Lands and Mines and Minister of Justice, TUAN HAJI ABDUL-RAHMAN BIN YA'KUB (Sarawak).
- „ the Assistant Minister of National and Rural Development, TUAN SULAIMAN BIN BULON, P.J.K. (Bagan Datoh).
- „ 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 Finance, DR NG KAM POH, J.P. (Teluk Anson).

- The Honourable 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 HAJI 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).
- „ TUAN ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- „ 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 HAJI AHMAD BIN ABDULLAH, S.M.K. (Kelantan Hilir).
- „ 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).
- „ TUAN AZIZ BIN ISHAK (Muar Dalam).
- „ TUAN JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).
- „ TUAN CHAN CHONG WEN, A.M.N. (Kluang Selatan).
- „ TUAN CHAN SEONG YOON (Setapak).
- „ TUAN CHAN SIANG SUN, P.J.K. (Bentong).
- „ 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).
- „ 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).
- „ 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).

- The Honourable TUAN HANAFI BIN MOHD. YUNUS, A.M.N., J.P. (Kulim Utara).
- „ TUAN HANAFIAH BIN HUSSAIN, A.M.N. (Jerai).
- „ WAN HASSAN BIN WAN DAUD (Tumpat).
- „ TUAN STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- „ TUAN HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN, S.M.K., J.P. (Kota Bharu Hulu).
- „ TUAN IKHWAN ZAINI (Sarawak).
- „ TUAN ISMAIL BIN IDRIS (Penang Selatan).
- „ TAN SRI SYED JA'AFAR BIN HASAN ALBAR, P.M.N. (Johor Tenggara).
- „ 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).
- „ DATO' HAJI MOHAMED ASRI BIN HAJI MUDA, S.P.M.K. (Pasir Puteh).
- „ ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).
- „ TUAN MOHD. DAUD BIN ABDUL SAMAD (Besut).
- „ TUAN MOHAMED IDRIS BIN MATSIL, J.M.N., P.J.K., J.P. (Jejebu-Jempol).
- „ TUAN MOHD. TAHIR BIN ABDUL MAJID, S.M.S., P.J.K. (Kuala Langat).
- „ TUAN HAJI MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ TUAN MOHD. ZAHIR BIN HAJI ISMAIL, J.M.N. (Sungei Patani).
- „ WAN MOKHTAR BIN AHMAD (Kemaman).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ 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 OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- „ TUAN QUEK KAI DONG, J.P. (Seremban Timor).

- The Honourable **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, A.M.N. (Sarawak).**
- „ **TUAN SEAH TENG NGIAB, P.I.S. (Muar Pantai).**
- „ **TUAN D. R. SEENIVASAGAM (Ipoh).**
- „ **DATO' S. P. SEENIVASAGAM, D.P.M.P., P.M.P., J.P. (Menglembu).**
- „ **TUAN SIM BOON LIANG, A.B.S. (Sarawak).**
- „ **TUAN SENAWI BIN ISMAIL, P.J.K. (Seberang Selatan).**
- „ **TUAN SNG CHIN JOO (Sarawak).**
- „ **TUAN SOH AH TECK (Batu Pahat).**
- „ **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).**
- „ **DR TAN CHEE KHOON (Batu).**
- „ **TUAN TAN CHENG BEE, A.M.N., J.P. (Bagan).**
- „ **TUAN TAN TOH HONG (Bukit Bintang).**
- „ **TUAN TAN TSAK YU (Sarawak).**
- „ **TUAN TIAH ENG BEE (Kluang Utara).**
- „ **TUAN TOH THEAM HOCK (Kampar).**
- „ **TUAN STEPHEN YONG KUET TZE (Sarawak).**
- „ **TENGGU ZAID BIN TENGGU 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 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 Assistant Minister without Portfolio, TUAN HAJI ABDUL**
KHALID BIN AWANG OSMAN (Kota Star Utara).
- „ **the Assistant Minister of Education, TUAN LEE SIOK YEW,**
A.M.N., P.J.K. (Sepang).
- „ **Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM TUANKU ABDUL**
RAHMAN, P.P.T. (Rawang).
- „ **DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).**
- „ **PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).**
- „ **TUAN CHEW BIOW CHUON, J.P. (Bruas).**

- The Honourable TUAN CHIN FOON (Ulu Kinta).
- „ TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S.
(Batu Pahat Dalam).
- „ DATU GANIE GILONG, P.D.K., J.P. (Sabah).
- „ TUAN HARUN BIN ABDULLAH, A.M.N., J.P. (Baling).
- „ DATO' HAJI HUSSEIN BIN MOHD. NOORDIN, D.P.M.P., A.M.N.,
P.J.K. (Parit).
- „ TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN,
S.S.M., P.M.N. (Johor Timor).
- „ 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).
- „ TUAN MOHD. ARIF SALLEH, A.D.K. (Sabah).
- „ TUAN MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH
(Pasir Mas Hilir).
- „ TUN DATU MUSTAPHA BIN DATU HARUN, S.M.N., P.D.K. (Sabah).
- „ TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
- „ TUAN SIOW LOONG HIN, P.J.K. (Seremban Barat).
- „ TUAN SULAIMAN BIN ALI (Dungun).
- „ TUAN TAMA WENG TINGGANG WAN (Sarawak).
- „ TUAN TAN KEE GAK (Bandar Melaka).
- „ TUAN YEH PAO TZE, A.M.N. (Sabah).

PRAYERS

(Mr Speaker *in the Chair*)

ORAL ANSWERS TO QUESTIONS

A.S.P.A.C.—PERSIDANGAN DI-BANGKOK

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

- (a) apa-kah tujuan ASPAC;
(b) sa-jauh mana-kah Malaysia terikat dengan keputusan yang terchapai di-persidangan ASPAC yang di-adakan di-Bangkok, Negeri Thai baharu² ini.

Timbalan Perdana Menteri (Tun Haji Abdul Razak): Tuan Yang di-Pertua, tujuan ASPAC yang pertama ia-lah hendak menchari jalan untuk hendak mengadakan kerjasama dan

perhubungan yang baik di-antara negara² di-wilayah Malaysia dan Pasific dan dengan kerjasama ini di-harapkan semua negara² di-sini akan mendapat faedah dalam lapangan iktisad, teknik, kebudayaan, sosial dan juga lapangan² yang lain. Dan di-chadangkan di-adakan pusat² kerjasama yang di-fikirkan patut dan menasabah. Begitu juga-lah pertubuhan ASPAC ini ada-lah memberi peluang kepada menteri² dari negara² ini untuk bertukar² fikiran dalam beberapa lapangan supaya dengan itu dapat-lah di-adakan kerjasama di-antara negara² itu dengan lebeh rapat lagi. Tidak ada ketetapan yang telah di-luluskan dalam meshuarat ASPAC yang dahulu, hanya-lah satu pengishtiharan akhbar sahaja dan di-dalam perkara² yang Malaysia ber-setuju tak dapat tiada Malaysia akan menjalankan.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan, dapat-kah Yang Amat Berhormat

Timbalan Perdana Menteri menjernehan keraguan sa-tengah² orang bahawa di-dalam meshuarat itu telah timbul masaalah tuntutan Filipina terhadap Sabah dan pehak Malaysia berjanji akan menyerahkan Sabah itu dengan jalan yang dapat memelihara keamanan negara. Ini kalau dapat Kerajaan mengatasi kekeliruan orang.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, masaalah tuntutan Filipina atas Sabah ini tidak-lah timbul dalam persidangan ASPAC, atau ASEAN, atau ASA. Perbinchangan telah dijalankan di-antara Menteri² dan juga pegawai² di-antara dua negara. Pada masa saya berada di-Bangkok baru² ini dalam persidangan ASEAN, Menteri Luar Filipina telah berunding dengan saya berkenaan dengan perkara ini dan telah mendapatkan persetujuan ia-itu kita akan mengadakan perundingan di-perengkat pegawai untuk menyelesaikan tuntutan Filipina. Akuan kita telah beri dahulu ia-itu kita akan mengadakan perundingan supaya dapat perkara ini di-selesaikan dengan chara berunding dengan chara baik.

PERIKATAN ASIA TENGGARA— CHADANGAN MENUBOHKAN

2. Tuan Haji Abu Bakar bin Hamzah bertanya kepada Perdana Menteri:

- (a) apa-kah usaha² yang di-buat oleh Malaysia untuk menubuhkan Perikatan Asia Tenggara yang di-chadangkan oleh Menteri Luar Negeri Indonesia;
- (b) sama ada Perikatan ini merupakan sa-buah perikatan ekonomi atau pun pertahanan sa-mata².

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya tidak faham mana satu chadangan yang di-katakan datang daripada Menteri Luar Indonesia. Harus-lah barangkali Ahli Yang Berhormat ini menyebutkan berkenaan dengan pertubohan yang baru di-perbuat atau ASEAN, yang telah ditubuhkan pada awal bulan ini dalam persidangan di-Bangkok. Jadi, dalam persidangan ini pehak Menteri² Luar negara² Thailand, Filipina, Indonesia, Singapura dan Malaysia telah bersetuju

hendak menubuhkan satu badan yang baru ia-itu ASEAN dan saperti yang saya terangkan sa-malam, tujuan yang utama-nya pertubohan ini ia-lah hendak mengadakan kerjasama dalam lapangan iktisad, kebudayaan dan juga lapangan² perniagaan. Akan tetapi dalam pertubohan yang sa-macam ini perkara pertahanan dan juga keselamatan tentu-lah akan timbul, jadi dengan sebab itu ada di-sebutkan dalam pengishtiharan itu, ia-itu negara² itu telah bersetuju bahawa segala bases² ia-itu tempat² tentera asing di-wilayah ini ada-lah buat sementara dan negara² ini akan bekerjasama supaya di-dalam hal keselamatan tiap² satu negeri dalam wilayah ini dapat menjalankan usaha² bagi menjaga keselamatan dan kedaulatan negeri ini.

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, soalan tambahan. Pada waktu saya membuat soalan ini pertubohan baharu ini tidak timbul sebab itu-lah nampak samar sedikit dan sekarang apa yang di-sebutkan oleh Timbalan Perdana Menteri itu-lah yang saya maksudkan.

Soal tambahan-nya bagini, Tuan Yang di-Pertua. Saya faham daripada regional co-operation ini atau pun kerjasama daerah ini ada-lah terhenti kepada perkara² ekonomi dan perkara² yang tidak berchorak pertahanan. Tetapi Timbalan Perdana Menteri kita telah mengemukakan bahawa ada masaalah pertahanan itu di-timbulkan; walau pun bagini di-maksudkan untuk perkara itu kerana pertubohan yang besar bagini pertahanan tidak dapat di-elakkan.

Soalan tambahan bunyi-nya bagini: Ada-kah benda yang berbangkit itu sa-bagai in conjunction sahaja atau pun memang di-tujukan untuk maksud itu, jika tidak tentu-lah tidak ada guna lagi badan yang sa-macam itu, kerana ASPAC ini pun sudah chukup berkenaan dengan ekonomi dan kemajuan dan apa pula yang kita hendak buat regional co-operation itu kalau tidak sebab pertahanan. Jika ya, biar-lah Kerajaan mengaku betul² supaya ra'ayat dapat faham.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya sudah terangkan samalam. Tujuan-nya yang pertama ialah kita hendak mengadakan kerjasama dalam lapangan iktisad, perniagaan dan kebudayaan. Akan tetapi soal² yang lain, termasuk pertahanan, boleh ditimbulkan dan tidak dapat tiada, seperti saya kata tadi, dalam perhubungan negara² yang merdeka dan berdaulat, tidak dapat tiada masalah pertahanan dan keselamatan itu akan timbul dalam perbincangan sama ada hendak di-sebutkan atau tidak. Ini perkara terpulang-lah kepada negara² ini menimbangkan dari satu masa ke satu masa, sama ada hendak dirundingkan hal pertahanan dan keselamatan atau pun tidak. Tetapi perkara yang pada masa ini yang kita utamakan ialah kerjasama dalam lapangan iktisad, perniagaan dan kebudayaan.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan yang terakhir. Dapat-kah saya memaham bahawa badan ini lebeh merupakan military pact daripada economy pact antara 5 buah negara itu? Sebab itu yang saya hendak faham sangat.

Tun Haji Abdul Razak: Saya telah terangkan tadi, tujuan yang utama ialah perhubungan dalam lapangan iktisad, itu bukan military pact, itu regional co-operation ia-itu kerjasama antara negara² di-wilayah ini untuk faedah bersama². Jadi tidak ada perjanjian pertahanan, tidak ada, hanyalah kita sebut sahaja masalah pertahanan dan juga keselamatan.

TIMBER CONCESSIONS IN SABAH FOR SABAH MINISTERS—ALLEGATION

3. Dr Tan Chee Khoon (Batu) asks the Prime Minister to state whether it is a fact that Sabah Ministers have parcelled out timber concessions for themselves and have participated openly in business in that State, and if so, whether he would order the Anti-Corruption Agency to go to Sabah to investigate such practices.

The Prime Minister: Mr Speaker, Sir, as far as I know, there has been

no report or allegation to the fact that the Ministers have had given to them timber concessions as stated by the Honourable Member. On the other hand, if the Honourable Member has got information, which could be of help to me, I will be happy to take this matter up. But, I do know that before the British left they did give some timber concessions to those who afterwards became Ministers (State Ministers). I also know that there had been some dealings when Donald Stephen was Chief Minister, but after Mr Peter Lo took over, I have had no report to suggest that there has been any dealing in respect of timber concession among the members of the Sabah Cabinet, and now that there has been a change of Government, there have been no reports at all about any unfair dealings or any dealings with regard to timber concessions.

Dr Tan Chee Khoon: Mr Speaker, Sir, is the Honourable Prime Minister aware that, far from timber concessions being parcelled out only during the time of the Chief Ministership of Dato' Donald Stephen, his successors have in fact parcelled out far more vast tracts of land amongst themselves. The way they do it—I wonder if the Honourable Prime Minister is aware—is a very simple one; you form a co-operative, and you are but a small man down there, possibly lost in the files, but everybody knows who is the king-pin in that co-operative. Would be a good thing if the Prime Minister would, as I say, send this Anti-Corruption Agency over there to have a look at the parcelling out—it is not too difficult. I spend only two days in Sabah, everybody told me—"This is the house of the Minister worth \$300,000; there is the yacht of the Chief Minister worth US\$250 thousand". How come a Minister of the Crown get such

Mr Speaker: I should like to know whether the Member for Batu is giving information or asking for information.

Dr Tan Chee Khoon: I have made a request

Mr Speaker: This is the time when one gets information from the Minister.

Dr Tan Chee Khoon: Mr Speaker, Sir, I am trying to persuade the Honourable Prime Minister to send a team from the Anti-Corruption Agency over to Sabah and I am trying to justify that request. Hence the few illustrations that I have made just now. I am asking the Honourable Prime Minister to send a team to go over to Sabah and look at the land concessions down there, in particular, the vast tracts of land parcelled out to various people, including the Ministers.

The Prime Minister: I will certainly be pleased to go there, and as and when an investigation team goes there to find out the team will also find out mal-practices in Sarawak during the time when Ningkan was Chief Minister there. I certainly will do that. But from the statement which he made just now, he obviously had been mixing with the wrong company. When he was in Sabah these people were trying to find fault with the present Government and therefore, of course, he is a right person to mix with and through him to make a statement in this House. But I say this, that I certainly will be happy to send an investigation team to find out the truth of the statement which he made just now.

Dr Tan Chee Khoon: On a point of clarification, Mr Speaker, Sir, when the Honourable Prime Minister said that I got into the wrong company during my very brief stay in Sabah, I got into very good company—people whom he would call sportsmen. I met an old school teacher of mine; he is not involved in politics, he took me around; he showed me this, that and the other; and he told me of the scandals that went round.

WHITE PAPER ON MALAYSIA'S DEFENCE PLANS

4. Tuan C. V. Devan Nair asks the Prime Minister whether the Government would consider issuing a White Paper on the Government's plans to defend the territorial integrity of Malaysia now that Britain has targetted her defence withdrawal by the mid-seventies.

The Prime Minister: Mr Speaker, Sir, I did mention in the course of question time in the House yesterday, or the day before yesterday, that I do not consider it would be wise to produce a White Paper in this House with regard to defence measures which we propose to take in view of the British intended withdrawal from this country, and I still feel that the time is not right to lay before this House this White Paper. But I will give myself some thought to this; and in consultation with my colleagues and officials in the Defence Ministry, and those concerned, I would be able to give a definite reply, I hope, very soon.

Tuan C. V. Devan Nair: Would the Honourable Prime Minister consider issuing a White Paper on the following grounds:

- (1) to remove the misleading impression that may have been created in circles hostile to Malaysia by the rash and rather thoughtless remarks of the British Prime Minister in the British Parliament to the effect that by the mid-1970s British military commitments would be irrevocably withdrawn from this part of the world, whatever the situation might be; and
- (2) the second ground, to remove this misconception altogether and make it quite clear to those who may not be well disposed towards this nation, externally as well as internally, that this nation will develop the resolution and the capacity to defend itself by mobilising our own resources and also in alliance with our friends in the Commonwealth?

The Prime Minister: Mr Speaker, Sir, the best time for me to issue any White Paper to remove any misunderstanding, with regard to this matter of British withdrawal, is after I had the opportunity to consult the five nations with which we propose to have a meeting here in Kuala Lumpur some time early next year, so that I could hear from them, myself, what they propose to do. From my talk with Britain recently, I was given the assurance that whatever happens the

British will keep certain armed forces, particularly the Navy and the Air Force, to help us in time of need. With regard to ourselves, we naturally, as an independent and sovereign country, will take all measures possible, all steps possible, to try and strengthen our defence—in an eventuality of that kind we must be prepared to defend ourselves.

Dr Tan Chee Khoon: Mr Speaker, Sir, can the Honourable Prime Minister tell us the reason, why he is so chary of publishing a report on Defence policy and have it debated in this House before the Commonwealth Foreign Ministers, or Defence Ministers, meet in Kuala Lumpur in early next year? Surely, it would be more profitable to the Government to have the defence policy debated in this House before the conference next year, so as to clarify our stand in this country first, before we meet next year with the other Commonwealth countries interested in defence in this area?

The Prime Minister: Well, I think it is a little bit too premature, Mr Speaker, Sir, to set out all these in a White Paper, before we have had an opportunity to have a thorough discussion with all these countries concerned. Whatever I may say here may prove wrong after the discussions have taken place. Therefore, I ask the Honourable Member to be a little bit patient, and I will assure him that everything will be done that can possibly be done to set the minds of the business people here, the minds of the citizens here, at rest with regard to our defences.

Dr Tan Chee Khoon: Is the Honourable Prime Minister aware that in other democratic countries, for example, in the United Kingdom, usually the Government of the day publishes a White Paper on whatever important matters they have to take action on, before that action is taken rather than after, and that is what I am asking of the Alliance Government?

The Prime Minister: Mr Speaker, Sir, I am well aware of that, but the Honourable Member should be aware that there is a difference between a

country that has got a very strong defence force, a country that has been standing on its feet for years and generations, and a country that has just achieved its independence and that has been depending on the help from this outside country. There is this difference and before we can set out a White Paper, set out our plans for the defence of this country, we have got to be a bit cautious, we got to be sure whether we are going to get help, because we cannot afford to spend all that millions and millions of dollars to try and build up our defences to the strength which a country like ours requires. If the Honourable Member, as I said, would be a little bit more patient and a bit less excited, everything will be all right.

REHABILITATION OF EX-DETAINEES

5. Tuan Chia Chin Shin, (*under S. O. 24 (2)*), asks the Minister of Home Affairs to state whether Government intends to rehabilitate ex-detainees who are open to threats from their former comrades and are unable to secure jobs in order to show their friends, still in hiding, the benefits of surrendering themselves to the Government.

Tun Haji Abdul Razak: Mr Speaker, Sir, there is no rehabilitation in the sense that ex-detainees are given preferential treatment over the rest of the people with similar background. Now, whilst Government is satisfied that a detainee has shown signs of change, he will be released to join the rest of the community and to pursue his normal occupation. Now, to provide special rehabilitation would lead to the general public voicing dissatisfaction in regard to special treatment being given to ex-detainees.

SALE OF ACTS OF PARLIAMENT, REGULATIONS, ETC., IN SARAWAK

6. Tuan Ong Kee Hui asks the Minister of Home Affairs to state:

(a) whether he is aware that it is impossible to get copies of Acts of Parliament in Sarawak;

(b) whether arrangements could be made for Bills, Acts of Parliament and other Regulations to be made available for sale to the public in Sarawak through the Government Printer, Sarawak.

Tun Haji Abdul Razak: Sir, it is not correct to say that it is impossible to get copies of Acts of Parliament in Sarawak. The Government Printer in Kuala Lumpur has in his possession a list of regular subscribers, and a list of free recipients of Government publications, which include Members of Parliament, State Attorney-General and other Government Departments in Sarawak, to whom Acts of Parliament are supplied direct. Now, anyone not in the distribution list will be supplied on request either direct, or through the Government Printer, Sarawak. Now, in order to further facilitate the distribution of Federal *Gazettes*, Acts of Parliament, and other regulations, arrangements have been made since the end of July, 1967, to supply subsidiary legislations, copies of Government *Gazette*, Acts of Parliament and other regulations to the Government Printer in Sarawak for sale to the public.

Tuan Ong Kee Hui: Sir, is the Honourable Minister aware that with reference to one particular publication, namely, the Companies Act, even requests by people, not on the list for copies of this publication, have not been complied with, despite repeated efforts on the part of many people in Sarawak?

Tun Haji Abdul Razak: Sir, it is possible that copies of this Act may be out of print for the time being. There is nothing wrong with the mechanism. If it is out of print, I think action will be taken to have more copies printed.

Tuan Ong Kee Hui: Sir, would the Honourable Minister consider allowing the Sarawak Government Printer to keep stocks of such Acts of Parliament, so that they would be more readily available to the general public?

Tun Haji Abdul Razak: Yes. As I said, Sir, copies of all these Acts and Laws will be sent, or have been sent, to the Sarawak Government Printer for sale to members of the public. If there

is further requirement, obviously we will send further supplies.

Tuan Stephen Yong Kuet Tze: Sir, is the Honourable Deputy Prime Minister aware that the Companies Act was, in fact, out of print since December last year and it is still now out of print, and whether he would particularly see that it is made available to the public?

Tun Haji Abdul Razak: I am not aware of this, Sir, but I will certainly look into this. However, this is a very long Act and I believe that it contains hundreds of pages, and so it may take some time to have it printed.

IDENTITY CARDS FOR THE RURAL POPULATION IN SARAWAK

7. **Tuan Sim Boon Liang** asks the Minister of Home Affairs whether he is aware that about 35 per cent of the rural population in Sarawak have not been registered for the purpose of identity card, and if so, for the convenience of the rural population whether his Ministry would send registration teams to visit the district offices to undertake such registration.

Tun Haji Abdul Razak: There are people in some places in the rural areas who did not turn up for registration during the recent registration exercise which has just ended in June this year. During this period registration teams visited their places. According to the official figures from the Registration Department, the percentage of rural population in Sarawak who have not yet registered is about 20 to 24 per cent. Arrangements will be made to station registration clerks in district offices and sub-district offices in the State of Sarawak, so as to provide registration facilities for all those who have not yet registered before.

DETAINEES SENT TO TANJONG RAMBUTAN HOSPITAL

8. **Dr Tan Chee Khoon** [*under S. O. 24 (2)*] asks the Minister of Home Affairs to state:

(a) the number of detainees, while under interrogation, sent to Tanjong Rambutan Hospital;

- (b) what is the state of their mental health;
- (c) why they were sent to the hospital;
- (d) whether or not an enquiry would be made into the cause of their illness.

Tun Haji Abdul Razak: Three detainees have been sent to the Tanjong Rambutan Mental Hospital while under detention. All these three were discharged after having been certified fit by the Medical Officer in charge of the Tanjong Rambutan Mental Hospital. They were sent to the hospital on the advice of the Medical Officer. Under Rule 63 of the Internal Security Detained Persons Rules, 1960, it is stated there "where it appears to the medical officer that a detainee is mentally disordered he may direct such persons to be removed to a mental hospital". I do not see any justification for holding an enquiry into these cases.

METHODS OF INTERROGATION OF DETAINEES BY THE POLICE

9. Dr Tan Chee Khoon [*under S.O. 24 (2)*] asks the Minister of Home Affairs to state whether he has made enquiries into the methods of interrogation used by the Police with regard to the detainees and whether he is prepared to set up a committee to investigate into this matter.

Tun Haji Abdul Razak: I am aware of the methods employed by the Police in interrogating the detainees, and I am satisfied that the detainees are not ill-treated nor are they subjected to physical force. I, therefore, see no justification to set up a committee to investigate this matter.

Dr Tan Chee Khoon: Is the Honourable Minister of Home Affairs aware that the Police, and in particular those interrogating detainees, have reduced the infliction of torture to a fine art, in that they can inflict real physical injury without leaving any physical marks on the body? If so, will he look into this aspect of methods of interrogation mentioned by the Member for Dato Kramat?

Tun Haji Abdul Razak: As I have said, I can assure this House that no physical violence whatsoever is used in interrogation, but I cannot, in the interests of security, reveal the methods used by the Police in the interrogation.

Dr Tan Chee Khoon: Sir, I see there are few lawyers in this House. Is the Honourable Minister of Home Affairs trying to tell this House that the Police are angels, when it comes to interrogating those under their charge, whether detainees or not? There have been more complaints by lawyers time and again in the open court their clients have been tortured by the Police. Unfortunately, either their clients, or the lawyers, cannot produce medical evidence of such torture.

Tun Haji Abdul Razak: All of us in this House are not angels, including the Honourable Member himself. But, as I have said, I am satisfied that as far as I am aware the Police have not used any physical force, or doing anything injurious to the detainees, while undergoing interrogation.

Dato' S. P. Seenivasagam: Is the Honourable Deputy Prime Minister aware that in court proceedings Police officers have admitted openly that they have persistently interrogated suspects until they have made statements, which the Police wants, and that they had carried on these interrogations up to the early hours of the morning, without giving the man a chance to sleep? These are facts which have been admitted in courts.

Tun Haji Abdul Razak: These are verbal interrogations. As I said just now, no physical force whatever has been used. Of course, it is within the Police rights to carry out investigations, sometimes for long hours.

Dato' S. P. Seenivasagam: Does the Government of the Federation of Malaysia approve mental torture by refusing to allow a man to sleep until he has answered questions.

Tun Haji Abdul Razak: We do not approve mental torture, but it is our duty to interrogate these detainees to get the truth from them.

Dr Tan Chee Khoon: Is the Honourable Minister of Home Affairs aware that there is a corpse in the mortuary at the General Hospital right now, and the allegation is that the deceased was pulled in by the Police, perhaps about two weeks ago, and three days after his discharge from the Police, although he consulted a number of doctors, he passed away, I think, yesterday and the cause of death certified by the Police in Jinjang was *sakit biasa*? I will be producing evidence a little later when we debate the other Bill. Will the Honourable Minister, as a matter of importance in the interest of the fair name of the deceased and the Police order a very stringent investigation into this allegation of Police torture, resulting in the death of the deceased now lying in the mortuary of the General Hospital, Kuala Lumpur?

Tun Haji Abdul Razak: I am not aware of this case. These are very serious allegations against the Police, and I will certainly cause a thorough investigation to be made.

Tuan Haji Abu Bakar bin Hamzah: Soalan tambahan. Saya bersetuju dengan pihak Kerajaan bahawa orang² yang di-tahan itu patut di-ambil keterangan sa-hingga memuaskan, tetapi Tuan Yang di-Pertua, saya hendak bertanya, ada-kah Kerajaan kita suka bahawa dalam mengambil ma'lumat daripada orang yang di-tahan itu, orang itu di-soal berjam² lama-nya berturut² sa-hingga tidak dapat dia hendak berdiri lagi. Ini ada bukti² yang saya dapat menceritakan, jadi ada-kah Kerajaan kita menganggap bahawa chara menyoal—interrogation—yang seperti itu patut di-buat dalam negara kita ini?

Tun Haji Abdul Razak: Tuan Yang di-Pertua, seperti yang saya kata tadi mustahak bagi pihak Polis mengambil langkah untuk menyoal orang² yang ditahan ini supaya dapat keterangan². Chara menjalankan soal itu terpulunglah kepada pihak polis. Kita senantiasa berdiri kepada ke'adilan dan berkehendakkan polis dan juga pegawai² menjalankan tugas dengan sempurna, dengan adil, tetapi seperti saya kata

tadi, chara-nya itu terpulung-lah kepada pihak Polis.

USE OF WEAPONS BY THE POLICE

10. Dr Tan Chee Khoon [*under S.O. 24 (2)*] asks the Minister of Home Affairs to state whether he is aware of the haphazard use of weapons, especially guns, by the police in the presence of the public; and if so, what he intends to do about it.

Tun Haji Abdul Razak: Sir, I am not aware of this, but what I am aware of is that members of the Royal Malaysian Police have been thoroughly trained in the use of firearms under all possible circumstances.

Dr Tan Chee Khoon: Is the Honourable Minister aware of the statement issued by the Assistant O.C.P.D., Kuala Lumpur, that the police from now onwards, at least in Kuala Lumpur, will shoot first and ask later. Does that indicate a departure from established police practice in this country.

Tun Haji Abdul Razak: I am aware of this statement. I think the statement refers to an order, to shoot to injure, and this order to shoot to injure is consistent with our policy and directive on the use of weapons. Now, to shoot to injure is only adopted in order to protect the lives of the Police personnel themselves, or members of the public, and I would like to make it clear that the order to shoot to injure is quite different from shoot to kill.

Dr Tan Chee Khoon: Mr Speaker, Sir, I have here this statement which says: "In future there will be no warning shots", and this is issued by the Assistant O.C.P.D., Kuala Lumpur, and I think the date was on the 16th of August.

Tun Haji Abdul Razak: I have explained just now that this order to shoot to injure is within the policy and directive of the use of weapons.

Dr Tan Chee Khoon: Should not the Police in this country, instead of shooting first should shoot into the air to warn away whoever may be causing trouble, and then shoot to injure later?

Tun Haji Abdul Razak: This must depend on the circumstances. As I said the Police are justified in ordering to shoot to injure in order to protect the lives of Police personnel, or the lives of the members of the public. This would depend on the circumstances. If it appears that the safety of the Police personnel is in danger, then the Police is within their right to shoot to injure, in order to protect and defend themselves, or defend the members of the public. If there is no danger to life, obviously the thing to do is to shoot into the air first. As I said, this will depend on the circumstances. They have been given strict instructions under the Commissioner's Standing Orders and also under the Police Order Manual.

Dr Tan Chee Khoon: Mr Speaker, Sir, is the Honourable the Minister of Home Affairs aware that two people have died from shooting by the Police and this does not come within his category to shoot to injure—one in Kuala Lumpur last year and one in Penang recently.

Tun Haji Abdul Razak: I am aware of the circumstances. In this instance, the Police were attacked, and their safety was in danger. I think, as officers responsible for maintenance of law and order, they are within their right to defend their lives.

BILANGAN TUNJOK PERASAAN GANAS—TINDAKAN TERHADAP PENUNJOK²

11. Tuan Sulaiman bin Haji Taib bertanya kepada Menteri Hal Ehwal Dalam Negeri:

- (a) berapa bilangan tunjok perasaan ganas yang telah berlaku dalam negeri ini dalam masa tiga bulan yang lalu dan di-mana-kah tempat² berlaku tunjok² perasaan itu;
- (b) ada-kah Kerajaan berchadang mengemukakan undang² untuk menambahkan denda atas penunjak² perasaan ganas.

Tun Haji Abdul Razak: Tuan Yang di-Pertua,

- (a) jumlah bilangan tunjok² perasaan ganas yang telah berlaku

dalam bulan Mei, Jun dan Julai ia-lah 103. Tempat²-nya ia-lah Kedah, Penang, Perak, Selangor, Melaka dan Johor;

- (b) jumlah bilangan penunjak² perasaan yang telah di-tangkap ia-lah 152. Mereka² itu telah di-bawa dan di-da'awa di-mahkamah. Sa-bilangan besar daripada perbicharaan mereka itu belum-lah lagi tamat.

Berkenaan dengan langkah² yang di-chadangkan hendak di-ambil untuk menambah denda atas penunjak² perasaan ini Kerajaan telah mengambil langkah.

Tuan Ramli bin Omar (Krian Darat): Tuan Yang di-Pertua, dalam tempat² berlaku kejadian kekerasan ini, ada-kah mereka itu merosakkan alat² Kerajaan dan ada-kah orang ini daripada arahan parti politik yang merosakkan alat² Kerajaan itu.

Tun Haji Abdul Razak: Ada sa-tengah² orang yang mengambil bahagian dalam tunjok perasaan ini ahli² parti politik.

Tuan Abdul Razak bin Haji Hussin (Lipis): Tuan Yang di-Pertua, boleh-kah Yang Berhormat Menteri menerangkan ahli parti politik mana-kah yang mengambil bahagian itu?

Tun Haji Abdul Razak: Ahli² daripada Parti Buroh, Tuan Yang di-Pertua (*Tepok*).

Tuan Haji Abu Bakar bin Hamzah: Soalan Tambahan. Ada-kah orang Parti PAS sama dalam kejadian itu (*Ketawa*).

Tun Haji Abdul Razak: Saya tidak tahu, barangkali kalau Ahli Yang Berhormat tahu harus ada juga (*Ketawa*).

Tuan Mustapha bin Ahmad (Tanah Merah): Soalan tambahan. Ada-kah pehak Menteri Dalam Negeri akan mengambil tindakan terhadap Parti Buroh yang nampak-nya memberi ilham kepada tunjok perasaan sa-chara yang haram yang merosakkan perpaduan ra'ayat dalam negeri ini.

Tun Haji Abdul Razak: Tidak ada keterangan yang Parti Buroh memberi ilham kepada mereka itu. Mereka itu

menjalankan tunjok² perasaan ini sabagai diri mereka itu sendiri. Jadi tindakan² hanya-lah di-ambil kapada orang itu sahaja dan tidak-lah kapada parti.

Tuan Mohd. Daud bin Abdul Samad (Besut): Soalan tambahan. Dalam 152 orang yang telah di-tangkap dan akan di-bicharakan itu ada berapa orang orang Melayu?

Tun Haji Abdul Razak: Tuan Yang di-Pertua, kita tidak membahagi ra'ayat negeri ini kapada bangsa²—semua ra'ayat Persekutuan. Dan saya telah terangkan sa-malam daripada 152 orang, 2 orang ra'ayat luar negeri, 150 orang ra'ayat Persekutuan—ra'ayat Malaysia.

CENTRE OF PROTECTIVE CUSTODY, KUCHING— SOLITARY CELLS

12. Dr Tan Chee Khoon asks the Minister of Home Affairs to state if he is aware that the solitary cells at the Centre of Protective Custody, Kuching, are totally unsuitable for human habitation, and if so, whether he would take steps to improve the conditions of these cells.

Tun Haji Abdul Razak: Mr Speaker, Sir, I do not know in what respect the Honourable Member considers the solitary cells in the Centre of Protective Custody, Kuching, to be unfit for human habitation. I have received a certificate from the Acting Director of Medical Services in Sarawak, who visited the Centre of Protective Custody in Kuching on 10th August, 1967, stating that these cells and the punishment block are fit for human habitation. However, Sir, since the Honourable Member spoke to me some time back I have asked this matter be looked into, and if there are improvements considered reasonable and consistent with the proper running of the place of detention, I will have the matter to be put right.

Dr Tan Chee Khoon: Mr Speaker, Sir, far from it for me to try to contradict the medical opinion of the Acting Director of Medical Services in Sarawak. Perhaps, because he is a person who is an obstretician and gynaeco-

logist, he may be a little remiss where public health is concerned. Is the Honourable Minister aware that the public health laws require that the window space of any room should be 15% of the floor area? Is the Honourable Minister of Home Affairs aware that in these cells concerned the window area is possibly not 15% but less than 5% of the floor area. One of the reasons why I say the cells are uninhabitable is because there is absolutely no ventilation at all and very little sunlight gets in to the room. If so, will he look into this aspect of the public health laws which require the Government as much as the private sector to comply with such laws.

Tun Haji Abdul Razak: I will certainly look into this. As I said, I have to depend on reports from the authorities there, and I have not had an opportunity myself, since taking over this new Ministry, to see the place for myself. But I assure the Honourable Member that I will look into it.

HARMONISATION OF INCOME TAX RATES IN EAST MALAYSIA AND WEST MALAYSIA

13. Tuan Pengiran Tahir Petra asks the Minister of Finance:

- (a) what action Government intends to take in respect of its proposal to harmonise the income tax rates in East Malaysia with those of West Malaysia which is now being opposed by the United Chinese Chambers of Commerce, Sabah and the Sabah Workers' Union;
- (b) what agreement was achieved between the Sabah and the Central Governments as the result of the recent visit of the Sabah Minister of Finance to Kuala Lumpur.

The Minister of Finance (Tun Tan Siew Sin): The Honourable Member will note that the Income Tax Bill presented to this House for its first reading on 21st August last contains a number of amendments as compared with the original Bill published in the *Gazette* in June this year. It is, therefore, clear that the Government has

taken into account the representations received not only from sources in East Malaysia but those in West Malaysia as well, and the final draft represents a fair compromise between conflicting points of views where they exist, and should hence be broadly acceptable to the overwhelming majority of taxpayers in this country.

Dr Tan Chee Khoon: Mr Speaker, Sir, is not the Honourable Minister of Finance a little too optimistic in saying that it will be acceptable to the taxpayers in this country, seeing that the Bill itself has not been debated in this House?

Tun Tan Siew Sin: Mr Speaker, Sir, if the Honourable Member does not like the word "acceptable", we could possibly substitute the word "tolerable".

Tuan Haji Abu Bakar bin Hamzah: Soalan tambahan. Ada-kah benar cherita² mengatakan bahawa Rang Undang² yang baharu ini tidak di-kemukakan melainkan di-atas permintaan United Chinese Chambers of Commerce, Sabah and Sarawak? Is it true that the new Bill is introduced in the House only because of the request of these Chambers?

Tun Tan Siew Sin: Mr Speaker, Sir, the Bill has been presented in this House for first reading. I cannot understand what the Honourable Member is driving at.

Tuan Haji Abu Bakar bin Hamzah: Mr Speaker, Sir, I have seen that in this new Bill there are so many amendments, some of which are major and some of which are minor. So, my question is whether it is true that this new Bill has been introduced in this House on the request of this Chamber?

Tun Tan Siew Sin: Mr Speaker, Sir, as I tried to indicate in my original reply, the Bill which was submitted to this House for first reading last Monday does take into account the representations received from all sources—sources in East Malaysia as well as sources in West Malaysia; and, where the Government felt that these representations were reasonable, we have

accepted them; where we felt that they were not so reasonable, we have rejected them; or, in some cases we have modified them.

Tuan Amadeus M. Leong: In view of the fact that Sabah obtained independence for only four years compared to Malaya's ten years, its development is still in its infancy stage; besides, the high cost of living now prevailing in Sabah, the Unified Income Tax Bill, though amended, will still keep away interested investors, and thus retard the progress of development in the State. Will not the Honourable Minister of Finance consider taking immediate steps to harmonise the Income Tax rates in East Malaysia only very necessarily, in order to be fair to the young independent States?

Tun Tan Siew Sin: Mr Speaker, Sir, inspite of the new Bill, Sabah and Sarawak will still be the most lightly taxed States in the whole of Malaysia, and, as I indicated in a reply to a question a few days ago, both Sabah and Sarawak are getting the best of both worlds in that while they are paying much less than the rest in Malaysian taxation, they are getting much more in development, and I cannot think they can hope for a better deal than that.

POSTAL SERVICE BETWEEN EAST AND WEST MALAYSIA

14. Dato' Ling Beng Siew asks the Minister of Works, Posts and Telecommunications to state whether Government intends to improve the existing slow postal service between East and West Malaysia.

The Minister of Works, Posts and Telecommunications (Tun V. T. Sambanthan): Mr Speaker, Sir, all first class mails, i.e., letters and postcards, fully prepaid with inland postage rates, are despatched by air daily both ways between East and West Malaysia. Second class mails, i.e., printed papers, are forwarded by surface mail unless prepaid at first class rates. Despatches by surface mail are dependent on the

frequency of boats plying between East and West Malaysia. At present, there is a regular weekly service and this is the only means whereby surface mails are despatched.

Tuan Stephen Yong Kuet Tze (Sarawak): Sir, is the Minister aware that, although there is supposed to be a weekly service of boats going from West Malaysia to East Malaysia, we have in fact sometimes received invitation cards (all with stamps on) which have taken three weeks or so from West Malaysia to East Malaysia.

Tun V. T. Sambanthan: It should not be if they are sent by air, which they are supposed to be. These letters should have reached them. I do not see any reason why an invitation card should be sent by sea, if it is properly stamped; it should have been sent by air. If the Honourable Member has such cases I would request him to forward these envelopes to me, so that I can take steps.

KETEGANGAN DI-ANTARA KEMENTERIAN PELAJARAN DENGAN SA-BILANGAN KESATUAN GURU²

15. Tuan Sulaiman bin Haji Taib bertanya kepada Menteri Pelajaran apa-kah tindakan yang telah di-ambil atau akan di-ambil oleh Kementerian-nya bagi mengurangkan ketegangan yang timbul di-antara Kementerian-nya dengan sa-bilangan Kesatuan Guru² dalam negeri ini.

The Minister of Education (Tuan Mohamed Khir Johari): Tuan Yang di-Pertua, ketegangan yang di-sebutkan itu bukan-lah hasil dari tindakan Kementerian saya. Tindakan itu dilakukan oleh Kesatuan² Guru yang berkenaan berhubung dengan tuntutan² mereka. Saperti mana yang terma'alum Surohanjaya Gaji Guru² telah di-tubuhkan untuk membuat shor² supaya kerumitan² dalam perkhidmatan perguruan dapat di-selesaikan termasuklah tuntutan² daripada Kesatuan² Guru. Surohanjaya ini maseh menjalankan tugas-nya. Kesatuan² Guru itu bebas mengemukakan tuntutan mereka kepada Surohanjaya itu. Oleh kerana

ada-nya Surohanjaya ini dan juga oleh kerana ketegangan itu chuma di-lakukan oleh sa-tengah² Kesatuan Guru² sahaja, maka Kementerian saya tidak mengambil apa² tindakan berhubung dengan ketegangan itu. Terpujang-lah kepada Kesatuan² Guru itu merentikan ketegangan buatan mereka sendiri. Saya sendiri sedia menemui mereka apabila mereka sudah berhentikan tindakan perusahaan-nya.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, apa-kah benar desas desus daripada pehak guru², sebab terjadi ketegangan ini ia-lah pehak Menteri sa-bagai yang berkenaan itu sendiri atau pun Setia-usaha Politik-nya terlampau banyak berchakap dalam masaalah ini dan ada mengeluarkan kata² yang menyakitkan hati Kesatuan Guru². Apa-kah benar tudohan² saperti itu berlaku dari pehak Menteri yang berkenaan atau pun dari pehak Setia-usaha Politik-nya.

Tuan Mohamed Khir Johari: Tuan Yang di-Pertua, kadang² benda yang benar itu sangat menyakitkan hati.

DIRECTOR OF EDUCATION, SABAH

16. Tuan C. John Ondu Majakil (Sarawak) asks the Minister of Education to state when will a Sabahan fill the post of Director of Education in Sabah.

Tuan Mohamed Khir Johari: Mr Speaker, Sir, the posting of a very senior officer from West Malaysia as Director of Education, Sabah, was considered essential in view of the non-availability of a suitably qualified local officer to fill the post. It was done at great sacrifice on the part of the Ministry. From all accounts this particular officer has done a splendid job of work in Sabah. The ultimate aim is that the post should be filled by a local officer as soon as one is available and ready to shoulder the heavy responsibilities of administering educational matters in the State. In fact, action has already been taken by the Ministry to train an officer from Sabah overseas and he is expected to return to Malaysia in 1969.

Tuan C. John Ondu Majakil: Can the Honourable Minister concerned give me the reason of the apparent influx of Indian teachers into Sabah?

Tuan Mohamed Khir Johari: Sir, although this question is quite irrelevant, I must explain here that if there is any influx at all of teachers from India, that is the result of the policy carried out by the State itself. I have got no say at all in this matter.

Tuan C. John Ondu Majakil: Is the Honourable Minister aware that some of these teachers, non-Malaysian teachers, were given further training overseas, and why?

Tuan Mohamed Khir Johari: Sir, there again, I must say that until I have full control of educational matters in Sabah, as I have in other States in West Malaysia, I am unable to help the Honourable Member in this matter. I would suggest that, as his Party has got Members in the State Assembly in Sabah, this matter be taken up at that level.

Tuan C. John Ondu Majakil: In view of the fact that we are talking about regional co-operation with Singapore, could the Minister tell me the reason why teachers from Singapore were sent back after the completion of their contracts?

Tuan Mohamed Khir Johari: Sir, they were sent back because they finished their contract. *(Laughter)*.

Tuan Amadeus Mathew Leong: Will the Minister consider the extension of the contract terms of the V.S.O. teachers in Sabah, even for the few remaining, and consider the fresh recruitment of V.S.O. teachers from abroad?

Tuan Mohamed Khir Johari: That is being done, Sir, and in fact a number of not only V.S.O. but also Peace Corps teachers are being sent to Sabah, more than to any other State in the whole of Malaysia.

Tuan C. John Ondu Majakil: As the Honourable Minister has said just now that they have gone back after the

completion of their contract, is the Minister aware that these teachers have applied for renewal of their contracts and were refused?

Tuan Mohamed Khir Johari: Sir, if teachers from outside Sabah are required, one would have thought that the request should first come to West Malaysia. Here is a very clear case of a West Malaysian Officer being temporarily directed to become Director of Education in Sabah, as I said, at a great sacrifice on the part of the Ministry, and yet we can see a section of this House, from the Opposition, making a clamour for replacement of that officer by a local Sabahan. When a *Mat Salleh* was the Director of Education in Sabah, not even a voice was raised for the replacement of that officer by a local man. It was through my own initiative that a local officer from West Malaysia was sent to temporarily take over the post from the *Mat Salleh*.

Dr Tan Chee Khoon: I would like to seek clarification, Mr Speaker, Sir. To those of us, who are uninitiated, can the Honourable Minister of Education clarify the term "Mat Salleh"? *(Laughter)*.

Tuan Mohamed Khir Johari: Sir, I would advise the Honourable Member to take a *kursus* in the National Language *(Laughter)*. As I said, Sir, it was my own initiative that resulted in the placing of a local officer in Sabah, and I can say here and now that if there is any motion in the State Assembly, agreed to by a majority, that he should be replaced by a local man immediately, I shall be only too pleased to withdraw him and bring him back to West Malaysia.

Tuan C. John Ondu Majakil: I am not concerned with the *Mat Salleh* and the replacement of the Director of Education. But, I am very much concerned about the shortage of good English teachers in the higher secondary schools in Sabah. Would the Honourable Minister of Education reconsider his decision of not recruiting or extending the terms of contract for the V.S.O. teachers?

Tuan Mohamed Khir Johari: Sir, this is a separate question.

Mr Speaker: The sitting is suspended for 15 minutes.

(Question time was up and the answers to Oral Questions Nos. 17 to 27 are given below.)

VICTIMISATION OF ACTIVE OFFICIALS AND MEMBERS OF THE NATIONAL UNION OF TEACHERS

17. Tuan C. V. Devan Nair asks the Minister of Education whether he would instruct the Chief Education Officers and senior education officials that they should desist from intimidating and victimising active officials and members of the National Union of Teachers by transferring them from their teaching posts to remote places, as happened recently in Pahang in the cases of Rajaguru and Fang Yew Teng.

The Minister of Education (Enche' Mohd. Khir Johari): There is no need to issue such instructions as Chief Education Officers and other senior education officials are responsible officers who, in the exercise of their duty, may be relied upon to use their proper judgment and discretion in effecting transfers of staff, including teachers. It will be appreciated that the needs of the service as a whole must come first, balanced against those of the individual, in deciding on staff transfers. This was what exactly happened in the case of the two teachers mentioned, and I am satisfied there were no other considerations involved in their transfer.

KAWALAN T.B. NEGARA

18. Tuan Haji Ahmad bin Abdullah bertanya kepada Menteri Kesihatan:

(a) pada tahun bila kawalan T.B. Negara di-tubuhkan;

(b) ada-kah benar bahawa penyakit Tibi ia-lah penyakit pembunuh nombor satu yang lebeh dahshat daripada malaria di-Malaysia, dan jika benar, siapa-kah pakar perubahan yang berpendapat demikian;

(c) berapa banyak wang di-belanjakan untok mengawal kedua² penyakit tibi dan malaria ini tiap² tahun daripada 1962 hingga 1966;

(d) apa-kah atoran memberi ubat dan kemudahan² X-Ray di-tiap² Negeri dan ada-kah kemudahan² ini di-beri sama rata antara penduduk² bandar dengan penduduk² luar bandar;

(e) ada-kah kakitangan kawalan Tibi Negara itu di-ambil dari rumah² sakit atau luar rumah² sakit;

(f) ada-kah benar bahawa doktor² prebet tidak payah membeli ubat tibi oleh kerana ubat itu mudah di-perolehi daripada Kerajaan; dan

(g) ada-kah benar bahawa dalam sa-tengah² rumah sakit, ada 3 orang penolong penyiasat ayer ludah sedangkan hanya ada sa-orang penolong sahaja bagi memereksa darah dan ayer kencing.

Enche' Bahaman bin Samsudin:

(a) Kawalan Tibi Negara telah di-tubuhkan pada tahun 1961 di-bawah Rancangan Pembangunan Lima Tahun yang Kedua. Tujuan-nya ia-lah untok menghapuskan penyakit tibi sa-bagai masa'alah kesihatan umum.

(b) Penyakit tibi ia-lah salah satu penyakit pembunuh yang terbesar dalam Negeri ini. Statistik bilangan kematian daripada penyakit tibi dan penyakit malaria yang telah di-sahkan mengikut Laporan Pendaftar 'am Beranak dan Mati daripada tahun 1961 hingga 1965 ada-lah saperti berikut:

	1961	1962	1963	1964	1965
Penyakit Tibi ..	1,173	1,289	1,318	1,329	1,275
Penyakit Malaria	74	98	135	110	113

Kementerian Kesihatan menyokong statistik ini.

(c) Perbelanjaan untok mengawal penyakit tibi dan malaria pada tiap² tahun daripada tahun 1962

hingga tahun 1966 ada-lah seperti berikut :

	Tibi	Malaria
1962 ...	\$2.48 juta ...	\$4.9 juta
1963 ...	2.55 " ...	5.0 "
1964 ...	2.83 " ...	5.5 "
1965 ...	2.55 " ...	5.3 "
1966 ...	2.86 " ...	5.6 "

(d) Untuk memberi faedah yang sa-penoh-nya dengan kewangan yang di-perolehi itu, ada-lah di-fikirkan mustahak bagi permulaan di-tumpukan ranchangan kawalan itu di-kawasan² penduduk yang bersesak, kerana ditempat² ini-lah sangat besar bahaya berjangkit itu. Bagaimana pun kawasan kawalan itu telah di-perluaskan ka-kawasan² yang berdekatan dari satu masa ka-satu masa. Ranchangan untuk mengawal kawasan² luar bandar yang terpenchil telah pun disediakan. Kemudah²an X-ray ada di-dapati di-semua rumah² sakit besar, dan di-kebanyakan rumah² sakit daerah; dan kereta² X-ray bergerak telah di-hantar ka-rumah² sakit yang tiada ada alat² X-ray ka-hampir² semua pusat² kesihatan besar, ka-satengah² pusat kesihatan kecil, ka-majlis² bandaran, kebun² dan kampong² yang boleh di-lalui oleh kereta X-ray ini.

Ubat² untuk penyakit tibi ini boleh di-dapati di-rumah² sakit. Untuk mengatasi kesulitan orang² sakit tibi yang tinggal jauh daripada rumah² sakit, maka di-setengah² pusat² kesihatan juga telah di-sediakan ubat² untuk mereka itu. Tujuan akhir ia-lah supaya ubat² ini dapat di-sediakan di-semua pusat² kesihatan besar dan kecil apabila kakitangan yang terlateh itu bertambah.

(e) Semua pegawai dan kakitangan yang bekerja di-kawasan Tibi Negara ada-lah kakitangan² Kerajaan yang di-ambil daripada rumah² sakit dan daripada jabatan perubatan dan kesihatan.

(f) Ini tiada benar. Doktor² prebet memang ada membekalkan ubat² anti-Tibi dan mereka memang mengubati orang² penyakit tibi tetapi ada juga nampak-nya makin bertambah bilangan doktor² prebet itu menghantar orang² penyakit tibi ka-rumah² sakit Kerajaan untuk di-ubati.

(g) Ini tidak benar. Pembantu ma'amal yang bertugas di-ma'amal rumah sakit membuat semua penyiasatan atau pemeriksaan, termasuk salah satunya ia-lah ayer ludah. Yang bekerja di-klinik² dada ada-lah pembantu² ma'amal yang khas untuk menitek-beratkan pemeriksaan ayer ludah.

RESIGNATION OF DOCTORS FROM GOVERNMENT SERVICE, WEST MALAYSIA—REASONS

19. Tuan Sim Boon Liang asks the Minister of Health to state the reasons for the resignation of some doctors recently from Government service in West Malaysia.

The Minister of Health (Enche' Bahaman bin Samsudin): The reasons given by the doctors to resign from the Government service in West Malaysia from January 1966 until today are as follows:

- (1) To go into private practice.
- (2) To go overseas for post-graduate studies on their own.
- (3) To join the University of Malaya, Kuala Lumpur.
- (4) Due to ill health.
- (5) Personal.
- (6) General dissatisfaction with Government service.
- (7) Accompanying husbands to go abroad.
- (8) No reason given at all.
- (9) To take up appointment in Sabah.

TERMS AND CONDITIONS OF SERVICE OF MEDICAL OFFICERS IN SARAWAK AND WEST MALAYSIA

20. Dr Tan Chee Khoon asks the Minister of Health to state if he is

aware of grave discrepancies between the terms and conditions of service of medical officers in Sarawak and in West Malaysia, e.g., Sarawak medical officers do not get COLA and instead are given family allowance of 7½ per cent of their salary up to a maximum of \$100 per mensem for those with wife and children; married officers with no children do not get any allowance at all; and those living in their own homes get a housing allowance of \$120 per month whereas their counterparts in West Malaysia get up to a maximum of \$550 per month.

Enche' Bahaman bin Samsudin: The Medical Officers and Specialists in the State of Sarawak are governed by different General Orders and are under different Salary Scales and terms and conditions of service from those in West Malaysia.

The standardisation of the different salary scales, terms and conditions of services in all States in Malaysia including Sarawak is being reviewed by the Salaries Commission.

REVENUE FROM FOREIGN TOURISTS SINCE MERDEKA UNTIL 1966

21. Dato' Haji Mustapha bin Haji Abdul Jabar asks the Minister of Commerce and Industry to state:

- (a) the amount of revenue collected from tourists visiting Malaysia since Merdeka until 1966;
- (b) the amount of money spent by Malaysian tourists overseas since Merdeka until 1966;
- (c) whether the revenue obtained from foreign tourists visiting Malaysia can be increased in future, and if so, what Government intends to do to bring about this increase.

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

- (a) Record of revenue collected from tourists visiting Malaysia is only available from 1961. From the period of 1961 to 1966 the amount of receipts from tourists visiting Malaysia amounted to

\$77.83 million. In 1961 the figure was \$7.62 million and this rose to \$14.09 million in 1964 and \$20.5 million in 1966.

The receipts figures are only in respect of overseas travellers' cheques, drafts and travellers' letters of credit cashed in local banks and collated by the Department of Statistics. They do not include currencies that may have been brought into the country by visitors.

- (b) The record of expenditure by Malaysian overseas is only available from 1963. Between 1963 and 1966, the amount of expenditure by Malaysians visiting overseas countries amounted to \$123.78 million. The figure was \$24.66 million in 1963 and \$36.54 million in 1966. These figures do not only include expenditure by Malaysians who go abroad for tours but also expenditure by Malaysian students overseas.
- (c) It is the policy of the Government to promote the tourist industry and for this purpose, as I have mentioned in this House previously, a Committee of Officials was set up to recommend ways and means towards this end. The Working Party has now completed its work and its Report is now being studied by the Government.

GOVERNMENT SUBSIDISATION OF OIL PALM PLANTING IN SARAWAK

22. Dato' Ling Beng Siew asks the Minister of Commerce and Industry to state whether Government would devise schemes to subsidise oil palm planting in Sarawak in line with rubber planting schemes A and B so as to enable both estates and small-holders to switch over into oil palm industry on a big scale in Sarawak.

Dr Lim Swee Aun: It is the policy of the Government to promote the planting of oil palms in Sarawak. It is proposed to set up a small scale type of factory for small-holders in any suitable part of the Sarawak and one

of these units has been accepted in principle by the Economic Planning Unit, for the Danau area of the Fifth Division. If the unit proves feasible and economic it could be extended on a large scale and the subsidy would be in line with Rubber Planting Scheme "A".

At present there are no schemes to develop oil palm in line with Rubber Planting Scheme "B" but this does not mean that large scale planting is not favoured.

The Federal Land Development Authority are investigating an area in the Miri District of the Fourth Division of Sarawak and the Commonwealth Development Corporation have plans to develop a large scale estate at Kabuloh in the same area. It is hoped that these two pioneer projects will lead to further estates. It is anticipated that the estate factories will accept fruit from peripheral smallholders and that these smallholders will be able to participate in the planting of oil palm with Government assistance.

In other parts of Sarawak various groups of Native have expressed interest in making their customary rights lands available for developers with capital.

COMMON CUSTOMS AREA BETWEEN WEST MALAYSIA AND SARAWAK

23. Tuan Ong Kee Hui asks the Minister of Commerce and Industry to state when a common market between West Malaysia and Sarawak could be set up to enable foreign goods imported by West Malaysia after payment of import duties to be imported into Sarawak without additional import duties.

Dr Lim Swee Aun: A common market or more correctly a common customs area between West Malaysia and Sarawak as well as Sabah enabling foreign goods imported by West Malaysia after payment of import duties to enter Sarawak without paying additional import duties has been established from 10th August, 1967,

with the introduction of the Customs (Malaysian Common Tariffs) Order, 1967 under the Customs (Malaysian Customs Tariffs) Act, 1966.

This Order covers 1,640 tariff items or 60% of the total number of items listed in the Malaysian Trade Classification and Customs Tariff. The effect of this Order is that these items can be moved freely throughout Malaysia once import duties and surtax have been paid and after certain formalities have been met.

LOW COST HOUSING SCHEMES— SARAWAK

24. Tuan Sim Boon Liang asks the Minister for Local Government and Housing to state:

- (a) whether it is a fact that low cost housing schemes are solely intended for the benefit of urban population;
- (b) what schemes are being implemented to solve the housing problem of rural inhabitants;
- (c) whether Government will start low cost housing schemes in Mukah, Dalat, Oya and Balingian.

The Minister for Local Government and Housing (Tuan Khaw Kai-Boh): Since the question is directed to the Minister for Local Government and Housing, it is assumed that the Honourable Member is referring to low cost housing schemes undertaken by State Governments with loan funds from the Federal Government and on this assumption the replies to the three parts of the question are:

- (a) It is not a fact that low cost housing schemes are solely intended for the benefit of urban population. The siting of any scheme depends entirely on representations made by the State Governments and Local Authorities. None of the conditions of Federal Government loan terms require a scheme to be in an urban area.
- (b) For information of the Honourable Member, there are schemes in the rural areas for which loans

have been approved. For example, schemes in Lipat Kajang and Bukit Ketil in the State of Malacca; Bukit Kepong in Johore; Telaga Batin, Batu Rakit in Trengganu; Telok Bahang in Penang to mention just a few.

- (c) It is not possible for this Ministry to say whether low cost housing schemes will be started in Mukah, Dalat, Oya and Balingian. This will have to be determined by the Sarawak State Government. If the State Government considers that there is need and demand for such schemes and would like to apply for Federal Loans, this Ministry will give due consideration to the State Government's application, if so made, subject to compliance with conditions laid down for low cost housing schemes and also to availability of loan funds.

NUMBER OF WEST MALAYSIAN WORKERS IN SABAH

25. Tuan C. John Ondu Majakil asks the Minister of Labour to state the number, according to race, of West Malaysian Workers now in Sabah.

The Minister of Labour (Tuan V. Manickavasagam): I regret that I am not able to give precise figures concerning the total number of West Malaysian workers sent to Sabah. However, of the total of 562 workers sent to Sabah under the Migration Fund Board Schemes, 466 are Malays, 54 Indians, 41 Chinese and 1 Eurasian.

AUTOMATIC RECOGNITION OF TRADE UNIONS BY EMPLOYERS

26. Tuan C. V. Devan Nair asks the Minister of Labour to give the reasons why the Government will not consider passing legislation to compel employers to give automatic recognition to unions which enjoy majority representation in the establishment.

Tuan V. Manickavasagam: I do not know what exactly the Honourable Member means by automatic recognition of Unions which enjoy majority representation in the establishment. I

am sure that he knows that the matter is not as simple as all that. Problems such as the determination of whether there is majority representation or not, the categories of persons to be represented, whether representation should be based purely on each establishment or the employment in the industry or Company as a whole, may arise and will have to be determined before recognition is accorded in any particular instance.

The Industrial Relations Act passed in this House during its last session provides in Part III for the procedures to be followed in respect of recognition of trade unions. I am of the view that this Part of the Act is sufficient and satisfactory to deal with this question.

LICENCE FOR RADIO SETS IN SARAWAK

27. Tuan Ong Kee Hui asks the Minister of Information and Broadcasting to state whether it is a fact that in Sarawak a person has to acquire radio licences in respect of each individual set of radio he owns while in West Malaysia a person needs only one licence irrespective of the number of radio sets in his house, and if so, why.

The Minister of Information and Broadcasting (Tuan Senu bin Abdul Rahman): This is quite correct. Radio licensing in Sarawak is governed by the Telegraphs Ordinance of Sarawak. However, the fee is very much lower than that in West Malaysia.

Sitting suspended at 11.00 a.m.

Sitting resumed at 11.30 a.m.

(Mr Speaker in the Chair)

BILLS

THE MINOR OFFENCES (MALAYSIA) (AMENDMENT) BILL

Second Reading

Order read for resumption of debate on motion,

"That the Bill be now read a second time," (22nd August, 1967).

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, saya minta izin kepada Tuan hendak menyambong

sadikit lagi ucapan saya berkenaan dengan Rang Undang² Kesalahan Kechil ini.

Tuan Yang di-Pertua, ada satu perkara yang saya tidak puas hati dan saya minta penerangan daripada pehak Kementerian ia-itu di-dalam Rang Undang² ini, di-dalam undang² pindaan ini ia-itu Sub-section 2 daripada Schedule Yang Pertama bagitu juga yang Kedua dan yang Ketiga ada menyebut perkataan harta—property—Public property atau pun private property. Jadi, Tuan Yang di-Pertua, di-dalam pentafsiran-nya di-sini ia-itu yang di-katakan property itu termasuklah building, wall, road, fence, tree, lamp stand, lamps or telephone post, traffic sign and notice board.

Tuan Yang di-Pertua, yang saya faham ia-lah mentafsirkan atau pun mentarifikan harta ini ia-lah harta yang bergerak dan harta yang tidak bergerak—movable property atau pun immovable property. Jadi, Tuan Yang di-Pertua, apa kata mithal-nya kalau undang² ini kita luluskan, sa-buah motor car kepunyaan sa-orang dan sa-orang lain datang melekatkan poster di-belakang kereta itu. Jadi, apabila polis menangkap orang ini, maka di-pereksa di-dalam undang² kita ini motor car itu tidak termasuk di-dalam ini, bagaimana dia hendak di-bawakan dalam mahkamah? Saya perchaya bahawa perkara yang sa-macam ini tidak mudah berlaku tetapi apabila dia sudah menjadi law—once it becomes a law—tentu-lah kita hendak mentafsirkan mengikut law juga, mengikut undang².

Yang kedua, Tuan Yang di-Pertua, mithal-nya kita katakan building (rumah) kita hendak-lah mendapat consent atau pun persetujuan daripada owner (tuan punya) atau pun occupier (orang yang menduduki). Apa kata pula, Tuan Yang di-Pertua, kalau rumah itu di-punyai oleh sa-orang yang bersetuju supaya di-perlekatkan apa² pelekat di-rumah itu tetapi orang yang dudok di-situ, menyewa mithal-nya tenant dia tidak bersetuju atau pun tenant itu bersetuju di-perlekatkan, tetapi tuan rumah itu tidak bersetuju maka consent yang mana-kah yang

valid di-dalam undang² ini, sebab perkataan di-sini di-gunakan “or”. Jadi, ini akan menjadi pergaduhan yang besar.

Tuan Yang di-Pertua, dalam dua perkara ini kita dapati walau pun perkara ini kechil, tetapi, Tuan Yang di-Pertua, ini-lah yang kena mengena dengan masyarakat kita ia-itu perkara² yang kechil yang sa-macam ini yang kita hendak menchari keadilan. Saya minta izin kapada Tuan hendak memberi satu contoh bahawa perkara ini walau pun kechil, tetapi besar bagi ra'ayat biasa. Dalam kesalahan kechil yang saya ingat ia-itu membuat perkara tidak senonoh di-tepi jalanraya atau pun berhampiran dengan paip ayer ada-lah menjadi satu kesalahan. Pernah berlaku, Tuan Yang di-Pertua, saya minta izin hendak menyebutkan sa-orang laki² telah membuang najis yang saya berchakap biasa-nya dia berak di-situ, di-tepi paip itu maka dia di-tangkap. Bila dia di-tangkap di-bawa ka-mahkamah maka dia menuntut di-dalam itu di-mana exhibit ia-itu yang menunjukkan dia itu buat perkara itu. Jadi, susah-lah untok prosecutor itu hendak mengemukakan exhibit bahawa dia berak di-situ sebab najis itu tidak dapat hendak di-bawa pergi ka-dalam mahkamah! Jadi, ada-kah sah bagi magistrate itu menghukum satu² perkara dengan exhibit-nya tidak dikemukakan? Ini, Tuan Yang di-Pertua, betul kita nampak luchu tetapi ini-lah yang akan berlaku dalam masa perkara² yang kechil sa-macam ini.

Yang kedua, Tuan Yang di-Pertua, saya bagi lagi satu argument ia-itu di-sini boleh jadi-lah tafsiran property ini termasuk-lah benda² yang lain tetapi termasuk juga yang di-sebut dengan terang di-sini, building, road, fence, land dan sa-bagai-nya. Apa kata sungai, Tuan Yang di-Pertua. Sungai tidak di-sebut di-dalam ini. Jadi, Tuan Yang di-Pertua, kalau sa-orang itu membawa satu kayu kemudian dia buat satu boat papan kemudian dia affix satu² benda itu terutama-nya masa pilehan raya atau pun di-masa tunjok perasaan atau pun di-masa strike maka di-pachak di-dalam sungai atau di-tepi sungai di-situ dengan tidak

mendapat kebenaran daripada tuan tanah yang sungai-nya ada di-dalam itu. Maka ada-kah ini pula akan menjadi satu kesalahan kerana ini tidak di-sebut di-dalam ini. Mithal-nya orang² yang tunjok perasaan di-sini dia pachak satu kayu di-dalam parit, dia tidak buat di-atas jalan, sebab jalan di-sini salah. Dia pachak di-situ. Jadi, polis hendak tangkap dia tidak boleh. Dia kata "It is not a road. Ini satu drain". Maka dia pachak di-situ. Jadi ini, Tuan Yang di-Pertua, yang saya sebutkan ini saya bersetuju pada dasarnya, pada undang² ini, tetapi chara membuat undang² ini amat-lah tidak memberi jaminan.

Yang akhir-nya, Tuan Yang di-Pertua, nampak-nya di-dalam keterangan di-sini sebab² Rang Undang² ini di-kemukakan ada di-sebutkan di-dalam statement di-sini barisan yang terakhir sa-kali ia-itu kata-nya di-dapati bahawa penalty yang di-untokkan di-dalam undang² yang lama itu tidak memberi kesan atau pun gerun yang chukup. Tuan Yang di-Pertua, penalty yang kita bagi sekarang ini ialah satu tahun jail atau pun sa-ribu ringgit denda atau pun kedua²-nya sa-kali. Sa-malam saya telah berkata, Tuan Yang di-Pertua, minor offences ini saya tidak bersetuju di-kenakan sampai satu tahun dan tidak bersetuju di-kenakan sampai sa-ribu ringgit apatah lagi kedua²-nya sa-kali. Bila saya sebut saya tidak bersetuju bukan berarti saya tidak bersetuju dengan undang² ini. Kalau kita hendakkan sufficient deterrent atau pun kesan yang lebeh lagi kepada orang² yang melakukan kesalahan itu, ada baik-nya, Tuan Yang di-Pertua, tidak payah kita kenakan denda (fine) kerana denda itu dia tahu walau pun maximum yang kita bagi ia-lah sa-ribu ringgit tetapi belum sangat-lah berlaku dalam negara kita ini Tuan Hakim kita itu mengenakan hukuman sampai sa-ribu ringgit, yang biasa-nya \$100, \$50, \$20, \$30 sebab perkara ini minor offence dan orang itu bersedia untok membayar. Saya lebeh suka, Tuan Yang di-Pertua, dalam masaalah yang kechil yang sa-macam ini, tetapi akibat-nya besar, di-kenakan penjara sahaja tidak payah kena denda lagi, walau

pun sedikit mithal-nya kalau di-dapati salah dua minggu jail, satu bulan jail. Jadi tidak ada fine lagi, tidak ada denda lagi dan tidak boleh bayar lagi di-situ. Maka lebeh-lah berkesan akibat-nya.

Satu perkara, Tuan Yang di-Pertua, yang kechil ia-itu boleh di-tangkap kalau pegawai polis yang bertugas shak mempunyai sebab² atau pun bukti² boleh shak yang orang itu melakukan kesalahan atau pun suspect committing any offence, tetapi, Tuan Yang di-Pertua, di-dalam hal itu pula apabila kita hendak menangkap orang yang di-shaki melakukan kesalahan itu boleh pula orang itu dilepaskan kalau dia sanggup menjawab summon, sa-telah dia memberi nama, memberi alamat dan sa-bagai-nya dan sa-telah dia memuaskan hati pegawai yang bertugas itu maka dia di-lepaskan maka dia akan menjawab legal proceeding kemudian-nya.

Tuan Yang di-Pertua, kita berniat hendak mengajar ra'ayat kita supaya berkelakuan baik dan sebab itu-lah kita memberi kuasa khas, kita tambah kuasa lagi supaya dapat di-tangkap dengan tidak payah warrant tetapi di-samping itu juga, kita memberi kuasa kepada pegawai itu melepaskan orang itu dengan syarat orang itu mahu atau pun sanggup menjawab summon. Maka di-sini-lah, Tuan Yang di-Pertua, akan berlaku perkara² yang menggerunkan kepada ra'ayat sama ada dia akan terus kena tangkap atau pun dia akan dapat menjawab summon sahaja.

Tuan Yang di-Pertua, walau pun Rang Undang² ini di-tujukan kepada pehak yang tertentu tetapi apabila ia sudah menjadi undang² akan meliputi-lah segala perkara, mithal-nya, dengan Rang Undang² ini juga akan terliput-lah penunjok² perasaan. Bagitu juga pemogok² dan bagitu juga orang² yang bekerja di-dalam masa pilehan raya.

Jadi ini, Tuan Yang di-Pertua, maka dengan Rang Undang² ini-lah apabila di-luluskan, pehak Kerajaan akan menggunakan Undang² ini untok menakutkan² ra'ayat pada masa pilehan raya, maka orang itu hendak meletakkan Symbol pun takut, hendak meletakkan ini pun takut. Jadi ini-lah,

Tuan Yang di-Pertua, saya harap walau pun perkara ini kecil, saya minta apa salah-nya, Tuan Yang di-Pertua, dalam perkara ini Kerajaan kita mengemukakan Rang Undang² ini kepada Select Committee supaya membetulkan balek. Itu yang saya minta.

Tuan D. R. Seenivasagam (Ipoh): Mr Speaker, Sir, in debating this Bill, it is not sufficient merely to look into the factual provisions proposed in the Bill which alter the existing provisions of the Minor Offences Ordinance of 1955. To assess the *bona fides* of the necessity of good intentions, or otherwise, of the Government in introducing this Bill, it is necessary to bear in mind that together with this Bill will be introduced the Criminal Procedure Code (Amendment) (No. 2) Bill, the Penal Codes (Amendment) Bill and the Police Bill. And if we bear in mind that these Bills are being introduced at one and the same sitting of this House, that they are being introduced on the eve of the *Sa-puloh Tahun Merdeka*, then one will appreciate that these Bills, this Minor Offences Bill in this instance under debate, is a naked admission of failure in the political, economic and other fields of governmental administration.

Mr Speaker, Sir, the Minor Offences Ordinance, or law, is a specific criminal law set up to deal with minor offences such as spitting in public, bathing in public, washing oneself in public, spitting in a coffee shop, and other obviously minor matters, punishable by a maximum fine of \$100—and also offences such as fighting in the public and the like. An offence punishable by a fine of \$1,000 or imprisonment is certainly no minor offence and that should not be described as such either in this country or elsewhere. Therefore, my first observation is that it is inappropriate to insert the amendments in the Minor Offences Ordinance, because then it will nullify the intentions and the specific provisions of the Minor Offences Ordinance as intended by the legislators of the past.

Mr Speaker, Sir, the amendments seek to make the pasting of posters, etc., a serious offence, where one can

be arrested without warrant and where one can be fined a maximum of \$1,000. Whether a sentence should be a fine of \$100 or \$1,000 or whether it should be imprisonment, or otherwise, is a matter of opinion from time to time varying. But, where an existing law, such as this one, is being amended then one must ask oneself, what are the reasons for amendment of a long established law established in fact during colonial days, why has it now become necessary on the eve of ten years of independence to amend this law. If the motives are genuine, then perhaps there may be justification for amending laws, but if the motives are *mala fides*, then this House should be slow to give its approval to any amending legislation in criminal law in particular.

Mr Speaker, Sir, therefore, to justify my argument that this amendment, bearing in mind that other amendments are coming before us dealing with criminal law, one must say that this is not an amendment which should receive the support of the majority of this House. The amendment in this Code is aimed specifically at demonstrations in this country. Let us not try to camouflage that. This Bill and the other Bills coming before this House are aimed to control, to put a stop, if possible, to demonstrations as we have seen in the last year in this country. Every legislature in its wisdom when there is trouble, and demonstration means trouble, the legislature must ask itself, and that is we must ask ourselves, what is the cause of the trouble, what is the remedy for the trouble, is it amending legislation to make penalties more severe, is it amending legislation, such as this one, to make obviously minor offences into serious offences? Is that the remedy? If that is not the remedy, then we should oppose amending legislation to take permanent place in our statutory laws. Mr Speaker, Sir, therefore, let us ask ourselves, what are the causes leading up to demonstrations; and once we know the causes, then we seek the remedy, either in law or by administrative actions.

Mr Speaker, Sir, in 1957 the people were jubilant on the Declaration of

Independence at the Bandar Hilir Park. The people shouted "*Merdeka*" in jubilation. Years passed, jubilation went into stark realisation of what *Merdeka* meant to the people, or what it did not bring them which it is expected to bring them; and from stark realisation it went into frustration, and that is a period that the people find themselves now in—and out of frustration comes demonstrations. And Government now introduces the Minor Offences (Amendment) Bill to control the demonstrations which arise out of frustration. What is the history of demonstrations in this country? What is the history of painting signs on the roads? What is the history of putting posters on walls of public buildings and private buildings in this country? Then you ask yourself: is this the remedy, in this the solution, is this the way in which you can bring peace and tranquillity to the dissatisfied people of a nation? If it is so, then the answer is, "Yes". If it is not so, then there should be opposition. What do you expect in a country where after ten years, on the eve of ten years, you get an announcement from the Honourable Minister of Transport, "In future only bumiputras can get these licences, nobody else can get them, only bumiputras", because the bumiputras after ten years, or after almost ten years, have not advanced enough. Mr Speaker, Sir, that argument cuts both ways: it supports the arguments of the Opposition that in the last ten years this Government by their prejudiced policy of special privileges still could not do enough for the Malay ra'ayat of this country. It is a stark naked admission that your policy of assisting the *bumiputras* in the manner you say you are assisting them has failed in the last ten years. Not only has it failed, but in its failure it has set up frustration in the non-*bumiputras* of this country. I thought the Constitution said that at the end of ten years the question of privileges will be reviewed. Then, I ask by what authority does the Honourable Minister of Transport say that in the future only *bumiputras* may apply, or may be granted certain licences, which he referred to, in this country. Out of those actions arise demonstrations; out

of those demonstrations you now say, "Amend the Minor Offences Ordinance; let us put a stop to demonstrations by increasing the penalties". Mr Speaker, Sir, "ten glorious years", we were told. I say ten years of frustration and bewilderment for the citizens of Malaysia—that is what ten years have brought.

Mr Speaker, Sir, next you say that demonstrations must be controlled and they can only be controlled by severe legislation, such as this—and it is indeed a severe legislation. You cannot control thoughts, you cannot control minds, you cannot control the will to survive as equal citizens of an independent nation. You do not control that by legislation, or by amending legislation making them to become more fierce and more fierce from time to time, as you raise antagonism, you raise hostility, where you need not raise it. You raise a sense of desperation, which is now catching this country so fast that it will explode in your very faces unless you are careful. Frustration has reached such a point that it is only necessary, it is only necessary, for any communist-inspired organisation, or the Communists themselves, if they have a chance, to stand up and say: "That is what is happening in your country, unite." That is all that is necessary to set off the spark in this country—and do not blame the Opposition if and when that time comes, because the Opposition has given timely warning that a wrongful political approach, economic approach, to the ills and problems of this nation, this multi-racial nations, has not been solved to the satisfaction of the people of this country, either the *bumiputras* or the non-*bumiputras*. You have only established in this country, again by legislation from time to time, a group of *bumiputras* equal in capacity, equal in greed, to their counterparts of Chinese capitalists and Indian capitalists in this country. That is all that has been done for the *bumiputras* of this country.

Mr Speaker, Sir, I oppose this Bill. I oppose it because it is not a cure for the serious situation that exists in this

country today. It is only an advancement of further resentment, where you are saying to your own people, "We will legislate this way, we will see that you go to jail, we will see that you are not given bail. You stop your demonstrations." Mr Speaker, Sir, I am one who has said often that demonstrations of this nature in small groups may not serve a practical purpose to achieve their objectives; I believe that if demonstrations are to be set up, they must be set up peacefully by thousands upon thousands, as in any democratic country. But, I do say that the right to demonstrate must be preserved in this land for all those who wish to demonstrate within the law as they exist today and not within laws amended to nullify the democratic right of demonstration in this land.

Mr Speaker, Sir, I call upon all Members of this House, on whichever side they may sit, to realise one thing, that it may be very easy for us to sit here and say, "Well, the maximum is \$1,000 but the Magistrate may still fine him \$20." Mr Speaker, Sir, that is not the principle we are debating here. The principle is that by this legislation we are going to bring more hatred, more contempt, and more frustration to the already frustrated population of Malaysia.

Dr Tan Chee Khoon: Mr Speaker, Sir, I rise to support fully what the Member for Ipoh has stated so eloquently. As a practising senior lawyer in this country, naturally, he has far more knowledge of the legal implications, not only of this Minor Offences Bill but of the Criminal Procedure Code, the Penal Code, and the Police Bill which have come tumbling one after another, and before we sit down another Bill comes up for this House to consider and to pass. As one, who is an active practitioner in law, the Member for Ipoh naturally has very wide experience of the autocratic way in which the Police in this country act, and I would say that far from giving the Police and the Judiciary too much power, one should try and see whether the Police in this country already have far too much power and we should try

and curb the power that they now possess, instead of adding more and more to the power that the Police and the Judiciary already possess.

Mr Speaker, Sir, I fully agree with the Member for Ipoh when he says that in considering this and three other Bills on the Order Paper, one should not only look at the offences and not treat minor offences, like spitting in public, or undressing oneself in public, into what is, in his experience at least, a serious offence meriting \$1,000 or one year or both. We should not consider converting minor offences into serious offences. Rather one should try and see the background of the causes that lead people to paint on the walls, or to write on the roads, or to demonstrate and the like. As is quite properly pointed out the socio-economic factors and forces, during the past years, whether they act against the interest of the *bumiputras*, or against the interest of the non-*bumiputras*, all lead to the demonstrations that we have seen in this part of the world of late. To-day this House and this country may well say that it is the Labour Party Members, who will demonstrate. To-morrow, who cannot say that it may be members of P.A.S. who demonstrate? And the day after to-morrow, it may well be the P.P.P. members in Ipoh, who say "Let us take to the street, because the Central Government is throttling us, and we cannot breathe a breath of fresh air in this country."

Now, Mr Speaker, Sir, if one looks very carefully at the applications for peaceful demonstrations and peaceful procession in this country, one will notice that—as far as I know, and I stand corrected—only the P.P.P. had been given permission to hold a peaceful demonstration on the occasion of the visit of L. B. Johnson, subject to a whole heap of conditions, which proved too much for the stomach of the P.P.P. Leader, that he had no option but to refuse, or reject, the kind offer of the then Minister for Home Affairs. Mr Speaker, Sir, I well remember that on February 3rd, 1965, the Labour Party had applied for permission to hold a peaceful demonstration to protest against the continued

detention of the head of Party Ra'ayat, Enche' Boestamam. We sent in our application, perhaps, three months before the intended date, i.e. 13th February, 1965, but the Police delayed until the day before the 13th, i.e., on the 12th itself, when they told us that we could not hold the procession. And when we tried to hold meetings at our Party premises, that was also frustrated by the Police. Worse still, the Police went and roped up a large number of our members, naturally, arousing the fury of our members—the result was that a demonstration was held on 13th February, 1965. Thus, you can see that a large measure of the causes of the demonstrations are due to the repression of the people of this country. When you keep them too long in a bottle and then it starts fermenting inside, what happens? The bottle bursts and the glass blows into your face. And I warn this Government that, if it wants to repress the people of this country more than it is doing now, and as is well known in physics for every action there is an equal and opposite reaction. By amending all these laws, by increasing penalties, by making taking part in demonstrations non-bailable offences, you are but increasing the frustrations of the people of this country. Rather than increasing the powers of the Police and the Judiciary to repress the people of this country, the Government should seriously think, and as has been suggested by the Member for Ipoh, the Government should seriously consider and find out, why is it the people take to the streets, and try to alleviate the causes that cause people to take to the streets.

Now, Mr Speaker, Sir, demonstrations have come, in this twentieth century, to be part of the democratic way of life. In America, almost every day, you see people taking to the streets to fight for civil rights. Indeed, the Congress and the Senate in America have not thought to convert these things. I dare say that if any Senator or any Congressman in the United States wants to convert speaking in public into an offence meriting one year imprisonment or \$1,000 fine, or

both, then very soon, next year, when the Congressional elections come around, these Congressmen will soon be out of Congress. But, alas, in this country, we do not have such democratic traditions to protect the people from the rapacity of the executive; and thus it is in the legislature we are bulldozed into passing all these repressive laws, and I would be failing in my duty if I do not raise my voice in protest, together with that of the Member for Ipoh, against all these rapacious laws that the Government is seeking to pass in this House.

Mr Speaker, Sir, life in this country is bad enough under the Internal Security Act. As you know, under the Internal Security Act, if a *mata mata* does not like the look of my face, he pulls me in, and I have no legal redress like a writ of *habeas corpus*. He puts me in for 28 days, and at the end of 28 days, he throws me to Batu Gajah, and I have got no legal redress. Time and again I have stated in this House that we are marching well down the road towards totalitarianism and these Bills that we see before us in this House (the Minor Offences Bill, the Criminal Procedure Bill, the Police Bill and all) are but further additions of the suppression of freedom in this country.

Now, Mr Speaker, Sir, having said all these for the right of the people to demonstrate, I want to make it perfectly clear that my Party and I do not subscribe to the senseless demonstrations that have been going on in this country of late. I know that I am taking a very big risk in saying such things, but these things do not bother me. I am neither a party zealot, nor one who is not courageous to speak up my mind. I condemn the senseless rioting that has been going on by the extremist trade unions—and I am glad the Minister for Home Affairs did not say that all those who were arrested were members of the Labour Party, he was careful to state that some of them were members of the Labour Party. Now, I condemn these riotings that have been going on as senseless. I know, as I stated before, that I am taking a very big risk in saying these

things, because I may well be expelled by my Party, but this does not worry me, Mr Speaker, Sir. Although I know that members of my Party have taken part in these senseless demonstrations, all that I can say in this House is that the leadership of the Party is taking measures to expel these members for taking part in these senseless demonstrations. But I maintain, and the Labour Party maintains, that there is a time and there is a place for legal demonstrations, peaceful demonstrations, within the law—and this the Government does not give us. If the Government does not give us this right to demonstrate peacefully, then can the Government blame us, if some hot-headed members of our Party take to the streets, and the streets turn into a rough and tumble with the Riot Squad? Demonstrating in country, Mr Speaker, Sir, as I pointed out, is not the prerogative of the Labour Party, or that it is not only confined to the Labour Party. Time and again, we see some Language Action Committee, or some UMNO chaps, whether in Sarawak, or in West Malaysia, taking to the streets. They also congregate together, and they also make representations to the powers that be, but up to today I have yet to see any of these people being arrested, or the heavy hand of the law, or of the Police, descending on them. Thus, it is we can see that the law and the Police are all heavily loaded against the Opposition in this country, and I do appeal to the Government that if they want peace and tranquillity in this country, if they want the rule of law in this country, then they should give us a measure of freedom. They should give leaders like us—the Member for Ipoh and I a chance to talk our Party members into obeying the law and not into defying the law which, at this moment, they are forced to do because of the repression and suppression that persist in this country. Thank you.

Tuan Mustapha bin Ahmad (Tanah Merah): Tuan Yang di-Pertua, sukacita juga saya mengambil bahagian sedikit di-dalam perbahathan mengenai Rang Undang² Kesalahan Kechil yang ada di-hadapan kita pada hari ini.

Sa-benar-nya kalau pun kita tak berchakap banyak mengenai Rang Undang² ini barangkali sudah cukup pendapat² yang meragu²kan di-dalam Rang Undang² Kesalahan Kechil ini. Memang kalau kita melihat daripada kenyataan mengapa Undang² ini ia-lah untuk menchegeh pertunjukan² perasaan atau pun pemogokan² yang berlaku di-dalam negeri kita ini. Tetapi ekor daripada Undang² ini akan melibatkan banyak hal lain lagi, Tuan Yang di-Pertua. Saya berchakap atau bimbangkan amalan daripada Rang Undang² ini lebeh banyak burok-nya daripada baik-nya.

Tuan Yang di-Pertua, kita dalam sa-buah negara yang merdeka ini kita memerlukan banyak Undang² dan peratoran, sebab kita sedar ada-nya Undang² dan peratoran bukan-lah berarti menyekat kebebasan sa-sabuah masharakat, atau ra'ayat dalam negeri ini, tetapi dia ada-lah memberi peluang untuk ra'ayat di-dalam negeri ini bebas dapat mempunyai syarat² tertentu sehingga kebebasan orang lain tidak tersekat.

Tuan Yang di-Pertua, saya bersetuju pendapat Ahli Yang Berhormat dari Ipoh ia-itu terjadi-nya tunjok² perasaan dan pemogokan² di-dalam negeri ini, itu ada-lah bukan sa-mata² dapat kita chegeh dengan Rang Undang² ini tetapi boleh jadi ada penyakit² masharakat lain. Masharakat yang merasa tidak puas hati, atau pun sengaja masharakat itu menimbulkan kekacauan dalam negeri ini; semua sa-kali itu ada-lah tanggung-jawab sa-sabuah kerajaan yang memerintah dan kita ada-lah bertanggung-jawab seluruh-nya. Jadi saya berpendapat, Tuan Yang di-Pertua, sa-kira-nya Rang Undang² ini di-laksanakan akan melibatkan juga masa kita menghadapi pilihan raya, maka waktu itu akan sibok-lah pegawai² keamanan dalam negeri ini sa-lain daripada penjaga² yang lain tambah pula sibok dengan berlaku-nya poster di-situ, poster di-sini, tampal di-situ, tampal di-sini, maka akan bertimbun²lah kes² kita di-dalam Mahkamah dan maka terjadi-lah masharakat di-dalam negeri kita kerja-nya pergi Mahkamah dan Kerajaan pun

banyak urusan-nya hanya di-Mahkamah sahaja. Maka di-situ-lah, Tuan Yang di-Pertua, saya merasa sa-bagai sa-orang Wakil Ra'ayat dalam kawasan ini merasa satu masalah Rang Undang² kita ini patut di-kaji sa-mula atau pun kita tanggohkan atau pun kita bawa di-dalam Jawatan-kuasa saperti mana yang di-katakan tadi, mudah²an kita dapat berfikir dengan lebeh halus-nya dan dapat semua ra'ayat meneliti sa-jauh mana baik-nya Rang Undang² ini di-dalam amalan, walau pun di-dalam hakikat, atau asas-nya dapat di-terima. Sekian, terima kaseh.

Tuan C. V. Devan Nair (Bungsar):

Mr Speaker, Sir, I think that the eloquent plea made by the Honourable Member for Ipoh must be endorsed by all people of good sense and goodwill—and I also think that it bears repetition. At bottom, Sir, the social frustrations, the political frustrations, which give rise to strong feelings in the country, are due to social, economic and political causes. There are those, inevitably, who will try and exploit such discontents and dissatisfactions for anti-national and for subversive purposes, and no doubt they will have to be dealt with. But, Sir, the Government must be asked whether it really believes that repressive measures, in and by themselves alone, are going to remove the basic causes of these discontents and dissatisfactions.

Along a whole range of affairs in this country, the fact must be recognised by the Government that it has forfeited the trust and confidence of large sections of the people. It has forfeited this trust and confidence because of policies—political, social and economic policies—which have failed to even scratch at the surface of the major ailments afflicting this country. Sir, if a patient is really ill, by all means inoculate him against his illness, and the right antidotes for the afflictions under which Malaysia labours today are the antidotes of radical socio-economic measures and of a political policy, which establishes confidence in the integrity of the Government and in the principle of an equal, multi-racial society. But, Sir,

negative repression is not going to be a successful vaccine. If you are going to depend only on this kind of antidote, please be sure that it is going to kill the patient. It is not going to inoculate him—and the patient is Malaysia and the people of Malaysia. I am not saying that anti-social bodies should not have action taken against them—by all means do so, but let us look at the practical implications of these amendments.

The Communists, Sir, are not in the habit, they have never been in the habit, of applying to the Chief Police Officer for permission. They do not ask for permission and for licences to carry out their activities. But, the parties and groups, which are going to be affected by these amendments are going to be precisely the peaceful, law-abiding, constitutional birds like ourselves. Because of this negative repression unaccompanied by any kind of positive socio-economic policies to rectify the ills of this nation, a stage will be reached when the only people, who would find it profitable to operate in this country would be the enemies of society, and when they start to do so, as I said, they do not apply for licences and for permission. A parliamentary Opposition group like the Opposition Parties here are not trained in the art of handgrenade throwing. We are only trained in the arts of a parliamentary Opposition, playing the game according to the rules, and we want it that way. However, Sir, I am afraid, the way the Government is moving, it is going to repress everybody, including those who play the parliamentary game; and when the Communists do take over, people like us, like the Member for Batu, the Member for Ipoh and the Member for Bungsar, have to get under the table; and when we get under the table, it becomes a frontal clash between a stupid and short-sighted Government and the Communists, and the whole thing becomes polarised, and the nation has had it. My appeal to the Government is: "Please select the right vaccine, do not select an antidote, which is going to kill your patient and not cure." Thank you.

Tuan Chan Seong Yoon (Setapak): Mr Speaker, Sir, I had no intention of speaking on this Bill, but, after hearing what the Member for Ipoh and the Member for Batu have said, I feel it is my duty, to dispel the false and misleading impressions that may have been given to the Members of this House and the public in general. I, myself, am not opposed to peaceful demonstrations, and I think from the past incidents we have seen in the streets in the town of Kuala Lumpur and elsewhere, the Government had never tried to curb peaceful demonstrations. We have seen demonstrations by the teachers' unions, employees of various other Government Departments, the Tamil teachers and even people from the rural areas, and these peaceful demonstrators have never been interrupted. What sort of demonstrations we had recently which caused the Government to bring this Bill to this House, in order to deter the unlawful demonstrations? I, myself, have had the misfortune of being in the vicinity of two demonstrations, so-called peaceful demonstrations, by the members on the other side. In one of them I saw, the destruction of property—glass windows costing thousands of dollars were destroyed; and in the other demonstration a photographer doing his duty—he was trying to take some pictures—was beaten up, thus causing injury to an individual, a law-abiding citizen. Now, the effect of these demonstrations, Sir, is that they are definitely not peaceful. Whenever a demonstration mooted by Opposition parties through the streets of Kuala Lumpur, it casts a cloud of fear to the law-abiding citizens; the shops close their doors, the people hide within buildings. Is this what the Members on the other side call peaceful demonstrations? Definitely not, Mr Speaker, Sir.

The Honourable Member for Batu has always said that we must have an independent judiciary and he has been casting aspersions that the judiciary is influenced by the Government. Now, he says that we must not give more powers to the judiciary. I think the judiciary should be free to do what they think is their duty, and their

powers should not in any way be curbed. The Honourable Member for Ipoh mentioned that ten years of frustration is the cause of all these demonstrations. Sir, if Honourable Members of this House will look into this matter and, perhaps, if they had the misfortune to be around when there were demonstrations, they will find that the demonstrations are led by the same people, a small handful of people, who are inciting the public to demonstrate, and the greater number of the demonstrators, who are following them in the streets, do not know what they are demonstrating about.

Sir, I support this Bill, because it will be a deterrent to these rowdies from causing damage to property and personal injury to peaceful, law abiding citizens, and also I support the Bill because it increases the fine to one thousand dollars to deter unlawful damage and defacing of property. As the Member for Ipoh said, perhaps, it will not be the maximum fine which the Magistrate would impose in case of conviction, but in any case that would serve to be a deterrent against unlawful and lawless defacing of Government and private property.

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, saya bangun untuk menyokong sa-penoh-nya Bill pindaan Kesalahan Kechil ini. Dalam persidangan Dewan Ra'ayat yang lalu, saya telah pun berchakap meminta supaya Kerajaan mengadakan undang² yang lebeh tegas lagi untok mengambil tindakan terhadap orang² yang tidak bertanggung-jawab yang mengambil peluang membuat kachau, membuat rusohan dalam negeri kita ini. Dan saya memberi sokongan kepada Rang Undang² ini oleh kerana sa-bagaimana kata pepatah Inggeris "Prevention is better than Cure" "Pertahanan lebeh baik daripada perubatan", kerana kita pun mengalami sa-lama dua belas tahun pengkhianat² daripada komunis maka terpaksa-lah kita selalu berwaspada mengambil perhatian di-atas segala gerak langkah pehak² subversive yang selalu menchari peluang untok membuat kachau merosakkan keamanan dalam negara kita ini.

Tuan Yang di-Pertua, kita tentu-lah sedar kedudukan negara kita ini yang terdiri daripada berbagai² kaum. Apa yang di-buat oleh pehak² yang tak bertanggung-jawab, di-tulis-nya di-atas jalan raya dengan perkataan: "hanchorkan Kerajaan Perikatan". Kemudian pula orang itu juga tulis di-atas jalan raya dengan perkataan: "hapuskan orang China". Ada pula sagulongan daripada orang itu juga tulis di-atas jalan raya "hanchorkan atau hapuskan orang Melayu". Ini akan menjadi satu akibat yang chukup burok, lain tidak hanya untuk hendak melaga²kan di-antara kaum yang ada dalam negara kita ini. Manakala maksud mereka itu terchapai melagakan kaum Melayu dengan China, jadi pergadohan, jadi rusohan, jadi pembunuhan baru-lah orang itu dapat peluang munchol menegakkan bahawa mereka-lah ahli perjuangan. Ini ada-lah satu perkara yang tidak boleh di-rengan²-kan sa-belum perkara ini merebak².

Maka saya menguchapkan sa-tinggi tahniah kepada Kerajaan yang mengambal langkah yang tegas untuk mengadangkan Rang Undang² ini, kerana sa-bagaimana yang kita dengar laporan daripada Yang Amat Berhormat Timbalan Perdana Menteri, sa-lama ini ada tunjok² perasaan sa-banyak 103 kali, dengan chara haram. Jadi, ini kalau kita biarkan akan merosakkan keamanan negara kita. Sa-bagaimana di-sebutkan oleh Yang Berhormat wakil Ipoh dan wakil Batu, kata-nya masaalah tunjok² perasaan ini ia-lah di-sebabkan kerana ra'ayat tak puas hati, bukan sebab ra'ayat tak puas hati. Kalau ra'ayat tidak puas hati, mereka ada peluang untuk mengundi, memilih Kerajaan yang mereka anggap boleh beri puas hati. Ini bukan-lah menjadi masaalah, kerana masaalah tak puas hati di-atas politik, di-atas ekonomi, di-atas sosial—tidak berkait langsung dengan apa yang di-sebutkan oleh Yang Berhormat wakil Ipoh dan wakil Batu. Ra'ayat berpeluang untuk mengundi memilih Kerajaan, tetapi malang-nya pehak sosialis daripada lapan kerusi tinggal dua kerusi, pehak P.P.P. daripada lima tinggal dua. Jadi mereka maseh lagi berchakap dalam Dewan ini masaalah pemer-

tahan Kerajaan yang orang tak puas hati konon-nya. Ini ada-lah satu tudohan yang tak kena pada tempat-nya.

Yang sa-benar-nya, saya harap pehak Pembangkang akan terima, dan akan sedar sa-barang undang² yang di-laksanakan oleh Kerajaan kenapa pehak pembangkang takut, kerana apa ra'ayat takut, jikalau ra'ayat tak mahu hendak buat salah, tidak mahu kena tangkap, tidak mahu kena salah, tidak mahu kena denda. Undang² yang di-kenakan ia-lah kapada orang yang berniat hendak buat jahat. Jikalau dalam negara kita ini warga negara sekalian ta'at kapada Undang² tidak membuat salah, kerana apa takut pada Bill yang kita hendak luluskan ini? Jadi tidak ada satu sebab yang patut kita takut, kerana tujuannya ia-lah tujuan baik untuk hendak menjaga kepentingan umum. Kita mesti-lah mencheegah orang² yang sabilangan kechil yang menjadi pelesit, yang menjadi pengganas, yang menjadi perosak keamanan. Orang ini-lah yang kita hendak mencheegah dan yang kita hendak ambil langkah untuk faedah umum, kalau kita chuaikan, tidak ambil langkah yang sa-macam ini Kerajaan akan di-tudoh kemudian hari, ia-itu Kerajaan tidak bertanggung-jawab, tidak mengambil langkah terhadap orang yang merosakkan keamanan dan kedudukan negara kita ini.

Jadi, ini-lah satu perkara yang saya memberi sokongan yang penoh kapada Bill ini, dan saya berharap untuk melaksanakan Bill ini dengan sa-penohnya dan akan memberi kesan kapada Bill ini, molek-lah bagi Kementerian Hal Ehwal Dalam Negeri menggunakan tenaga² daripada Tentera Tempatan yang kita ada di-tiap² daerah dalam negara kita ini. Di-beri arahan kapada mereka itu supaya mereka menjadi sabagai mata dan telinga dan juga mereka boleh menangkap dan menahan orang itu, serahkan kapada Polis. Kerana orang yang melakukan perkara ini bukan ramai, sa-bilangan kechil, tengah² malam pukul dua pagi, pukul tiga pagi, mereka bawa naik di-atas motorsikal, bawa alat² untuk hendak mengechat di-jalan raya, atau hendak menampalkan poster².

Kalau di-benarkan kepada polis sahaja, polis tak chukup hendak mengawasi. Jadi saya berharap supaya pehak yang berkenaan menggunakan tenaga, atau anggota² daripada Tentera Wataniah kita yang banyak ada dalam negara kita ini dan di-beri elaun kepada mereka itu untuk menjalankan tugas supaya mengawasi perkara² yang harus berlaku dalam negara kita ini. Sa-kian-lah sahaja, Tuan Yang di-Pertua. Terima kaseh.

Tuan Karim bin Abu (Melaka Selatan): Dato' Yang di-Pertua, saya suka mengambil bahagian sedikit berhubung dengan Rang Undang² ini. Saya menyokong Rang Undang² ini, kerana ada-lah bertujuan kerana menchegeh perbuatan ganas atau tunjok² perasaan yang akan di-lakukan oleh ra'ayat dalam negeri ini.

Tuan Yang di-Pertua, saya selalu mendengar berita rusohan² atau tunjok perasaan di-lakukan oleh ra'ayat tidak mengindahkan polis kerana polis tidak di-beri kuasa bertindak sa-hingga kadang² polis mendapat bahaya kerana tunjok perasaan itu. Jadi dengan adanya Undang² ini dapat-lah keselamatan di-jalankan dengan baik di-antara tunjok perasaan dan bagi pehak pengawal, ia-itu bahagian polis.

Tuan Yang di-Pertua, saya telah mendengar ucapan daripada wakil Ipoh dan wakil Batu tadi, telah mengulang, atau menyuarakan sa-mula dalam membahatkan Undang² ini menjadi sasaran dia ia-itu kepentingan bumiputera di-sebut dan hak istimewa orang Melayu di-sebut² dalam Dewan ini. Kedudukan ini, Tuan Yang di-Pertua, tentu-lah menyinggong hati orang Melayu yang menjadi ra'ayat dalam negeri ini.

Saya berharap saperti apa yang dikatakan oleh Ahli Yang Berhormat dari Batu, ahli² kami meradang, kerana tekanan kepada ra'ayat dalam negara.

Tuan Yang di-Pertua, sa-tahu kita sa-tengah² ahli² tunjok perasaan yang di-datangkan ka-bandar Kuala Lumpur ini bukan-lah orang Kuala Lumpur kebanyakan-nya, kebanyakan-nya datang daripada luar² dan bukan

warganegara, datang daripada Puchong umpama-nya atau lain² tempat. Jadi kita tahu-lah tunjok² perasaan ini di-lakukan oleh ahli² daripada parti wakil daripada Batu tadi.

Tuan Yang di-Pertua, saya suka mengingatkan kedua² wakil ini jangan-lah di-sebut² berhubung dengan hal hak istimewa orang Melayu. Orang Melayu yang menjadi tuan tanah negeri ini telah terok di-dalam negeri ini. Kita tidak hendak menyebut apa yang telah di-dapati oleh kekayaan lain² bangsa dalam negeri ini, tetapi kalau di-ungkit², ini ada-lah sangat merbahaya dalam negeri ini nanti, pada hal kita bukan-lah hendak menjalankan perkauman apa yang di-jalankan oleh Kerajaan Perikatan pada masa ini.

Kalau kita bacha, atau tengok 10 tahun yang lalu sa-belum negeri ini merdeka, tunjok² perasaan yang serupa ini, masa pemerentahan penjajah British dahulu, tidak ada. Apa sebab tidak ada? Kerana perasaan puas hati daripada lain² kaum terhadap negeri ini. Apa yang di-minta semua-nya dapat, kekayaan di-tangan dia, politik di-tangan dia, ekonomi di-tangan dia, tetapi bangsa Melayu tidak ada langsung pada masa itu. Ini-lah dasar Kerajaan Perikatan, kita hendak menyamakan kedudukan taraf² ini. Ini-lah mendapat tentangan daripada Wakil daripada Ipoh yang pertama sa-kali. Jadi saya berharap tentangan yang sa-rupa ini jangan-lah di-lakukan, jangan-lah menchari marah, kalau menjadi marah, tentu-lah menjadi susah apa yang telah berlaku di-dalam negeri² di-jiran kita berperang sa-sama sendiri saperti di-negeri China pada masa ini dan lain² negeri. Ini-lah saya meminta wakil² yang ada dalam Dewan ini jangan-lah menyuarakan dan selalu sangat menyinggong hati orang Melayu. Terima kaseh.

Tuan Chen Wing Sum: Mr Speaker, Sir, I have listened to the observations made by various Honourable Members with great care. Out of all these speeches and statements made by the various Honourable Members, only one point which I respectfully think is relevant to the Bill concerned, namely,

the question of severity of punishment. Sir, the question of severity of punishment is a matter of opinion. Some feel that the inadequacy of punishment has been the main cause for so many of the minor offences, including writing on roads and walls, etc. However, I wish to emphasise here that this amendment is meant to be a watchdog rather than a bloodhound. Sir, as to the question of severity, some Honourable Members observed that \$1,000 is too high and one year is too severe for any offender. However, if one were to look around this country one would have often seen that offenders were not only writing on roads, not only writing on walls of shops, but also writing on school walls that had caused hundred and thousands of dollars, not only to the Government but to the public taxpayers to be spent. If we, as the responsible Government, would tolerate this sort of offences to continue to happen in this country, I would not venture to imagine what would happen to this country one day.

Sir, as to the causes of the demonstrations put forward by various Opposition Members, in particular the Honourable Members from Ipoh, Batu and Bungsar—that the demonstrations are due to frustrations of the people the socio-economic situation—one should not forget that demonstrations not only occur here but also occur in Singapore. Certainly I would not venture to say that the demonstrations in Singapore are also due to frustrations of the people in respect of their social and economic situation. However, in my respectful opinion, Sir, all these demonstrations are deliberately planned to upset the rule and order of society and to topple the Government. The purpose of these demonstrations, as illustrated by the slogans, Sir, is not concerned with any issue in this country. Their slogans are “Down with American Imperialism”, “Down with British Imperialism”, “Down with Russian Imperialism” and even the Singapore puppet Government, etc., etc., and to oppose the Vietnam war. These are the issues and they have nothing to do with this country. And, certainly, these demon-

strators are not coming out to the street to oppose our social and economic situation. They are all out to create trouble; they are all out to upset the rule and order of society.

Sir, I appreciate the support given by the two Honourable Members of the P.M.I.P. and also the support given by the Members for Setapak, Seberang Utara and Melaka Utara to this Bill.

Sir, I have already expressed what the Government wishes to say to this House and the public, but I respectfully think that Honourable Members, whether they are from the Opposition or the Government, each and everyone of them, should have the good faith and intention on this occasion of celebrating the 10th Anniversary of Merdeka to fulfil our duties as good citizens of this country. In any case, if we can discourage these demonstrations, I am sure this country will go a very long way. I am also glad to say here this afternoon that the Honourable Member for Batu, for the first time, had the great courage to condemn these senseless demonstrations. Sir, when he condemned them, he said “I condemn these demonstrations with certain risks”. What does that mean? Does that mean that to condemn these demonstrations, which he described as peaceful demonstrations, he has to take certain risks? Does it mean that he has to take certain risks to make a condemnation in Parliament? Certainly the Honourable Member for Batu had in mind who were those demonstrators and what the purpose of their demonstrations was. There is no use to come to this House to make a political speech, to say that all these demonstrations were meant to be peaceful, and so on and so forth. We have to be honest to ourselves, if not honest to our voters in that if this country wants to go a long way, we have no alternative but to do our part to make sure that the rule and order of a democratic society would be carried out. Thank you, Sir.

The Minister of Transport (Tan Sri Haji Sardon bin Haji Jubir): Mr Speaker, Sir, may I have your permission to make a clarification? The

Member for Ipoh did mention something about my authority to issue future permits to bumiputeras alone.

Mr Speaker: Yes.

Tan Sri Haji Sardon bin Haji Jubir: Mr Speaker, Sir, the Member for Ipoh is not here, but probably he is outside, with other business. He did mention in his debate on this Bill that the people were frustrated, and among other things, he questioned the authority of the Minister of Transport, when he said that in future only *bumiputeras* may apply and be granted licences—this is not true, Sir. The Alliance Government is a very fair and reasonable Government. As Minister of Transport of the Alliance Government of Malaysia, I categorically deny this statement which is not true and he, himself, is aware that where taxis are concerned each State is given a quota basing on the Malay population. Out of the eleven States here, there are only five States in which the Malay quota is not yet filled. Once it is filled, every community has got every right to apply, and each application will be dealt with and will be considered on its own merit. Of course, everything being equal, we give preferences to those, who have served this country—ex-service men. If his grouse is that because many of the non-Malays were not ex-servicemen and, therefore, they do not get a licence, I would like to say that it is the declared policy, and I am sure Members of the Opposition will agree, that these people, the ex-servicemen, have served the country during the last 12 years, when we were fighting the Communist terrorists and we should give them preference. But everything being equal, they can always go hand in hand to join with the non-Malays and the Malays who have been in the services and apply in common with the others. So, this is how Members of the Opposition, I am sorry to say—except the two P.M.I.P. Members sitting there—always try to misinterpret or try to misrepresent facts, while they all know that that is not the policy of the Government. I have never mentioned what is alleged to be said by me by the Honourable

Member for Ipoh. What I did say was in regard to the matter of new bus routes, that it was the declared policy of the Government to give performance to MARA in trust of the *bumiputeras*, but that does not mean that we are not allowing any other bus companies, who are now operating to increase their services, to extend their services, to where they are already running; and on this, we have already had very many applications which we have allowed. So, this is one of the issues where Members of the Opposition try to put up a case, where the non-Malays are always not happy with the Alliance. I can assure my Honourable friend for Ipoh that the Alliance Government has satisfied every member of the community, including the Opposition. My friends on the other side are smiling, even in the State of Kelantan where the P.M.I.P. rules. There are very many people who are not even in the Alliance, but still they get their share, if they put up their grounds. When these people are eligible, they should be given permits and the permits are not issued by me. There is the Licensing Board which is semi-judicial, which is independent, but if any Member of the Opposition or its supporters are not happy with the decision, we are in a democratic country and they can put in their appeal to me. They are given 10 days to put an appeal and I will see to it that fair play and a reasonable decision is given. I thank you very much, Sir.

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 Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

Schedules 1, 2 and 3 inclusive ordered to stand part of the Bill.

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

**THE CRIMINAL PROCEDURE
CODE (AMENDMENT) (No. 2)
BILL**

Second Reading

Tuan Chen Wing Sum: Mr Speaker, Sir, I beg to move that a Bill entitled "an Act to amend the Criminal Procedure Code" be now read a second time.

Mr Speaker, Sir, as Honourable Members are fully aware, unlawful assemblies and demonstrations have of late become a favourite pastime of anti-Government force and certain sections of misguided youths of this country. In the majority of cases, these illegal assemblies and demonstrations, Mr Speaker, Sir, lead to violence and acts of vandalism. Persons participating in these illegal activities are usually armed with various types of weapons which include bottles, sticks, catapults with ball-bearings as bullets, stones, dustbins and rotten eggs. The latest weapon has been the human excreta. All these weapons are used against our Police personnel while they are dispersing the illegal assemblies and demonstrations.

Mr Speaker, Sir, as the law now stands, participants in unlawful assemblies arrested by the Police, apart from those with subversive or Communist background, who can be detained under the Internal Security Act, are entitled to immediate release on bail. It has been found from experience that bailors are always in good supply from among the organisers of the unlawful assembly. There also have been cases when those released on bail took to the streets again only to participate in yet another unlawful assembly. To remedy such a situation, as I have just stated, it is proposed that the First Schedule to the Criminal Procedure Code be amended, so as to make offences under Sections 143 to 148, 151, 152 and 153 of the Penal Code non-bailable. This Amendment Bill, therefore, enables the Prosecuting Officers to oppose bail, although it is still within the discretion of the Courts whether to grant bail or not. In other words, the granting of bail is no

longer automatic. We hope that this measure will be a deterrent to would-be demonstrators.

Incorporated also in the Bill, Mr Speaker, Sir, are amendments to Section 399A of the Criminal Procedure Code of the States of Malaya and to Section 428 and Section 402 of the Settlements Code. Under the existing provision, a certificate from the Governor of the Central Bank or any officer authorised in writing by him is conclusive or sufficient evidence whether a currency is forged or not. The amendments would extend such provision to cover coins as well.

Sir, I beg to move.

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

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

(Mr Speaker *in the Chair*)

Clauses 1 to 9 inclusive ordered to stand part of the Bill.

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

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

**THE PENAL CODES
(AMENDMENT) BILL**

Second Reading

Tuan Chen Wing Sum: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Penal Codes" be now read a second time.

Mr Speaker, Sir, as is explained in the Explanatory Statement to the Bill itself, this Bill primarily seeks to amend the Penal Code applicable to the States of Malaya for the purpose of introducing provisions relating to the offence of possession of weapons by members of an unlawful assembly or a riot, and the offences of mischief during disturbances similar to the provisions appearing in the Penal Codes of Sarawak and Sabah.

Mr Speaker, Sir, of late, illegal demonstrations leading on to violence and riots have become very common. Persons participating in such illegal activities are usually fully armed with all sorts of weapons. The common type of weapons carried and made use of are bottles, sticks, catapults with ball-bearing as bullets, stones, dustbins and rotten eggs. The latest addition to this array of weapons is human excreta, which is used to hurl at policemen carrying out their duties of maintaining law and order, so that all the Honourable Members of Parliament and the people of the country can go about their business and activities in peace. Because of these disturbances and the use of weapons against the forces of law, it has become necessary to tighten the law, in order to deal adequately with these unlawful demonstrators who, if unchecked, will roam the streets to carry out acts of vandalism. It is considered that by amending the Penal Codes as proposed, these persons would be deterred from possessing and using such weapons. As the existing provisions of the Penal Codes stand, the types of weapons are not spelt out; for example, deadly weapons and weapons of offence which appear in the Penal Codes cannot be stretched to cover some of the weapons popularly used by the demonstrators, and therefore under the proposed amendment the different types of weapons are stated in detail and more severe punishment can be imposed on participants in riots and unlawful assemblies, who are armed with these weapons.

Sir, I beg to move.

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

Tuan Haji Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, dengan izin tuan, saya minta berchakap sedikit sahaja di-dalam Rang Undang² ini. Saya menyokong, Tuan Yang di-Pertua, Rang Undang² ini pada dasarnya, tetapi saya minta izin kepada Tuan, hendak memberikan sedikit pandangan terhadap istilah possessing weapon atau pun memiliki senjata² yang boleh memberi bahaya.

Tuan Yang di-Pertua, senjata yang boleh membahaya di-dalam undang² ini, undang² yang di-pinda ini, tidak di-ta'rifkan, mithal-nya satu orang itu membawa parang di-dalam satu kumpulan, di-dalam satu rapat umum atau pun di-dalam satu tempat ramai, sama ada tempat ramai itu lawful assembly, atau pun tidak, maka sa-tengah² senjata itu tidak sama pemakaiannya mengikut tempat² yang lain. Bagi sa-tengah² tempat itu, parang ini bukan senjata kepada dia, kadang² itu dibuboh di-belakang bagini sa-bagai satu perkara biasa sahaja, sa-bagai satu tongkat, sama juga dengan orang Arab memakai serban, dia tidak-lah berma'ana hendak tunjukkan serban itu sa-bagai haji, tetapi dia sudah menjadi habitual, menjadi biasa. Jadi, bagi tempat² yang perdalaman banyak-lah perkara ini yang berlaku, maka amat-lah susah bagi ra'ayat hendak menghadapi undang² ini. Di-samping itu, Tuan Yang di-Pertua, kita perchaya juga bahawa di-dalam orang yang tidak berniat jahat dalam membawa senjata itu, ada pula orang yang mengambil kesempatan membawa senjata² itu. Jadi, ini-lah yang patut Kerajaan timbangkan apa-kah yang sa-benar-nya yang di-katakan weapon di-sini yang patut kita tegah.

Yang kedua, Tuan Yang di-Pertua, di-sini nampak-nya yang di-sebut di-sini ia-lah membawa senjata di-dalam masa unlawful assembly. Apa-kah kalau assembly itu lawful orang membawa senjata itu tidak salah? Jadi saya minta-lah Kerajaan menerangkan perkara ini, sebab membawa senjata itu sendiri menjadi satu kesalahan.

Tuan Yang di-Pertua, bagitu juga senjata² yang boleh melukakan, yang boleh melukakan ini tidak-lah mesti besi, tetapi kayu pun boleh juga menjadi senjata yang membahayakan.

Yang ketiga, Tuan Yang di-Pertua, penalty bagi undang² ini ia-lah sa-banyak 5 tahun dan bagitu juga boleh di-denda. Saya tidak nampak di-sini denda itu banyak mana. Di-dalam Rang Undang² yang baru kita luluskan ini penalty-nya bagi minor offence ia-lah satu tahun jail sa-tinggi²-nya,

atau pun denda \$1,000 tetapi di-sini saya dapati masa jail sahaja yang ada, ia-itu di-dalam Section 2 (a) sa-banyak² tahun atau pun dengan fine, tetapi tidak di-sebut juga denda ini dan bagitu juga di-dalam Section 2 (c). Jadi, Tuan Yang di-Pertua, patut-lah juga kita sebut-kan di-sini berapa duit-nya denda itu akan di-kenakan. Kalau kita tidak sebut, jadi erti-nya tidak patut-lah bagi orang salah itu di-takut²kan dengan 5 tahun jail, tiba² denda-nya di-kenakan \$50. Kalau di-sebutkan di-situ berapa banyak-nya, saya rasa law ini lagi lebeh concrete.

Tuan Yang di-Pertua, saya perchaya kebolehan Menteri² kita dan Kerajaan kita dalam membuat undang², tetapi kerana sebok sangat-nya, maka perkara yang mustahak, satu rukun yang mustahak di-dalam Rang Undang² telah di-tinggalkan, maka Rang Undang² ini boleh di-pandangkan sa-bagai tidak valid. Kalau bagitu, saya mengshorkan supaya Kementerian ini patut-lah di-pegang oleh orang yang lain—tidak di-rangkapkan dan saya tahu ada Ahli² kita yang layak memegang jawatan ini, dengan demikian mengurangkan-lah kewajipan² dan tugas Timbalan Perdana Menteri kita dan dia boleh dapat membuat kerja lain dengan lebeh elok dan di-samping itu dia dapat menggunakan masa menunaikan kewajipan-nya sa-bagai Ketua Perikatan di-Kelantan moga² Kelantan boleh menang.

Tuan Chen Wing Sum: I appreciate the support given by the Honourable Member for Bachok to this Bill. He has put two question of interpretation: one, whether a parang used by a person in an unlawful assembly is an offence or not. The question of interpretation is a question for the court to decide, but according to my experience in court, under the standing authority, it has been accepted by courts that if a Malay uses a parang with no illegal intention, then it will not be an offence.

Tuan Haji Abu Bakar bin Hamzah: How do you know whether a man carrying a parang has no bad intention or not? What I was speaking about is the definition of the word "*senjata*"—weapon.

Tuan Chen Wing Sum: That is why you need circumstantial evidence to prove that a person has the illegal intention to use a parang for a bad purpose. You cannot simply convict a person who is in possession of a parang. He must be in possession of a parang where circumstantial evidence shows that he has the bad intention of committing an offence.

Tuan Haji Abu Bakar bin Hamzah: Can I understand from your statement that if a man carrying a weapon proves himself to be not an offender he is entitled to carry the weapon?

Tuan Chen Wing Sum: For the information of this House, Sir, the burden of proof is always for the prosecution and not for the defence.

As to the question of fine, which is not specified, it is at the discretion of the court. Thank you, Sir.

Question put, and agreed to.

Bill accordingly read a second time.

Mr Speaker: The sitting is suspended till 4.00 p.m.

Sitting suspended at 1.00 p.m.

Sitting resumed at 4.00 p.m.

(Mr Speaker in the Chair)

THE PENAL CODES (AMENDMENT) BILL

Committee Stage

The Bill committed to a Committee of the whole House.

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

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

Tuan Haji Abu Bakar bin Hamzah: Mr Chairman, Sir, I would like to appeal to the Government to make a slight amendment

Mr Chairman: Macham mana hendak amend, Fasal 1 hingga 4 telah menjadi sa-bahagian daripada Rang Undang²?

Tuan Haji Abu Bakar bin Hamzah: Amendment dalam Clause 2.

Mr Chairman: Fasal 1 hingga 4 telah menjadi sa-bahagian daripada Rang Undang², sa-kejap ini baharu saya kata.

Tuan Haji Abu Bakar bin Hamzah: Tidak sempat saya berchakap.

Mr Chairman: Lambat sangat-lah.

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

THE POLICE BILL

Second Reading

Tuan Chen Wing Sum: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to consolidate and amend the law relating to the organisation, discipline, powers and duties of the Royal Malaysia Police and to provide for matters incidental thereto" be now read a second time.

Mr Speaker, Sir, the purpose of this Bill is to present to this House, a new Police Act, which seeks to consolidate the laws in force in the States of Malaya, Sabah and Sarawak, relating to the Royal Malaysia Police. With the formation of Malaysia, the separate Police forces in the three territories were amalgamated into one unified force and with the coming into operation of the Royal Malaysia Police Act, 1963, on Malaysia Day, there came into being the Royal Malaysia Police under the command of an Inspector-General of Police. The forces of these component territories were, however, in themselves distinct in organisation and no two forces were identical in respect of matters such as terms and conditions of service, educational qualifications for recruitment, particularly in the rank and file, service policies on all facets of police functions, methods and administrative procedures and the like. Therefore, in order to ensure that there was no disruption of administration in the maintenance of law and order, the Police forces in the three territories were allowed to function under their existing Police Ordinances.

Since Malaysia Day, the Police Forces in Sabah and Sarawak have been gradually reorganised and there is now a standard pattern of organisation for all the three components. The time has, therefore, come to have one legislation, i.e., one Police Ordinance, for all three components and hence this Bill, which is now before this House.

Whilst drafting this single legislation for the three territories, due consideration has been given to the safeguards provided in the Inter-Governmental Committee Report relating to police matters in respect of Sabah and Sarawak and provisions have been made accordingly in the Bill for the continued existence of such safeguards, particularly, the terms and conditions of service of officers in Sabah and Sarawak as guaranteed by the I.G.C. Report.

Provisions that have been omitted from, or new ones that have been added to, the existing legislation are set out in the Explanatory Statement to the Bill; but for the information of the House, the following are some of the important aspects of the Bill:

(1). Parts I, II and III provide, *inter alia*, for the interpretation of certain terms used throughout the Bill and also the constitution, control and composition of the Royal Malaysia Police. These three Parts are redrafts of corresponding provisions contained in Parts I and II of the Police Ordinance, 1952, of the States of Malaya and the Royal Malaysia Police Act, 1963.

(2). Part IV is also a redraft of the Provisions of Part IV of the Police Ordinance, 1952, *except* that provisions relating to Women Police are omitted as they are considered unnecessary since Women Police are in law and in fact members of the Police and not a separate body.

(3). Part V is also a redraft of the provisions of Part V of the existing Ordinance *except* that in addition it is proposed to make members of the Force liable to serve in any foreign country in compliance with the requests of the Government of such country; whereas in the existing law

such service is confined only to Singapore, Brunei, Sabah and Sarawak.

(4). Another new feature of the Bill is contained in Clause 16, wherein the Bill seeks to prohibit a Police officer from resigning while disciplinary or criminal proceedings against him are pending, except with written permission of the Inspector-General of Police.

(5). Another new feature is in Clause 25, which gives a senior Police officer powers to detain and search any aircraft (not being an aircraft belonging to or exclusively employed in the service of the Government or to any foreign State) where he has reasonable grounds to believe that it is being used for the commission of a seizable offence, or for the purpose of arresting any persons reasonably suspected of having committed a seizable offence.

(6). Clause 27 is a redraft of Section 39 of the Police Ordinance except that in para. (2) thereof, it gives the O.C.P.D. an additional ground to refuse to issue a licence for an assembly, meeting or procession, if the issue of the licence is considered "likely to be prejudicial to the interest of the security of the Federation or any part thereof."

(7). Clause 30 is a redraft of subsection 160 (1) (b) of the existing Ordinance but incorporates certain new features. It is proposed that a Commissioner or Chief Police Officer may, with the Minister's approval, by order prohibit in the State the flying, exhibition, or display of any flag, banner, emblem, or placard, or other devices, or the use of any loud speakers, amplifiers or other appliances, in a manner likely to excite a disturbance of the peace. In the existing law, the approval of the Menteri Besar has to be obtained.

(8). Clause 31 is a redraft of Section 40A wherein it is proposed in para. 3 to exempt certain specified persons from the order to remain indoors in the event of a curfew being declared.

(9). Part VII is a redraft of Part VIII of the existing Ordinance except that it provides a new provision making it mandatory for an employer to re-employ a volunteer reserve police demobilised from active duty.

(10). Part IX is a new Part which seeks to establish a Royal Malaysia Police Reserve comprising of retired police officers. The object being to provide a reservoir of trained manpower available for immediate mobilisation in the event of war or emergency and to enable younger and fitter men to be released for more active duties.

(11). Part X is also a new Part which seeks to establish a Royal Malaysia Police Cadet Corps in selected schools, with the object of inculcating among school children a civic sense of responsibility to the community for the maintenance of law and order and also to help in fostering good police-public relations.

(12). Clause 87 seeks to provide that the incitement of mutiny or disaffection by a Police officer be made a specific offence with provisions for a heavier penalty of 5 years imprisonment as compared with 2 years under the existing legislation.

(13). Clause 89 (b) seeks to provide that the unlawful manufacturing, selling or supplying of police uniform or articles be made an offence. Section 76 of the existing Ordinance does not provide for this.

(14). Existing provisions contained in Sections 8, 9, 10, 13, 14, 15, 17, 19, 20, 32, 45 (2), 46, 47, 48, 50, 71, 72, 73, 74, 83, 84, 85, 86 and 87 are omitted as they are either *ultra vires* the Federal Constitution or being provisions relating to service matters which fall under the jurisdiction of the Police Force Commission.

Sir, I beg to move.

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

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, saya mengalu-²kan Rang Undang² ini, oleh kerana

Undang², atau pun peratoran polis yang lama itu sudah sa-patut-nya-lah kita perbaharui, tetapi, Tuan Yang di-Pertua, saya dapati ada beberapa perkara yang saya tidak puas hati, mitalnya, Tuan Yang di-Pertua, di-dalam section 8, muka 4 daripada Rang Undang² ini Extra Police Officers. Di-dalam Rang Undang² ini, ia-itu section 8 boleh di-pekerjakan Pegawai² Polis Tambahan, ia-itu Extra Police Officers tetapi dengan syarat pegawai² ini tidak lebeh daripada pangkat Sarjan Mejar. Tuan Yang di-Pertua, menentukan had pangkat itu, ada-lah satu masalah yang berkaitan dengan kedudukan atau pun nature kerja Police itu sendiri.

Di-dalam keterangan yang di-beri oleh pehak Kerajaan tidak pula di-sebutkan mengapa pangkat ini di-tentukan sa-tinggi kapada Sarjan Mejar atau pun ka-bawah. Boleh jadi ada sebab²-nya, tetapi dari segi kedudukan police sendiri, sa-rendah² pangkat-nya di-dalam police ia-lah pangkat Sub-ordinate Officer. Subordinate Officer ini sampai kapada Sub-Inspector bukan sahaja sampai kapada Sarjan Mejar. Jadi, saya tidak faham bagaimana Kerajaan kita dapat mengadakan Pegawai Extra Police kapada pangkat Sarjan Mejar sahaja.

Tuan Yang di-Pertua, apabila Pegawai Extra Police ini bekerja dengan Pasokan Police, maka tanggung-jawab mereka itu sama dengan pegawai regular, ia-itu dengan pegawai biasa dan banyak pula pegawai² itu yang dapat menunaikan kerja²-nya, terkadang² itu lebeh baik daripada polis biasa, ia-itu lebeh baik daripada regular Police. Jadi tidak-lah ada satu sebab maka rank and file ini di-hadkan kapada pangkat Sarjan Mejar sahaja. Keterangan daripada pehak Kerajaan mengatakan rank and file ini-lah yang di-masokkan ka-dalam Extra Police, kalau bagitu rank and file ini tidak tepat kalau di-tentukan kapada Sarjan Mejar sahaja dan mesti Sub-Inspector.

Sa-lain daripada itu, Tuan Yang di-Pertua, pangkat Sarjan Mejar ini tidak berhak mendapat salute—dia tidak boleh di-tabek, tidak boleh salute padahal pegawai² yang hendak menjaga satu² squad atau pun satu² pasokan itu

tidak sempurna kalau tidak di-jalankan oleh satu pegawai yang berhak mendapat salute. Maka sa-rendah² pegawai di-dalam police yang berhak mendapat salute ia-lah Sub-Inspector, menentukan kapada Sarjan Mejar is wrong mengikut police; saya tidak tahu-lah kalau mengikut Rang Undang² baharu ini hendak di-buangkan rank and file itu di-rendahkan kapada Sarjan Mejar sahaja.

Tuan Yang di-Pertua, yang keduanya saya faham bahawa pangkat Sarjan Mejar ini memang berguna sangat di-dalam police sebab dia menjadi Orderly Sergeant, tetapi amat-lah susah kalau sa-kira-nya pegawai² police atau police biasa yang pangkat biasa, ia-itu police extra ini hendak di-dudokkan pula di-bawah pegawai police biasa, di-bawah Sub-Inspector biasa, atau pun di-bawah police biasa, maka saya minta-lah Kerajaan menerangkan sebab²-nya mengapa hal ini jadi bagitu.

Yang kedua, Tuan Yang di-Pertua, mitalnya di-dalam section 27 ia-itu pehak police yang berpangkat O.C.P.D. atau pun Officer-in-Charge Police District berkuasa membuat peratoran² berkenaan dengan perhimpunan dan pertemuan²—assemblies and meetings. Tuan Yang di-Pertua, ada satu masalah ia-itu masalah dalam masa pilihan raya, kempen tidak sama dengan canvassing ia-itu cheramah². Kalau sa-kira-nya perhimpunan itu, atau assembly atau meeting itu di-buat di-dalam tempat yang private—private house, tetapi orang yang berhimpun itu lebeh banyak daripada 50 atau 100, maka di-sini-lah susah kita hendak mentafsirkan ada-kah ini di-namakan public rally, atau pun ini di-namakan canvassing sahaja. Ini berlaku dalam masa pilihan raya di-mana² sahaja. Dengan demikian, Tuan Yang di-Pertua, apabila kita tidak dapat menentukan antara rapat umum dengan canvassing itu, maka ada sa-tengah² negeri pegawai police, Pegawai Besar Police ia-itu Chief Police Officer bagi negeri itu, mengeluarkan arahan bahawa tidak peduli di-mana juga ada meeting, atau assembly yang lebeh daripada 5 orang yang bukan daripada famili-nya sendiri, walau pun di-dalam private place,

maka itu di-namakan rapat umum, atau pun public rally dan dia berhak menegah jika tidak ada lesen. Maka bagaimana-lah, Tuan Yang di-Pertua, kita hendak membuat kerja, hendak canvassing di-dalam masa pilihan raya, kalau tiap² rumah itu kita hendak meminta permit dan kalau kesemua di-minta permit police nanti tidak cukup strength—tidak ada tenaga atau pun kekuatan-nya hendak mengirima-kampung ini, hendak mengirima-kampung ini akhir-nya boleh jadi tempat² cheramah itu di-datangi oleh 5 orang dan pegawai² yang datang pun 5 orang lebih banyak pegawai police yang berkhidmat daripada orang yang hendak kempen itu, dan ini kalau tidak di-terangkan dalam perkara ini menyusahkan police lebih banyak daripada kita memberi duty, atau pun tugas supaya dia menjalankan kerja.

Tuan Yang di-Pertua, di-dalam section 9 ia-itu Watch Constables. Watch Constables ini boleh di-pekerjakan oleh orang persaorangan yang kita namakan applicant atau pun sa-siapa yang memohon dan segala perbelanjaan-nya tertanggung-lah kepada orang itu. Ini satu perkara yang patut kita perhatikan, Tuan Yang di-Pertua, ia-itu pegawai² Watch Constables yang kebanyakan di-pergunakan atau pun di-pekerjakan sekarang ini biasa-nya orang yang sudah bersara—orang yang sudah penchen. Orang yang sudah penchen ini, Tuan Yang di-Pertua, sudah tentu-lah Kerajaan memikirkan bahawa dia dengan umur-nya itu tidak patut lagi memegang senjata, sebab dia sudah tua, dia tidak tahan sejok dan dia tidak chergas lagi. Jadi orang² ini kita membenarkan mereka itu memegang senjata menjadi Watch Constable—orang yang sudah—saya tidak kata sudah kondem, tetapi orang yang sudah tidak dapat menjalankan tugas-nya dengan betul lain-lah daripada politik tiga kali penchen pun orang itu hendak bertanding lagi, menyebabkan pilihan raya kecil banyak berlaku.

Tuan Yang di-Pertua, kedua-nya kita bimbang orang² yang berkhidmat sa-bagai Watch Constables ini tidak mendapat cukup latihan berkenaan

dengan senjata api, mithal-nya dia tahu memegang senapang patah sahaja, kemudian dia tahu menembak dan dia tidak tahu chara² sopan memegang senapang. Saya dapati banyak Watch Constables ini membawa senapang dan terkadang² muzzle senapang itu di-halakan rata dan ini menjadi accident selalu dan terkadang² dia bawa dengan raga dia di-belakang pergi letak sambil dudok minum kopi, tidak ada discipline. Ini kesemua-nya menyebabkan apabila berlaku sa-satu² perkara, ada orang jahat-kah, ada rusohan-kah, ada strike-kah, mudah sahaja orang itu melepaskan senapang ini dengan demikian menambahkan lagi penjahat² itu dapat peluang tidak payah beli senapang ia-itu hanya dengan jalan merampas senapang² atau senjata api daripada Watch Constable yang kita luluskan Undang²-nya pada hari ini.

Yang ketiga, Tuan Yang di-Pertua, masalah tersebut di-dalam section 28 ia-itu police juga mempunyai O.C.P.D. atau pun Officer-in-Charge Police District mempunyai kuasa untuk membuat peratoran bagi permainan² music di-dalam tempat² public. Ini, Tuan Yang di-Pertua, masalah permainan ini pun ada-lah satu perkara yang besar juga, ia-itu kalau di-sa-tengah² tempat itu bertumbok pun permainan juga—boxing itu. Jadi, saya dapati boxing ini promoter²-nya itu tidak-lah orang yang cukup layak sa-bagaimana dalam bandar. Saya tengok di-Kelantan orang yang lawan boxing itu tumbok betul², ada yang sampai pechah² kepala, ada yang itu dan ini, tetapi police memberi lesen juga oleh kerana ini ada-lah satu permainan. Jadi, saya rasa kalau ini di-beri kuasa menentukan permainan dengan tidak menentukan apa dia permainan itu maka banyak-lah orang yang akan menjadi sa-bagaimana lembu berlaga dalam perkara itu.

Yang akhir-nya sa-kali, Tuan Yang di-Pertua, ia-itu berkenaan dengan section 33—Exemption in respect of civil process ia-itu kalau saya tidak silap—saya silap, Tuan Yang di-Pertua, tidak betul perkara itu, terima kasih.

Tuan Stephen Yong Kuet Tze (Sarawak): Mr Speaker, Sir, although

it is a good thing that the Police Force be consolidated under one law to deal with the Police Force as a whole in Malaysia, I would like to mention one aspect of it, and that is in Sarawak there had been a process of Borneonisation going on before Malaysia during the colonial days, and it has been accepted by the public at large, I think, that although generally the Police Force is under Federal control, the local officers ought to be given a chance to be promoted even to the rank of Commissioner. We have had an expatriate officer as the last Commissioner who has since retired, and the post is now taken over by an officer seconded from Malaya. I have nothing to say against this Commissioner. I think he is a jolly good man and he is doing his work very well, and I also think that he does share the sentiments of the people of Sarawak to see that the local officers get promoted. He will be there only temporarily, I think, and it would be in the interest of all that a situation ought not to be created whereby local officers feel that in respect of promotion they are being bypassed and others promoted over their heads. We have now senior officers being sent from Malaya to take over from expatriate officers, who would be leaving—the last of them would leave the shore of Sarawak in September. We know that it is no good to have a good man, or a man of seniority, if the morale of the force is not being maintained, and one of the causes which would demoralise the force in Sarawak would be to find senior officers being recruited from other places than from Sarawak, and I would like to bring this point up to the Ministry concerned—that in all cases, if possible, local officers should be promoted and given responsibility to be in charge of the Police Force.

Tuan Hamzah bin Dato' Abu Samah (Raub): Tuan Yang di-Pertua, bagi permulaan, saya suka mengucapkan berbilang terima kaseh kepada Tuan Yang di-Pertua, kerana perkataan mengalu²kan saya pada masa saya mengangkat sumpah baru² ini. Kedudukan saya, Tuan Yang di-Pertua, ada-lah sa-bagai sa-orang "Pengantin Baru",

ia-itu pengantin baru yang menghadapi satu sejarah yang baharu, sejarah hidup yang baru, pada hari yang pertama-nya tangan pun sejok, kaki pun sejok, tetapi dengan kata² baik mengasehani daripada Tuan Yang di-Pertua pada hari itu sa-lama dua, tiga hari ini saya berasa segar sadikit.

Tuan Yang di-Pertua, saya juga mengucapkan terima kaseh kerana memberi peluang pada saya hari ini bagi pertama kali mengambil bahagian dalam perbahathan di-Dewan yang berbahagia ini. Saya suka mengambil peluang di-sini membahathkan Rang Undang² ini dan menumpukan bahathan saya pada satu perkara yang pada pendapat saya perlu di-bangkitkan di-Dewan ini. Ini, Tuan Yang di-Pertua, ada-lah berkaitan dengan kuasa dan tugas² pehak Polis menjalankan pekerjaan penda'awaan di-dalam Mahkamah yang terkandung di-dalam satu daripada sekshen di-dalam Rang Undang² ini. Sekshen 20, cheraian (3) (c) ada menyatakan di-sini, ia-itu tiap² Pegawai Polis atau Police Officers yang di-beri ta'rifnya di-dalam bahagian tafsir-nya itu sa-bagai sa-orang pegawai di-dalam Royal Malaysian Police Force boleh jua bertugas dan menjalankan kerja² menda'awa di-dalam Mahkamah.

Mengikut ta'rif ini tiap² Police Officer (Pegawai Polis) boleh menjalankan tugas itu. Ini, Tuan Yang di-Pertua, satu perkara yang penting memandangkan kepada beberapa perkara yang kurang lichen, kurang beres, yang telah berlaku berkenaan dengan penda'awaan² di-Mahkamah. Di-sini, saya tidak hendak mengechilkan pehak atau pun perbuatan Royal Malaysian Police, atau pun Polis di-Raja, kerana, sa-bagaimana Tuan Yang di-Pertua ma'alum, Pasokan di-Raja ada-lah satu pasokan yang terkenal, satu pasokan yang bagus, yang baik, yang progressive sa-kali; satu daripada pasokan yang baik, yang bagus yang progressive sa-kali baik di-Asia Tenggara mahu pun di-Asia ini. Tegoran atau pun pandangan yang saya akan berikan terhadap perkara ini ada-lah dengan sa-mata² bertujuan supaya tegoran, atau laporan yang saya akan beri di-dalam perkara ini yang saya tahu serba sadikit sa-lepas

pengalaman saya di-dalam jawatan kehakiman dan perundangan boleh jadi menjadi faedah kepada Kementerian yang bersangkutan.

Dalam pada saya kata Pasokan Polis di-Raja itu ada-lah yang baik, yang progressive, maka di-dalam pada itu sa-bagaimana terjadi kepada mana² pasokan atau pertubohan yang di-uruskan oleh makhlok Allah tentu ada satu² perkara yang tidak berapa beres berlaku yang di-sebabkan oleh barangkali pertubohan ini mempunyai tugas², tanggungan² yang banyak yang menyebabkan ia-nya tidak ada masa, tidak ada kelapangan memerhati, meneliti di-satu² perkara yang saya katakan tadi tidak berapa beres.

Sa-bagaimana Tuan Yang di-Pertua ma'alum sudah banyak keluar berita² dalam surat khabar mengatakan banyak case² di-mahkamah berlonggok² ketinggalan dan saya perchaya banyak daripada orang² ramai bahkan juga pehak² yang di-atas di-dalam Kementerian dan Kerajaan berfikir bahawa melonggokkan case² ini di-sebabkan oleh kelalain, atau pun kechuaian terhadap hakim² atau magistrate yang menjalankan tugas ini. Ini saya sa-benar-nya mengatakan tidak-lah begitu betul. Mengikut penyiasatan yang telah dijalankan oleh Pejabat Pendaftar Mahkamah Tinggi, mengikut kenyataan² yang saya telah dapati daripada magistrate, daripada Pengadil² Mahkamah Tengah, chuma 10% daripada case yang di-tanggohkan di-mahkamah² di-Malaysia Barat ini ia-lah di-sebabkan oleh magistrate itu tidak ada kelapangan menyelesaikan case ini, tetapi sa-baleknya pula penyiasatan ini menunjukkan bahawa tidak kurang daripada 40% case² yang di-tanggohkan daripada bulan Julai kepada bulan Disember tahun lepas ada-lah di-sebabkan kerana pehak penda'awa, pehak polis, tidak dapat menjalankan perbicharaan. Jadi, sebab² yang pehak polis tidak dapat menjalankan perbicharaan ia-lah kerana beberapa sebab. Umpama-nya subpoena tidak boleh di-sampaikan kepada orang yang di-tudoh, pegawai² polis yang menda'awa, saksi² polis yang patut datang ka-Mahkamah tidak datang, kerana sakit atau pun chuti, kertas² perbicharaan tidak sampai ka-

tangan penda'awa dalam tempoh yang berpatutan supaya penda'awa² ada berpeluang menyiapkan case-nya.

Jadi, Tuan Yang di-Pertua, masalah penda'awaan atau pun penempatan sa-suatu pegawai menjalankan tugas sa-bagai penda'awa di-dalam Mahkamah sa-bagaimana yang terkandung di-dalam Rang Undang² ini ada-lah pada penda-pat saya satu perkara yang mustahak, perkara yang patut di-selidek, di-ambil perhatian berat, oleh pejabat² yang berkenaan.

Pada pendapat saya, Tuan Yang di-Pertua, perkara melonggokkan case ini boleh di-elakkan jika di-ambil langkah sa-mula untuk menyusun melichinkan bahagian² polis yang bertanggongjawab di-dalam perkara penda'awaan dan penyiasatan. Ini mustahak di-buat memandang kepada perubahan² yang telah berlaku sa-lama 10 tahun ini dan memandang kepada ada-nya banyak peguam² pembela yang membela banyak orang² yang di-tudoh di-dalam Mahkamah.

Sa-bagaimana saya katakan tadi, Tuan Yang di-Pertua, sekshen 20 cheraian (3) (c) membenarkan mana² pegawai polis menjalankan tugas sa-bagai penda'awa di-dalam Mahkamah, Ini saya berpendapat, Tuan Yang di-Pertua, tidak-lah akan mengelakkan kelemahan atau kekurangan yang saya sebutkan telah berlaku di-dalam Mahkamah.

Mengikut pengalaman saya di-dalam Pejabat Kehakiman, Tuan Yang di-Pertua, kebanyakan pegawai² polis yang di-tugaskan bekerja sa-bagai penda'awa di-dalam Mahkamah itu nam-pak-nya ada-lah pegawai yang chuma di-kehendaki memenohi jawatan yang kosong di-dalam Mahkamah untuk pehak Polis, dengan tidak mengindahkan, pada pendapat saya, pengalamannya dan kechenderongan-nya di-dalam tugas atau pun pekerjaan menda'awa. Ini pada pendapat saya, Tuan Yang di-Pertua, ada-lah perkara yang tidak baik kerana kalau sa-kira-nya di-letakkan sa-orang pegawai polis yang tidak chukup kemahiran-nya dan tidak ada kechenderongan-nya di-dalam pekerjaan sa-bagai penda'awa, maka sudah tentu dia tidak akan sa-imbang dengan

peguam² bela yang ada di-Mahkamah membela orang² yang di-tudoh.

Dengan kerana ini juga, mengikut pengalaman saya, Tuan Yang di-Pertua, banyak pehak² orang yang di-tudoh yang patut di-dapati salah yang patut di-hukum oleh kerana kesalahannya telah di-dapati tidak salah dan telah di-bebaskan. Ini bukan sahaja mengikut pengalaman saya, Tuan Yang di-Pertua. Ini ada-lah juga berdasarkan kepada laporan², keterangan², di-beri oleh pehak peguam² sahabat saya yang mengatakan, banyak daripada case², banyak daripada orang² yang di-tudoh itu di-lepaskan, oleh kerana kurang kecekapan pehak penda'awa atau pun penda'awa-nya itu tidak di-jalankan dengan begitu baik dan begitu cekap. Kalau bagini keadaan-nya, Tuan Yang di-Pertua, tujuan keadilan ada-lah terbantut kerana keadilan itu ma'ana-nya bukan sahaja orang yang tidak salah itu boleh di-lepaskan, keadilan itu juga berdasarkan kepada ada-nya perkara di-mana orang yang salah itu patut di-dapati salah dan patut di-hukum di-bawah undang².

Lagi satu perkara yang saya dapati daripada pengalaman saya ia-lah pegawai polis yang di-tugaskan dengan tanggungan menjalankan pekerjaan sabagai menda'awa biasa-nya tidak lama di-letakkan di-Mahkamah. Saya tahu ada pegawai polis belum lagi dia boleh berdiri, boleh berjalan, boleh mengetahui segala²-nya yang patut di-ketahui sa-bagai penda'awa, di-tukarkan menjaga setor ka-tempat lain dan dengan itu, pada pendapat saya, Tuan Yang di-Pertua, payah-lah kita akan mendapat pegawai² polis yang cekap, yang handal di-dalam perkara penda'awaan.

Perkara ini saya ingat telah bawakan ka-pengetahuan sa-orang Pegawai Polis yang tertinggi dan dia bersetuju dengan pendapat saya tetapi jawab-nya ringkas sahaja, hal ini tidak dapat di-elakkan kata-nya kerana tiap² Pegawai Polis itu di-kehendaki berkhidmat, bekerja di-segala lapangan atau branch di-Pejabat Polis.

Sungguh pun, Tuan Yang di-Pertua, tiap² Pegawai Polis itu mesti di-beri peluang bekerja di-segala lapangan²

Pejabat Polis, tetapi dalam pada itu pehak Kementerian, pehak polis mestilah mengambil perhatian yang sangat berat di-atas perkara tugas pegawai² menjalankan pekerjaan penda'awaan di-mahkamah.

Sa-perkara lagi, Tuan Yang di-Pertua, perlichinan penda'awaan di-dalam mahkamah dan penempatan pegawai yang berkelayakan di-mahkamah untuk menjalankan tugas sa-bagai penda'awa ada-lah sangat mustahak kerana sa-bagaimana Tuan Yang di-Pertua ma'alum segala undang² itu bergantung kuat kepada kuatkuasa yang ada terkandung dalam-nya, sa-bagai membawa penda'awaan terhadap sa-siapa yang telah melanggar perkara² atau sharat² di-dalam undang² itu dan faedah undang² itu tidak boleh di-laksanakan dengan pasti dengan sa-chara memberi bekas perkara penda'awaan yang di-jalankan terhadap orang² yang di-tudoh melanggar sa-suatu sharat dalam undang² itu, gugor, terluchut dengan kerana penda'awaan di-jalankan di-mahkamah terhadap orang yang di-tudoh itu chuai atau pun kurang cekap. Bertambah pula penyiasatan dan penda'awaan di-dalam tangan pegawai yang tidak cekap bukan sahaja akan menyebabkan gugor-nya satu² penda'awaan di-dalam mahkamah tetapi, Tuan Yang di-Pertua, ini akan membangkitkan bermacam² akibat yang tidak baik seperti menyebabkan kerugian wang kepada Kerajaan dan menjadikan, menyebabkan kesusahan kepada orang ramai yang datang menjadi saksi di-mahkamah. Kerana rugi kepada Kerajaan itu dengan jalan ini, Tuan Yang di-Pertua, sa-tiap kes yang di-bicarakan itu berkehendakkan saksi. Saksi selalu di-panggil dengan banyak bilangan-nya dan Kerajaan terpaksa membayar elaun kepada orang² yang datang menjadi saksi ka-mahkamah. Jadi, kalau penda'awaan itu tidak di-jalankan dengan kemas dengan menyebabkan satu² perbicharaan itu di-tanggohkan, maka Kerajaan akan rugi, kerana membayar elaun² orang yang di-panggil menjadi saksi.

Di-sini saya suka, Tuan Yang di-Pertua, mencheritakan bagaimana sa-orang pegawai tertinggi di-dalam

Pejabat Perbendaharaan, Treasury, Ia telah di-panggil menjadi saksi kepada satu tempat perbicharaan lebeh kurang 300 batu daripada tempat kediamannya. Apabila sampai masa hari perbicharaan itu, dia telah di-beritahu kes itu tidak boleh berjalan, kerana saksi yang penting tidak datang. Jadi, pegawai ini, Pegawai Perbendaharaan ini, telah marah dan bertanya fasal apa yang dia tidak di-beritahu terlebih dahulu yang kes ini hendak di-tanggohkan. Jadi, jawab penda'awa itu—Pegawai Polis—kapada-nya ringkas sahaja. Dia kata, "Apa awak susah. Awak datang sa-tiap hari di-bayar elaun. Awak datang sa-kali lagi besok, Kerajaan boleh bayar elaun lagi."

Jadi, ini menunjukkan bagaimana rengan-nya pandangan sa-tengah² pegawai yang bertanggung di-dalam perkara penda'awaan yang di-jalankan di-mahkamah².

Akhir-nya, Tuan Yang di-Pertua, saya mengambil peluang di-sini menyentoh atau pun menegor, membuat sadikit tegoran di-beberapa sekshen Rang Undang² yang telah di-kemukakan ini. Sekshen (9), Tuan Yang di-Pertua, berbunyi bagini:

"A Commissioner or Chief Police Officer may, with the approval of the Inspector-General, on the application of any person (hereinafter in this section referred to as "the applicant") for a constable to be employed on special duties"

Saya mohon penjelasan daripada pehak Kementerian sama ada yang hendak di-pakai, atau di-bagi kerja sabagai watch constable ini, ada-kah daripada pehak polis, atau pun sa-siapa yang di-bagi jawatan itu.

Sekshen (12) 1, Tuan Yang di-Pertua, di-mana pegawai kanan pehak² polis daripada negeri luar yang berkhidmat di-sini di-beri kuasa di-atas orang² yang berkhidmat di-bawah-nya, nampak-nya berchanggih dengan sekshen 12 (3), di-mana tersebut:

"pegawai polis kanan di-dalam negeri ini akan berkuasa penoh di-atas pegawai² polis yang datang dari luar kerana berkhidmat di-dalam negeri ini."

Saya sangat menerima kaseh, Tuan Yang di-Pertua, kalau saya dapat penjelasan tentang kedua² sekshen yang berchanggih ini.

Sekshen 22 di-dalam Rang Undang² ini, Tuan Yang di-Pertua, mengandongi satu syarat di-mana pehak polis akan meletakkan kembali tempoh dua bulan bagi sa-orang yang barang-nya telah di-simpan oleh polis datang membuat ketentuan di-atas barang-nya itu. Ini, pada pendapat saya, Tuan Yang di-Pertua, ada-lah tempoh yang sangat singkat, mengikut syarat² di-dalam undang² yang lain. Pada pendapat saya tempoh itu tidak kurang daripada enam bulan. Dua bulan pada pendapat saya, Tuan Yang di-Pertua, ada-lah sangat singkat.

Dan di-dalam sekshen 22, nampak-nya chara² meletakkan notis memberi ma'alum atas barang ini tidak-lah bagitu kemas. Di-sini di-katakan Polis chuma menghendaki membuboh notice, atau pun ma'alumat berkenaan dengan barang ini pergi di-Pejabat atau pun di-Balai Polis yang berkenaan. Ini pada pendapat saya, Tuan Yang di-Pertua, tidak-lah memuaskan. Mengikut pendapat saya biasa-nya notice ini di-hebahkan, dibubohkan di-dalam surat² khabar di-mana orang² yang telah hilang barang itu berpeluang di-dalam tempoh yang panjang—tidak 2 bulan, 6 bulan—melihat notice itu dan datang ka-Balai Polis yang berkenaan membuat tuntutan di-atas barang yang di-simpan oleh pehak polis itu.

Di-dalam Section 26, Tuan Yang di-Pertua, di-dalam mana pehak polis di-beri kuasa meletakkan barrier di-jalan² raya untuk menahan kereta. Di-dalam cheraian (3) itu ada terkandung syarat ini yang berbunyi demikian:

"No police officer shall be liable for any loss, injury or damage caused to any person or property consequent upon his taking the steps mentioned in sub-section (1)."

Ini pada pendapat saya, Tuan Yang di-Pertua, ada-lah berchanggih dengan kehendak² undang² civil atau pun tort, ada kala saya perchaya tentu berlaku perkara di-mana dengan kelalaian sa-saorang Pegawai Polis meletakkan barrier di-jalan itu, umpama-nya tidak dengan lampu yang chukup terang, satu motokar itu terlanggar barrier, patah kaki pemandu kereta, atau pun passenger kereta itu, kalau mengikut kehendak cheraian (3) ini, hak

warith² orang yang telah kehilangan barang atau mendapat kemalangan oleh kerana kelalaian pihak Polis meletakkan barrier ini di-jalan-nya yang tertutup.

Cheraian (3) ini nampak-nya menutup sama sa-kali pihak² yang menderita kerugian, atau kemalangan daripada membuat tuntutan secharamal atau civil terhadap kerugian atau kemalangan yang di-derita-nya itu. Saya mohon juga, Tuan Yang di-Pertua, penjelasan yang penoh daripada Kementerian yang berkenaan bersangkutan dengan section ini.

Lagi satu sekshen yang nampak pada saya pelek sadikit, Tuan Yang di-Pertua, ia-lah sekshen 33, Cheraian (1) (b) yang berbunyi demikian :

"no junior police officer or constable shall be liable to be imprisoned under an order of any Court by reason of non-payment of any debt which he may have incurred or for which he may become liable."

Ini nampak-nya berchanggih dengan sharat² Undang² mal—civil—di-mana kalau sa-orang itu tidak membayar hutang walau siapa dia pun, dia boleh di-hukum penjara oleh Mahkamah. Jadi saya kurang faham fasal apa keistimewaan ini di-beri kepada Junior Police Officer atau constable berlainan dengan Undang² yang sentiasa dikenakan kepada tiap² orang yang berhutang; orang² yang berhutang selalunya, kalau sa-kira-nya dia engkar membayar sa-lepas di-hukum membayar hutang oleh Mahkamah, boleh di-hantar ka-penjara dan saya mohon ketahuī, Tuan Yang di-Pertua, apa fasal-nya yang keistimewaan ini di-beri kepada Junior Police Officer, atau pun constable.

Itu sahaja-lah ucapan saya, Tuan Yang di-Pertua, saya sa-kali lagi mengucapkan berbanyak² terima kaseh kerana Tuan telah memberi peluang kepada saya berchakap pada hari ini.

Tuan Chen Wing Sum: Mr Speaker, Sir, once again I would like to convey my thanks to the Honourable Member for Bachok, who supported and welcomed the Bill, and I would like to answer certain observations made by the Honourable Member.

The Honourable Member first observation was, why should the extra police officers be limited to below the rank of Sergeant Major. As the Honourable Member would appreciate in the recruitment of extra police officers, no minimum qualifications are stipulated and they are employed on a month to month basis and, therefore, their ranks should also be limited. As to the observations made under Sections 27 and 28, my suggestion is that the Honourable Member should not over worry himself. If any hardship would be caused by public rallies and elections, it is the duty of the police to see that peace and order are maintained. So long as the Honourable Member does not worry himself, I am sure the police would be delighted to give their services to the public. Under Section 28 the Honourable Member for Bachok has asked why should we give powers to the O.C.P.D. to regulate the extent to which musical instruments may be played. Musical instruments can be of various kinds—some of them could be classified as dangerous weapons—and the regulations are intended to safeguard that any organiser of such entertainment programmes would not take advantage of it.

The Honourable Member from Sarawak, Mr Stephen Yong, made an observation in regard to the promotion of local officers first. Sir, officers in the Police are promoted according to merit of service, irrespective of whatever State they may be from. Certainly, under the pretext of Malaysia and the spirit of Malaysians, we do not encourage any provincial sentiment. However, the Ministry would take into consideration relevant circumstances and conditions when a promotion is made. Perhaps, one of these days a Sarawakian may become the Inspector-General and, perhaps, when that day comes we Malaysians in West Malaysia would not make any complaint.

I am very thankful to the Honourable Member for Raub. Though he is a new Member, but in no way is he an inexperienced one, as he has served in the Legal Service for a long time. I am thankful for his expert criticism

on this Bill. The Honourable Member has made an observation that in respect of the piling up of cases and the delay in court work not only the magistrates are to be blamed but also the police prosecuting officers. Sir, when we are celebrating this tenth Merdeka anniversary, we must be prepared to plan and provide a better society for the next ten years. In this respect the Government is concerned, in particular the Honourable Deputy Prime Minister, who is also the Minister of Home Affairs, and he has time and again emphasized on the question of efficiency. To achieve this goal of a better society, each and every one of us, whether we be Government officers, police officers, magistrates, or members of the public, should contribute our part. It serves no purpose whatsoever for one department to blame the other department for inefficiency, and so on and so forth. Unless each and every one of us is prepared to contribute our part, the future of this country will not be very bright. I am sure the Honourable Member for Raub, though new to this House, would appreciate it and, therefore, I hope no Government Department whether it be the Legal Department, or the Police, would blame each other for the delay and the piling up of work. We hope each and every citizen in this country would do his part.

Sir, another observation made under section 9 by the Honourable Member for Raub was that who would be eligible to become a watch constable. The answer is, under the Police Bill, any suitable person. The Honourable Member for Raub also suggested, under section 22 on unclaimed property, that the period of two months is too short. Sir, while we are advocating efficiency, we certainly do not encourage any claimant to make a slow claim, especially one who has a personal interest in the property to be claimed should take the first opportunity to claim it, in order not to delay the work of the Police.

As for the question of compensation caused by the negligence of the Police, such as road blocks, etc., which may cause injury to the public, I am sure

the public can claim compensation under the usual law on negligence—there is no necessity to make any special provision.

Under section 33 (3), the Honourable Member for Raub has asked, why should the junior officers enjoy a certain privilege, i.e., their salaries and allowances cannot be attached. Surely, any junior officers in the Police, if they are under any civil claim for not paying up their debts, are subjected to the usual law. But they cannot be put in prison, because it may affect the execution of their duties.

I hope I have given adequate answers to the observations made by the Honourable Member for Raub. As I said at the beginning, I thank the Honourable Member very much for making expert criticisms and I am sure when he comes to this House he will be able to help us more. Thank you.

Question put and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 5—

Tuan Haji Abu Bakar bin Hamzah: Tuan Pengerusi, di-dalam ta'rif ia-itu interpretation, saya suka meminta Kerajaan memasukkan ta'rif "junior police officer" ia-itu di-muka 2 di-akhir Section 2 di-bawah sa-kali kita memberi ta'rif "police officer" dan "senior police officer". Saya mengshorkan bagitu kerana di-dalam Bill ini ada section² yang menggunakan perkataan junior officer.

Tuan Pengerusi, perkara yang kedua ia-lah Section 8 ia-itu perkataan Sergeant-Major itu di-pinda dengan perkataan Sub-Inspector.

Tuan Chen Weng Sum: Sir, as to the definition of Junior Police Officer, I am sure the Honourable Member would understand that any officer who is not a senior police officer would be classified as a junior police officer.

Tuan Haji Abu Bakar bin Hamzah: Saya minta penjelasan sadikit bukan

Tan Sri Nik Ahmad Kamil (Kota Bharu Hilir): Tuan Pengerusi, saya rasa dalam Jadual Pertama telah ada di-ta'rifkan junior police officer itu ma'ana-nya Sub-Inspector, Sergeant-Major, Sergeant dan Corporal, barangkali memada'i dengan keterangan itu.

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

Clauses 6 to 18—

Tuan Stephen Yong Kuet Tze: Mr Chairman, Sir, I refer to Clause 29—power to make rules and orders for the control of traffic." If I am not mistaken, in most areas or districts, we have local authorities which will have such provisions for regulating traffic and also preventing obstruction, and I would like to point out that in areas or districts where such regulations are already in existence, such power ought not to be used by the police officers, so as to avoid any conflict between the two.

Tuan Chen Weng Sum: Mr Chairman, Sir, it has been made quite clear in the Explanatory Note that this Bill is not meant to change any existing conditions and terms.

Clauses 6 to 18 inclusive ordered to stand part of the Bill.

Clauses 19-73—

Tuan Haji Abu Bakar bin Hamzah: Tuan Pengerusi, di-bawah Fasal 20 ia-itu sub-section (3), barisan 3, perkataan "a police officer" saya minta di-pinda kepada "a senior police officer." Tuan Pengerusi, saya minta ini ia-lah kerana kita telah mendengar tadi keterangan² yang berdasarkan pengalaman di-beri oleh Ahli Yang Berhormat dari Raub, ia-itu di-ketika menda'awa atau pun di-ketika menjalankan satu² prosecution di-dalam mahkamah. Jika kita pakai "a police officer", erti-nya dia itu junior officer sampai-lah kepada constable, dan ini-lah yang menambahkan lagi susah-nya perjalanan prosecution itu, tetapi jika kita tetapkan di-sini "a senior police officer", erti-nya sa-

kurang²-nya pangkat inspector, atau pun dia itu probationary inspector, maka tentu-lah dia lebeh layak lagi menjalankan prosecution itu. Saya fikir Kerajaan tentu-lah tidak melarikan lagi di-sini ia-itu menggunakan perkataan "a police officer" which means any member of the Police Force boleh menjadi prosecutor di-dalam mahkamah, dan ini-lah saya minta di-pinda.

Tan Sri Haji Sardon bin Haji Jubir:

Tuan Pengerusi, pada fahaman saya sa-bagai peguam dan juga sa-bagai bekas Penda'awa Raya, dan sa-bagai bekas Hakim, perkataan Police Officer ini ada kala-nya kita mention case kali yang pertama. Kalau di-kehendakkan Senior Police Officer di-Mahkamah di-dalam bandar yang kechil Magistrate pun kadang² honorary Magistrate, tentu juga susah hendak mention cases ini. Tetapi saya fikir yang di-tujukan oleh Yang Berhormat dari Raub ini tentang menjalankan penda'awa while prosecuting you must have Senior Police Officer with experience; ini yang di-tujukan barangkali oleh Ahli Yang Berhormat dari Raub, tetapi saya fikir ini menjadi di-mana² juga Mahkamah ada perengkat Mahkamah kechil, barangkali Yang Berhormat daripada Bachok faham, dalam bandar kechil, tetapi ada Magistrate honorary, kadang² dia D.O., A.D.O. Apabila Polis sudah tangkap orang salah dalam masa 24 jam, mesti di-bawa ka-Mahkamah. Jadi kalau di-kehendakkan Senior Officer, mesti di-hantar sa-orang pegawai ka-tempat itu. Senior Officer mesti datang. Ini susah lagi, case di-tanggohkan lagi kalau tak dapat Senior Officer.

Tuan Hamzah bin Dato' Abu Samah:

Tuan Pengerusi, untuk penjelasan. Mengikut pendapat saya, perkataan Police Officer dalam sekshen 20 (3) Cheraian (c) itu—Conducting Prosecution—itu berma'ana kuasa ini luas yang boleh di-kuasa'i oleh mana² Pegawai Polis sama ada dia Inspector, atau Constable. Mengikut kehendak Undang² yang dahulu di-bawah Criminal Procedure Code ia-itu di-bawah section 377, di-sini di-terangkan dengan jelas-nya bahawa chuma

Deputy Public Prosecutor yang boleh menda'awa, kemudian dia kata (b) by a Police Officer not below the rank of Inspector acting on behalf of the Public Prosecutor dan ada juga proviso-nya di-kechualikan kalau sa-kira-nya dapat surat daripada Public Prosecutor boleh-lah sa-orang Pegawai yang di-bawah pangkat Inspector itu menda'awa di-dalam Mahkamah. Jadi, pada pendapat saya syarat² yang terkandung dalam section 377 ini lebeh padat daripada yang ada di-dalam Rang Undang² ini. Saya bersetuju dengan pendapat Ahli Yang Berhormat dari Bachok bahawa mengikut section 20, Cheraian 3 (c) ini mana² pegawai police, walau pun case itu chuma untok mention atau pun untok di-bicharakan terus, walau pun dia Inspector, Sergeant, atau pun Constable berkuasa menjalankan tugas sa-bagai penda'awa. Ini satu perkara yang saya fikir merbahaya yang patut di-perbaiki dengan di-pinda perkataan Police Officer itu di-hadkan umpama-nya case yang di-bicharakan itu kepada chuma pegawai yang kanan—Senior Officer, atau pun ka-atas-nya.

Tan Sri Nik Ahmad Kamil: Tuan Pengerusi, saya tidak-lah hendak membahathkan saperti dalam Mahkamah, tetapi faham saya Criminal Procedure Code itu mengatasi Police Act ini jikalau menjadi Undang². Chuma dalam Polis Bill ini di-beri kuasa apa dia tugas sa-orang Police Officer itu, tetapi bila sampai kepada bab hendak menda'awa di-dalam Mahkamah, rasa saya Criminal Procedure Code mengatasi Undang² ini, ma'ana-nya sa-siapa yang di-bawah sakinan pangkat yang di-sebut oleh Ahli Yang Berhormat daripada Raub itu hanya boleh menda'awa case, kalau ada surat daripada D.P.P. atau pun Public Prosecutor; itu faham saya. Jadi bagaimana kata Yang Berhormat Menteri Pengangkutan tadi ada kala juga dalam Mahkamah saperti di-jajahan kecil kena juga ma'ana saperti Sergeant atau pun Corporal mesti pergi hadhir depan Magistrate minta pospon-kan satu² case, atau pun case bila sudah tertangkap terpaksa kena bawa ka-Mahkamah, tak ada waktu itu pegawai yang

tinggi maka fahaman saya itu tidak-lah di-sifatkan prosecution bagi ma'ana menda'awa terus apabila di-adakan penda'waan atau perbicharaan yang lazim; itu fahaman saya, Tuan Pengerusi.

Mr Chairman: Tetapi saya pun hairan bagaimana kita hendak fahaman ma'ana-nya ambil surat daripada D.P.P. itu. Tak ada tersebut di-sini.

Tuan Haji Abu Bakar bin Hamzah: Tuan Pengerusi, yang saya minta tadi sudah berlainan dengan yang di-beri oleh Menteri Yang Berhormat ini, ia-itu yang saya minta ia-lah perkataan a Police Officer ini di-gantikan dengan perkataan a Senior Police Officer. Sebab² atau hujjah yang saya beri ia-lah hendak mengelokkan lagi kerja² polis itu, bukan saya mengira kerja dia di-dalam Mahkamah. Kalau kerja di-dalam Mahkamah, peratoran ini boleh di-over-rule oleh C.P.C. sendiri. Ada pun satu kesilapan, atau pun satu berlainan pendapat Tuan Pengerusi, dengan Yang Berhormat Menteri kita ia-itu saya faham bahawa di-dalam Mahkamah itu ada 3 stages-nya ia-itu waktu kita melakukan charge, kemudian boleh jadi juga kita sampai kepada mention, kemudian kepada hearing. Tiga sa-kali, tidak itu. Jadi masaalah hari yang pertama yang kita hendak charge itu atau pun hendak mention itu, biasa-nya pegawai² rendah ini mendapat delegated power daripada D.P.P., atau pun O.C.P.D., atau pun orang yang di-beri kuasa bagitu. Ada pun yang saya sebutkan di-sini ia-lah Conducting Prosecution. Jadi Conducting Prosecution ini bukan charge, atau pun bukan mention. Saya rasa sa-bagai peguam tentu-lah kita faham bahawa Conducting Prosecution itu tidak sama dengan membawa orang itu for charge, or for mention. Jadi I still stick to my opinion.

Tan Sri Haji Sardon bin Haji Jubir: Kalau Ahli Yang Berhormat dari Bachok itu lebeh lagi pengalaman-nya dari undang² tak tahu-lah, tetapi saya bersetuju tentang Yang Berhormat punya tujuan, bagitu juga saudara saya dari Raub, saya bersetuju benar berkenaan dengan more Senior and

Experienced Police Officer to conduct Prosecution. Kalau Ahli Yang Berhormat dari Bachok ini saya hendak kata anak murid saya tak patut juga. Kalau tengok perkataan-nya "shall be", jadi kalau perkataan "shall" itu mestikan, kalau di-kehendaki Senior Police Officer, lain orang bawah daripada itu tak boleh. Kalau hendak belajar law, belajar law betul², jangan salah faham. Shall be conducted by a Police Officer itu kita hendak bagi Superintendent of Police atau yang mahir boleh; itu kita punya ketentuan. Tetapi kalau Yang Berhormat hendakkan Senior Police Officer shall conduct the case, other than a Senior cannot do so; ini tak ada salah faham, Tuan Pengerusi, ini chuma how best we can implement—ini perkara menjalan prosecution atau penda'awaan di-dalam Mahkamah.

Tuan Haji Abu Bakar bin Hamzah: Tuan Pengerusi tidak tepat dengan apa yang saya hendak. Kita di-sini, Tuan Pengerusi, bukan kita hendak bahatkan dari segi law itu sendiri, tetapi ini ia-lah kita satu peratoran polis bagaimana kita hendak mengelokkan kerja² polis itu. Sebab itu saya menhadangkan bahawa perkataan a Police Officer ini menjadi a Senior Police Officer, bukan saya kata mesti di-tetapkan. Jadi tentu-lah kita dapat faham bahawa Senior Police Officer itu sama ada "may" atau pun "shall" lebeh elok dalam peratoran sa-bagai Police Officer yang constable yang boleh jadi watch constable pun di-dalam ini. Ada-kah Menteri kita suka bagitu atau suka dengan pendapat saya?

Tan Sri Haji Sardon bin Haji Jubir: Tuan Pengerusi, bukan fasal elok tidak elok. Ini apabila kita taroh a Senior Officer, kena-lah *Gazette* sa-siapa juga walau pun hendak mention mesti Senior Officer baharu boleh di-terima, kalau tidak, tak boleh hendak jalan bichara. Itu sebab-nya Police Officer sa-telah menchukupi tentang Pejabat Polis atau pun Prosecution Department boleh menyesuaikan siapa Officer itu. Ini ta' ada salah faham di-sini

Tuan Hamzah bin Dato' Abu Samah: Untok penjelasan, Tuan Pengerusi, sa-bagaimana yang saya telah katakan tadi

perkataan yang terbuboh di-sini mengatakan "any police officer" itu boleh menjalankan tugas menda'awa, "to conduct prosecution". Berma'ana kuasa penoh yang di-bagi kepada segala pegawai police daripada atas sampai ka-bawah—constable boleh menjalankan penda'awa bukan sa-bagaimana Yang Berhormat Menteri memberi tahu tadi, bahawa penda'awaan itu chuma akan di-beri kepada senior police officers sahaja. Di-bawah ini nampak-nya kuasa itu luas, boleh juga tugas ini di-bagi kepada sa-orang police officer berma'ana police constable pun boleh di-beri kuasa menda'awa. Jadi kalau kuasa ini di-beri penoh kepada pegawai² rendah bagitu, ini akan membuka satu perkara yang saya fikir sangat merbahaya.

Dan lagi satu untok penjelasan, Yang Berhormat Wakil daripada Kota Bharu tadi mengatakan Undang² C.P.C. ini mengatasi Undang² baharu ini. Pada saya, boleh jadi saya salah, tetapi mengikut pendapat saya Undang² yang di-luluskan kemudian-nya mengatasi Undang² dahulu-nya. Jadi kalau Undang² itu berchanggih antara satu dengan lain, Undang² yang baharu di-luluskan ini akan mengatasi Undang² yang lama. Jadi, pada pendapat saya ini akan kuatkuasa di-atas Undang² yang lama, berma'ana tiap² police officer wa-ima dia Inspector, atau pun constable boleh menda'awa menjalankan tugas sa-bagai penda'awa berlainan dengan syarat² yang terkandung di-dalam Undang² C.P.C. dahulu yang ketat di-mana kuasa itu di-bagikan kepada Pegawai Kanan Inspector, kechualikan kalau sa-kira-nya dapat surat daripada public prosecutor, sa-orang Inspector bawah pangkat daripada Inspector itu boleh di-beri tugas menjalankan pekerjaan sa-bagai penda'awa.

Tan Sri Nik Ahmad Kamil (Kota Bharu Hilir): Tuan Pengerusi, saya sa-benar-nya bersetuju penda'awaan dalam Mahkamah² patut-lah di-jalankan oleh pegawai² yang mahir kalau boleh. Bila saya sebut mengatakan yang syarat² C.P.C. mengatasi Police Act ini, saya faham C.P.C. itu ada syarat sa-bagaimana di-bachakan oleh sahabat saya Ahli Yang Berhormat daripada

Raub, ia-lah C.P.C. yang sedang dipakai sekarang. Faham saya syarat dalam Clause 20 ini tidak lain daripada syarat yang telah ada dalam Police Ordinance ini sekarang. Jikalau kita tengok dalam Explanatory Statement yang berbunyi:

“ For example, provisions contained in Clauses 13, 14, 15, 17, 18, 19, 20, 21, 22, 23 and so on considerable part of Parts XII are redrafts of existing provisions of the Police Ordinance, 1952 ”

Jadi, ma'ana-nya sudah ada memang sekarang pun, dalam Undang² dahulu syarat sa-umpama ini. Chuma hendak chari jalan biar-lah prosecution dalam Mahkamah itu di-jalankan oleh pegawai² yang mahir itu saya bersetuju dengan tujuan Ahli Yang Berhormat daripada Bachok dan sahabat saya daripada Raub. Jadi, ma'ana-nya sama ada kita buat dengan peratoran, atau pun legislation saya tidak tahu-lah atau dengan perkiraan dengan Legal Department dengan Pejabat Police. Clause 20 ini, sa-mata² menetapkan general duties of police officers. Jadi, kalau Ahli Yang Berhormat sebutkan sahaja dalam sub-clause (3) Senior Police Officers ini ta' jadi. Jadi clause 20 ini memberi kuasa am kepada police officers termasuk daripada-nya (a), (b), (c) dan lain²-nya, menangkap orang bagitu dan bagini.

Tuan Haji Abu Bakar bin Hamzah: Sadikit sahaja, kalau tuan benarkan ia-itu there is a misunderstanding between me and the Honourable Minister. He was speaking about C.P.C. I was talking about this very Bill, i.e. “an Act to consolidate and amend the law relating to the organisation, discipline” Yang itu saya hendak tanya ia-itu di-dalam organisation ini saya tidak mahu perkataan police officer itu, saya mahu senior police officers, bukan saya mahu challenge dari segi validity pegawai itu. Dan yang kedua, Tuan Pengerusi, tidak ada ma'ana kalau kita hendak buat organisation kalau kita tidak tunjukkan benda² yang elok patut di-buat di-sini.

Yang ketiga, Tuan Pengerusi, bukan satu chabaran boleh-kah atau tidak boleh, it is not a challenge against the validity or not, but it is a matter of

degree, not a matter of fact. Itu yang saya minta supaya perkataan itu diubah kepada senior police officer.

Tuan Cheng Wing Sum: Mr Chairman, Sir, the answers to various observations made by Honourable Members have been offered by my Honourable colleague, the Member for Kota Bharu Hilir. So much was talked about proceedings in Court; in practice, we have never seen a junior officer carrying out Court work, prosecuting cases. I am sure a Police Force like ours, which has been reputed in this region, will do the best it can in the circumstances or under whatever circumstances which may arise. It has been the practice for many years that no junior officer has been sent to prosecute cases in Court. I think we should not over-worry ourselves here concerning this.

Question put, and agreed to.

Clauses 19 to 73 inclusive ordered to stand part of the Bill.

Clauses 74 to 100—

Tuan Haji Abu Bakar bin Hamzah: Tuan Pengerusi, di-bawah section 76 ia-itu kalau pegawai itu absent maka gaji dia tidak di-bayar. Ini saya amat dukachita, Tuan Pengerusi, oleh kerana di-antara pegawai² police atau pun anggota² police itu ada yang bekerja sa-bagai jawatan tetap ia-itu permanent dan ada yang month-to-month basis ia-itu sa-bulan ka-sa-bulan. Patut orang yang absent itu di-bayar gaji sebab gaji-nya itu di-timbangkan sa-bagai dia pegawai bukan sa-bagai membuat satu kesalahan. Kalau kita tidak membayar di-masa dia absent, maka bererti-lah dia ini daily paid sahaja dalam perkara itu. Sa-lain daripada itu pula orang yang absent itu boleh di-hukum, di-bicharakan dan boleh di-kenakan denda atau boleh di-kenakan tahanan daripada denda itu boleh kalau kita hendak mengambil duit-nya. Tetapi, menentukan tak bayar gaji kepada dia itu mengakibatkan keluarga-nya susah.

Tuan Pengerusi, saya ada pengalaman dalam masa polis dahulu ada kawan² saya yang dia lari kerana hendak menghantar kawan-nya pergi ka-England. Dia ada anak tiga, dia absent

sampai sa-minggu, maka kalau macham itu gaji-nya tidak di-bayar, anak-nya di-rumah tidak boleh makan; yang di-bayar gaji-nya itu ia-lah hendak memberi upah kepada dia dan kepada anak dia, yang dia buat silap itu, itu masaalah lain. Saya rasa ini meletakkan pegawai Polis sa-bagai pegawai² daily paid dan polis sedar perkara ini dia tidak undi Perikatan dalam tahun 1969 (*Ketawa.*)

Tuan Chen Wing Sum: Mr Chairman, Sir, I am afraid no sympathy could be given to any officer who runs away from duty just to send his friend to England and at the same time expects to get paid. If every Police Constable or officer would do such a thing in this country, I am sure there is no use to have any Police Force in this country.

Clause 74 to 100 inclusive ordered to stand part of the Bill.

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

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

THE SUPPLEMENTARY SUPPLY (1967) BILL

Second Reading

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to apply sums out of the Consolidated Fund for additional expenditure for the service of the year 1967 and to appropriate such sums for certain purposes" be read a second time.

Clause 2 of the Bill seeks authority for additional expenditure of \$19,571,405 for the service of the year 1967 and this sum is shown in the Schedule to the Bill and also in the Supply expenditure section of the Supplementary Estimates of Expenditure 1967, tabled as Command Paper No. 30 of 1967. Of the sum required as additional expenditure, an amount of \$12,255,666 has been advanced from the Contingencies Fund to meet urgent expenditure, and these advances are now to be recouped.

Honourable Members will observe that of the total sum of \$49,821,862 included in this supplement, a sum of \$30,250,457 is required to meet the cost of financing "charged" expenditure services which are not included in the Supplementary Supply Bill but are shown in the Supplementary Estimates. The biggest item of "charged" expenditure in this supplement is in respect of Charged Head 13—Charges on Account of Public Debt, which requires a sum of \$19.6 million, of which \$11.9 million is needed for payment of interest due on the local loans raised in the latter part of 1966 and the interest on the loan from the Canadair Limited, and the balance of \$7.7 million is composed of the following:

- (1) \$1.2 million to make the capital repayment in respect of the \$12 million Defence Loan from the United States.
- (2) \$1.8 million to make the capital repayment in respect of the \$18.025 million loan from the Canadair Limited.
- (3) \$4.7 million for instalment for the War Damage Compensation Loan from Britain which was not paid last year.

Charged Head 12—Treasury, requires a sum of \$10.6 million, of which \$7.5 million is for refunds and drawbacks of customs duties in the States of Malaya, and \$3.1 million is for the second instalment of Malaya's subscription to the Asian Development Bank.

In the "Supply" section of this supplement, the biggest item of expenditure is in respect of Head S. 23—Treasury General Services, which requires a supplement of \$8.6 million, of which \$8.3 million is for the purpose of making an overall financial settlement with the Government of Singapore in respect of claims which remained outstanding after Singapore Day, and the balance of \$0.3 million is for a contribution to the Tenth Merdeka Anniversary Celebrations Trust Account. Head S. 24—Contributions to Statutory Funds, requires a supplement of \$6.5 million, of which

\$6 million is required as additional appropriation for the "Loans to Statutory and Other Bodies Fund" making a total of \$15.5 million in the Fund in order to give loans to the Padi and Rice Marketing Board for the Tanjong Karang/Sabak Bernam Scheme, and \$0.5 million is for the "Exploitation of Minerals in Malay Reservations Loan Fund", which has been approved at the last meeting of the House. Head S. 18—Education Grants and Subventions, requires an amount of \$0.59 million to meet the balance of reimbursements due to the various State Governments on account of expenditure incurred for providing religious instruction in assisted primary schools for the years 1961 to 1962. Head S. 37—Commissioner of National Registration, requires a sum of \$0.55 million to supplement the existing provision for personal emoluments and other charges in connection with the scheme for the introduction of laminated identity cards in Sarawak. Head S. 20—Ministry of Foreign Affairs, requires a sum of \$0.5 million for supplementing the various Sub-heads of the Ministry which have proved to be inadequate due mainly to the establishment of new Missions overseas. Head S. 65—Civil Aviation and Meteorological Services—East Malaysia, requires a sum of \$0.48 million for subsidising Malaysian/Singapore Airlines for losses incurred in providing rural air services in East Malaysia for the period 1-6-64 to 31-3-66.

The other items of expenditure in this supplement are relatively small in amount, and I do not wish to single them out as they are described in detail in the Appendix to the Treasury Memorandum tabled as Command Paper No. 31 of 1967.

The original Estimates of Expenditure approved by Parliament for 1967 amounted to \$1,828.6 million. Taking this together with both the "Supply" and "Charged" expenditure in the present supplement, the total appropriation for 1967 will amount to \$1,878.4 million.

Sir, I beg to move.

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

Dr Tan Chee Khoon: Mr Speaker, Sir, it is heartening to see that the Government, as days go by, present a smaller and smaller Supplementary Supply Bill to this House for the approval of this House, but it would be better still, if the various Government Departments and the Treasury were to work a little harder and see that we obviate the necessity for Supplementary Supply Bills. I do agree that where certain items are concerned, as enumerated by the Assistant Minister of Finance, these are almost compulsory by nature, in that you have kick-backs to the State Governments—advances to statutory bodies and the like. Where these items are concerned, it is quite necessary that the Central Government should come to this House for various Supplementary Supply Bills. The danger in these Supplementary Supply Bills, Mr Speaker, Sir, is this: the Minister of Finance comes to this House for his Budget—as he did last year, I think, to a tune of \$1,600 million—and he says, "This is only a 8% increase—nothing alarming—it is quite within the capability of this country to meet such expenditure: then as the months go by you pad up this figure with Supplementary Supply Bills; and if people do not work a little harder at these figures, these figures may well swell up to another \$400 million to bring up the whole expenditure for the year to \$2,000 million where the increase in expenditure will not be 8% but, perhaps, it may be in the region of 15% or so. As such, this House, particularly in these days of financial stringency, should see to it that only items of expenditure that are absolutely necessary should be brought before this House and this House should throw away any items of expenditure that is not absolutely necessary.

Mr Speaker, Sir, going through this Treasury Memorandum Command Paper No. 31 of 1967, one is a little alarmed at the items of expenditure on the Prime Minister going out, the Deputy Prime Minister going out, the President of the German Republic

coming in—\$50,000 gone cold; and if you add up all these items of expenditure, I think, they amount to more than \$300,000 which, Mr Speaker, Sir, I submit is a very big sum to spend on such items. Sir, it is true that the Prime Minister has to leave this country to pay State visits to various countries, it is true that foreign dignitaries come here and we should welcome them, but I submit that there is no reason why we should be so luxurious in our expenditure on these items. A closer look by the Treasury before such sums are approved for expenditure will go a long way towards assuaging the taxpayer of this country that his money is well taken care of by the Treasury.

Mr Speaker, Sir, I would take but two items for comparison. Head S 7, Sub-head 57A gives the sum of \$40,000 for the Prime Minister's trip to Ceylon and Head 7, Sub-head 57D gives the sum of \$21,153 for the Prime Minister's trip to Japan. Now, Mr Speaker, Sir, to me it is a little incomprehensible how the trip to Japan, which is certainly much farther than the trip to Ceylon should cost about one-half of the trip to Ceylon. Perhaps, one of the reasons is that the entourage that followed the Prime Minister to Ceylon was much larger than the one that followed him to Japan—perhaps, few officials followed him to Japan and many more followed him to Ceylon. Now, this is a thing where I think the taxpayer cannot afford the luxury of people tagging on to our Prime Minister, when he goes on these trips and so inflate the expenditure—otherwise how can one explain that the trip to Ceylon cost almost twice the trip to Japan?

Mr Speaker, Sir, if you look at the other items of glassware and the like for Parliament House, for the Istana Tetamu, these come to very sizeable sums of more than a quarter million dollars. Now, time and again, we see the Treasury coming to this House for expenditure of this nature, and I really am a little surprised that so much should be spent in the purchase of glassware. Is it because there are some other parties that are not quite above

board down here, or in the Istana Tetamu, where after a hearty meal people start throwing champagne on the walls just for the fun of it? Otherwise, how can we account for the fact that close to a quarter of a million dollars, if you will add up the figures that are asked for, close to a quarter million dollars is being spent on such things? I do hope that the Treasury, again, will have a closer look at the money spent on such items.

Mr Speaker, Sir, under Head 23, Sub-head 40 we are asked to approve of an item of expenditure of \$300,000 for the Merdeka Celebrations. I think it was on Monday that we heard none other than the Prime Minister stating that if his letters of appeal to his friends, and now to the business magnates in this country, do not draw the response that he expects them to give, then he may have to come to this House for a further supplementary supply. Now, I would say that this is an unwarranted item of expenditure, if in addition to the \$300,000 that has been asked for today the Government should come and ask us for, let us say, another \$700,000 to make up the \$1 million that is expected to be spent.

Now, Mr Speaker, Sir, the Tenth Merdeka Celebrations are strictly an occasion for joy for the whole country and it should be a national event that everybody should feel that he can participate in. Mr Speaker, Sir, as we drive along the dual carriage way to Parliament House, we see the big board down there that has been put up, and it gives you the progress from 1957 up to 1967. While one does not quite agree with the two posters put up there—1959 the kapal layar is there, 1964 the kapal layar is there, because in both years they happened to win both these elections—one can see the reason for the Government wanting to put up those boards as evidence of their victories in 1959 and 1964. But one is amazed that after 1967

Tuan Khaw Kai-Boh: On a point of clarification, Sir, they are not there just merely because the Alliance won the elections, but purely because the

Alliance Government conducted all those achievements.

Dr Tan Chee Khoon: It is a matter of opinion, Mr Speaker, Sir. After 1967, we see a big board down there and it shows "Berjaya Malaysia". Now, that is quite all right, Sir—"Berjaya Malaysia". Then along that board we see a whole heap of *kapal layar*. Well, Mr Speaker, Sir, as I said, this should be a national event free from party politics. What is the reason for all that *kapal layar* that is being shown, not only there but all over the country? Is this an Alliance party celebration or a national event? If it is a national event, then apart from the years 1957 and 1964, there should be no *kapal layar* along any of the hoardings that may be put up by the Government for these celebrations, because if it can be postulated, "Oh, the *Kapal layar* is synonymous with the Government", then we on the other side of the House can say, "We also contributed to the progress of this country and why should not the P.M.I.P.'s crescent be put up there as well?". Now, I do hope that the Government, in its expenditure on these celebrations, and in these celebrations themselves, should not lay too much stress on the party aspect of it but as a national effort, because if you lay too much stress on the party effort, then I regret that you will probably find that the response is not what it should be.

Tuan Khaw Kai-Boh: Sir, for the information of the Honourable Member, I think the *kepala lembu* will also have its place there in due course, and I can give the assurance to the Honourable Member that he will see the *kepala lembu* there, although whether it deserves to be there or not is debatable.

Dr Tan Chee Khoon: Mr Speaker, Sir, I think the Honourable Minister for Local Government and Housing is a little out of date because the *kepala lembu* is not represented in this House today. I speak as a member of the Labour Party and there is no *kepala lembu* down here today (*Laughter*). He is a little out of date, Mr Speaker, Sir, and I think he should undergo a

course in political indoctrination by his party headquarters before he accuses me of being a *kepala lembu*. I was at one time a *kepala lembu*, but I am no more a *kepala lembu* (*Laughter*).

Tuan Khaw Kai-Boh: Sir, I am afraid that the speed of my intelligence does not catch up with the speed with which the Honourable Member has changed his political platform.

Dr Tan Chee Khoon: Mr Speaker, Sir, I have not changed my platform. My stand on various issues of the day has always been consistent. If the Socialist Front was broken up, it was not because of the fault of the Labour Party, but because of the Party Rakyat in its wisdom wanting to break up the Socialist Front for which my party was not responsible.

Now, Mr Speaker, Sir, I want to stress this thing, and I hope the Minister for Local Government and Housing agrees with me, that this should be a national event in which every citizen in this country should be persuaded to participate in but, if we walk along the streets in Kuala Lumpur, you will see that very few people are participating in the celebrations. You look along the streets, you see the houses are not being decorated, as they should be. Why should it be so? Because the people are not convinced that this is a national event, that they have a stake in this country, and that they should participate in this so-called ten glorious years of kemerdekaan.

The Assistant Minister of Finance (Dr Ng Kam Poh): On a point of clarification, if the Honourable Member for Batu will give way. Mr Speaker, Sir, there is still about seven or eight days more, and whether decorations will be put up by the houses or not we still do not know. So, it is a little premature for the Honourable Member for Batu to say that houses are not decorated now, and nobody is walking around the streets.

Dr Tan Chee Khoon: If after all the "Hoo-ha" and after all the pressure that is being exerted on various people, and I do know that pressure is being

exerted on various clans and societies to put up these buntings and the like, and you see along the streets not much have been put up, most of the buntings have been put up by the Government; if that is not evidence of the reluctance of the people to participate in this national event, then I do not know what is. Be that as it may, the point I wish to stress is that this should be a national event and the less stress on the *kapal layar* the better it is both for the Government and for the rest of the country.

Now, Mr Speaker, Sir, Head S. 33, Sub-head 21, deals with the expenditure on the furniture and equipment for the new Immigration Centre at Johore Bharu and close to \$100,000 for the printing of Malaysia Restricted Passports under Subhead 22. Mr Speaker, Sir, in years to come, when the historian writes the history of Singapore/Malaysia relations, no doubt the new Immigration Office at Johore Bharu will be named quite appropriately as "Ismail's Folly", because the Immigration Office was built, when the former Minister of Home Affairs was in charge. Now, I have mentioned it before, and I mention it again, that there is absolutely no reason, where the humble citizen of this country is concerned, for these two items of expenditure, as I have explained yesterday, or the day before yesterday. The average citizen in this country has no quarrel whatsoever with his counterpart in Singapore. If at all there is any quarrel, the quarrel lies between the leaders of the two nations, and happily from what we see in the last few months, these quarrels have, in public at least, disappeared almost completely, but the damage I think has been done, because we heard on Monday the Prime Minister saying, "Oh! we have no quarrel with the people of Singapore or with the Ministers of Singapore". But whilst one says one thing in this House, outside he, and his Ministers also, they kick the teeth of the Ministers in Singapore, over the radio, over the T.V. and to the Press. That is not the sort of conduct that one expects of Ministers of the Crown to conduct the affairs of State. Equally too . . .

Dr Ng Kam Poh: While the Honourable Member from Batu castigates our Government Ministers here, would he do likewise to the other side too?

Dr Tan Chee Khoon: I do hope that the Honourable Assistant Minister will not interrupt me, because I was saying, when he stood up equally true is it that the stupidity of the Leaders of Singapore, who think they are clever people, Masters or Ph. Ds. in economics and the like, big businessmen, egg-heads from the University, they think that they were too clever, and they can always get one better up on, perhaps, their dull-witted opposite numbers across the causeway. So, we see one party is small and is voice-ferous, vocal, and perhaps intellectually superior, the other party is much bigger, has a bigger say in such things because, as we saw on Budget day, how the Minister of Finance has imposed a 2 cent per pound on rubber going across the causeway, and he has asked for rubber to be brought all the way from Kota Bharu via Gemas up to Port Swettenham.

Equally true is that the leaders of both sides are to blame but, again I reiterate, the ordinary people of both countries have no quarrel with each other, and as such they should not be saddled with these Restricted Passports and be forced to spend so much of time at the Immigration Office in Johore Bharu. As I pointed out earlier on this week, the world over, Governments are trying to do away with travel restrictions, in order to attract tourists into their country, and tourism is getting to be a bigger and bigger industry in both the East and the West.

But we in this country paradoxically it is most incongruous that we should impose travel restrictions on Singapore and vice versa. I call upon the leaders of both Governments to do away with such stupidities and not to inflict their venom on the poor citizens in this country who have no quarrel with each other, and the sooner both Governments get together instead of this much-talked of golf summits that they participate in Kuala Lumpur, now perhaps in September in Singapore, instead of these golf summits, they

allow the civil servants to sit down quietly together and see how best they can do away with these two restrictions—travel documents and the unnecessary time spent on the . . .

Tan Sri Haji Sardon bin Haji Jubir: With due decorum to this House, no matter which party is referred to, whether Singapore or a foreign state or we here, but, surely the Honourable Member for Batu has got some respect for our Prime Minister, our greater leader to say “stupidity”—it is not dignified at all. You agree with me, I think. I ask, Sir, that the word “stupidity” should be withdrawn. How can he dare to attribute this to our Prime Minister of Malaysia? We brought peace; we brought order and prosperity here! You may have your own opinion, but to condemn the Prime Minister of this country of which he is enjoying the full confidence of the people here is not right.

Mr Speaker: May I chip in. I believe the “stupidity” he used refers to all the members of this side not only one. (*Laughter*).

Tan Sri Haji Sardon bin Haji Jubir: I leave it to you, Mr Speaker, Sir. But the one who says it is more stupid.

Dr Tan Chee Khoon: I do not see why the Minister of Transport should get so hot under the collar, Mr Speaker, Sir, because in front of the Prime Minister I said that these stupidities should cease. He did not get hot under the collar, because he knows that this charge is true and the leaders of both sides—I am not taking sides; and for the information of the Assistant Minister of Finance, time and again when I participated in the forums in the University of Singapore, I castigated the leaders of both sides, and I accused them of being plain stupid.

Mr Speaker: Can the Honourable Member find another word in place of “stupidity” when he wants to duck the use of that word.

Dr Tan Chee Khoon: Now, Mr Speaker, Sir,

Tan Sri Haji Sardon bin Haji Jubir: Mr Speaker, Sir, he may refer in that

term in the forums, but we are in this dignified House. Therefore, I address the Honourable Member from Batu; “please use honourable phraseology whatever it is; you are not short of words; you are a doctor—belonging to a learned and noble profession; let us show some respect to this honourable House”.

Dr Tan Chee Khoon: Mr Speaker, Sir, I do not know that medicine is a learned profession. I think people seem to think that the doctor is only a *tukang ubat*. Perhaps, law is the learned profession, I do not know. Be that as it may, I cannot think of any other elegant word for the simple reason that English is not my mother tongue, Hokkien is my mother tongue. So, if I am deficient in that respect, I hope the Minister of Transport will be a little more tolerant.

Mr Speaker, Sir, I have with me here a pamphlet printed by, I think, the Department of Information, “*Bersedia berkhidmat*”. This relates to the warnings about road safety and the like. This is a very commendable effort on the part of the Department of Information. Sir, when we debated the Language Bill, we were told that although the National Language is Malay, due regard would be given to the other languages used in this country, namely, English, Chinese and Tamil. Now, if you look at this pamphlet it is in the National Language; it is in English, it is in Mandarin, but unfortunately it is not in Tamil. I brought this up because a good number of my Tamil friends have asked me, “Do we not count in this country? Must the M.I.C. always remain as “May I come in’ and beg for things on a platter”? Mr Speaker, Sir, if this is the way that the Government, does things and this is printed by the Department of Information—unfortunately, there is no representative of the Department of Information here, these documents are for all to see, and it is not printed in Tamil—I do hope that the Government will observe not only the spirit but the letter of what has been assured to us in this House by none other than the Prime Minister, when he stated that all the other languages will be given due

consideration by the Alliance Government. I do hope that, in future, if the Department of Information is to print any pamphlet of importance, it should at least pay a little lip service, and include one or two Tamil words, so that the Tamils in this country cannot say "Sethupochi" (*Laughter*). For your information, Mr Speaker, Sir, "Sethupochi" means "I die".

I want to conclude with one act of omission on the part of the Alliance Government and here I do not think the villain of the piece is the Ministry of Health but the villain of piece is the Treasury. I refer to the appeal by the Lady Templer Hospital for a grant of \$200,000. I believe in 1965 the Lady Templer Hospital was given a grant of \$200,000. Since then for last year and this year the grant unfortunately has disappeared both from the Estimates and from the Supplementary Supply Bill. The Lady Templer Hospital is performing a wonderful piece of work as the Assistant Minister of Finance knows full well and in this appeal to the Government for a \$200,000 grant, the Lady Templer Hospital has the full support of the Minister of Health. Unfortunately the tight-fisted and hard headed officers in the Treasury have seen fit not yet to grant this request. I really do not see why it should be so. If they are so tight-fisted to such a very laudable project as the Lady Templer Hospital, why should not they cut down the expenditure on a whole heap of other items that one sees not only in the Supplementary Supply Bill but one sees in the Estimates as well—money literally frittered away by the Government. The Lady Templer Hospital has been existing on drawing on its reserves and the reserves are fast drying up. For the last two years it has been running on a deficit and digging into its reserves. I am quite certain that if instead of spending one million dollars on Merdeka celebrations, we parcel out \$200,000 for the Lady Templer Hospital and have a little less festive joy for the people of this country, I am sure the people of this country will not grumble if that money is given to such a worthy cause as Lady Templer Hospital. I commend this request of

the Lady Templer Hospital to the Assistant Minister of Finance. Thank you, Sir.

Tuan Tan Toh Hong (Bukit Bintang): Mr Speaker, Sir, I would like to talk on that part of the Supplementary Estimates which relates to the Ministry of Foreign Affairs, Head S. 20, the sums of which were spent on maintaining and promoting good relationship with friendly countries.

Sir, the time has come for us to examine and reappraise our attitude regarding our relations with the Philippines. Ever since we normalised our relations with Philippines, the Alliance Malaysian Government has undertaken to help the Philippines and to promote better relationship with them. However, the past trend has shown that some high Filipino officials and politicians are out to sabotage our sincere efforts of goodwill towards their country and to degrade our good name.

When the Philippine Consul General in Singapore, Mr Logarta, made some highly obnoxious and irresponsible remarks about Malaysia one could attribute this to diplomatic immaturity. When the Philippines sent a military spy to Sabah during the Sabah election to sour up our good relations with Indonesia, one could excuse this perhaps by understanding that in the Philippines, one arm of Government does not know what the other arm is doing. But when the confidential and coded document on Anti-Smuggling Agreement of a Filipino diplomat, whose very job is supposed to bring the two nations closer together, is leaked to the Press to embarrass their own Philippine Ambassador in Kuala Lumpur and to destroy good and friendly relations of the two countries, then I say, Sir, it becomes the height of diplomatic folly. I think it is high time for us, Sir, to ask the Philippines what do they want? If they are interested more in their Sabah claim than anti-smuggling which could assist their economy, then let us forget about the Agreement. We have nothing to lose, everything to gain.

It is an established fact, Sir, that the Malaysian Government is prepared to

help the Philippines to stamp out smuggling in the spirit of friendship and good neighbourliness, despite the fact that this simple friendly gesture would put a stop to what is normal legal trade to Sabah and would incur that State, our State, a loss of revenue. The problem of smuggling is not in Sabah but in the Philippines. The crux of the matter is the inability of the Philippines Government to control and discipline their own officers and men. But Malaysia underakes to ensure this control and flow of trade by checking it in Sabah side. This is extraordinary. But Malaysia is prepared to do the extraordinary things for the sake of friendship and welfare of a close neighbour. It must be properly understood that in this Anti-Smuggling Agreement, the liability is ours while the credit will go to the Philippines in the form of an increase in revenue.

It is, therefore, strange to read that the Philippines is trying to introduce elements of the Philippines claim, which is controversial, and a solution of which is still very much in the dark. Once anti-smuggling is related to the question of the claim, the question of sovereignty is involved and immediately the whole thing becomes a non-starter.

Do they want or do they not want the Anti-Smuggling Agreement to be signed? If I were the Government, Sir, I would ask the Philippines whether this is the way they treat friendly gesture and sacrifice by a close neighbour. Of course, to ask for gratitude would be too much, since they appear to intend to bite the hand that feeds.

It is absolutely clear, Sir, that when dealing with this kind of diplomacy the rules of cricket have no meaning to them. I would, therefore, like to urge our Government not to be too gentlemanly but instead to re-examine our attitude regarding the relationship with the Philippines. Thank you.

Tuan C. V. Devan Nair (Bungsar): Mr Speaker, Sir, I would like to touch first on Head S. 1, Parliament. The Parliament's services to Members have not been what it should be. I submit,

Sir, that Members of this House have been treated in a rather cavalier fashion by the Government in the use of this Parliament. Bills which are to be debated in this House come into the hands of Members only two to three days beforehand—and some of these Bills, Sir, are extremely bulky documents. To-morrow, for instance, or the day after, we shall be debating the Income Tax Bill which came into hand only yesterday, I believe, or at the earliest, the day before yesterday; it is an extremely bulky document, which contains many far-reaching proposals of a very fundamental nature to the income tax laws of this country. And within these two days, Sir, it is impossible for even the best research student to go through that whole rigmarole and also acquaint himself with other relevant documents, which you might have to procure from the Library, from the University, or so. It is not merely this bulky document, Sir, but this morning we found on our tables another big bulky document, equally thick, full of amendments to the original draft Bill, which we had been working on. Last night up to 3 a.m. in the morning, I was going through the Bill with a comb, and this morning I find a document that thick containing amendments to this Bill which means, Sir, that many of us who are anxious to do our Parliamentary homework, will find that we will have to spend another 48 hours making out the cuttings and putting them into place. I suggest, Sir, that this is treating Parliament in a most cavalier fashion. Members of the House coming from Sarawak and Sabah have also complained that they come here and they suddenly find themselves confronted with a whole lot of Bills which, on the basis of proper parliamentary practice, all Members of the House should have received a reasonable period of time beforehand. If, Sir, the Government is going to treat this Parliament just as a mere facade for impressing the public with, then they can carry on. But, if Parliament is going to be a really serious business and as elected representatives of the people we have a duty, every member of Parliament, to the public, then I say that we must tell the public that it is impossible

to debate anything intelligently in this House, if Parliament is to be treated in such a very cavalier fashion. I hope, Sir, that very serious efforts will be made by the Government to give all Members of this House ample time, so that they may brief themselves and that their contributions in this House may be intelligent.

Sir, next, I would like to touch on the Election Commission. There is provision in these Supplementary Estimates.

Mr Speaker: Order, order, the House is now adjourned until 10 a.m. to-morrow.

Adjourned at 6.30 p.m.

WRITTEN ANSWERS TO QUESTIONS

(SUPPLEMENT)

MINISTRY OF COMMERCE AND INDUSTRY

Sewing Machines

1. Tuan Lee Seck Fun asks the Minister of Commerce and Industry to state:

- (a) the name of firms importing sewing machines;
- (b) the countries from which these machines have been imported from 1964 to 1966.

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

(a) The firms in West Malaysia importing sewing machines are:

- (i) Societa Commissionaria,
91 Jalan Campbell,
Kuala Lumpur.
- (ii) Lindeteves Jacoberg (M)
Sdn. Bhd.,
74 Jalan Ampang,
Kuala Lumpur.
- (iii) Hagemeyer Trading Co.
(M) Ltd,
46-L Jalan Lima,
Jalan Chan Sow Lin,
Kuala Lumpur.
- (iv) Singer Sewing Machine Co.,
167 Jalan Tuanku Abd.
Rahman,
Kuala Lumpur.
- (v) Lido Radio Co.,
30 Jalan Campbell,
Kuala Lumpur.
- (vi) Spicers (Export) Ltd,
174-4 Jalan Sungei Besi,
Kuala Lumpur.
- (vii) Amateur Photo Stores Ltd,
54 Jalan Raja Laut,
Kuala Lumpur.
- (viii) Berg-Warner International
Corporation,
Kuala Lumpur.
- (ix) East Asiatic Co. Ltd,
"Denmark House",
84-86 Jalan Ampang,
Kuala Lumpur.

- (x) Eng Wan & Company,
64-D Bishop Street,
Penang.
- (xi) United & Company,
41A Jalan Brunei Barat,
Kuala Lumpur.
- (xii) Kee Huat Radio Co. Ltd,
24 Beach Street,
Penang.
- (xiii) Usaha International Office,
116 Jalan Tuanku Abd.
Rahman,
Kuala Lumpur.
- (xiv) Hock Cheong & Co.,
47 Jalan Brunei Barat,
Kuala Lumpur.
- (xv) Chu Cheong Co. Ltd,
56 Jalan Pasar Bahru,
Kuala Lumpur.
- (xvi) Ban Hong & Company,
158 Prangin Road,
Penang.

(b) The countries from which the sewing machines have been imported from 1964 to 1966 are:

- Japan
- India
- China
- United Kingdom
- Italy
- Korea
- Sweden
- Australia
- Formosa
- U.S.A.
- Hongkong
- Canada
- West Germany
- France

Pioneer Status

2. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state if he is aware that the legislation on Pioneer Status for Industries needs revision. Is he also aware that under the present legislation certain companies, e.g., NARDIN which is merely a re-packing company and other companies, e.g., Colgates have made enormous profits. On the other hand other companies have not benefited much from the incentives provided by

pioneer status. If so, will he completely revise the legislation on Pioneer Status to bring it up to date with present development in industrialisation.

Dr Lim Swee Aun: My Ministry is aware of the need to revise the existing legislation on Pioneer Status. It was on account of this that a Committee of Officials was set up to review existing incentives and to make recommendations on a new incentive programme. This Committee has submitted its Report to the Government. On the basis of this Report, my Ministry is currently preparing a draft legislation for the introduction of new incentives.

The present Pioneer Industries Legislation was introduced in 1958 when the Government first embarked on a conscious policy of industrial promotion. In the initial stages of our industrial development programme, it was natural to encourage the establishment of light consumer industries. These industries had to rely on imported raw materials and components for purposes of processing and blending. It would not have been in the interest of the economy at that stage, to discourage such industries merely because certain components and raw materials were not available locally. Such industries not only provided considerable employment opportunities but also introduced new technical skills to local people.

It would be of interest to note that pioneer status is only one of several incentives offered to manufacturing industries. Other incentives in the form of tariff protection, duty exemption on import of raw materials, duty drawbacks on export, among others, are available both to pioneer as well as to non-pioneer companies.

Export

3. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to give the figures separately for each State of the export of West Malaysia manufactured goods to Sabah and Sarawak for the years 1963, 1964, 1965 and 1966.

Dr Lim Swee Aun:

WEST MALAYSIA EXPORTS OF LOCALLY MANUFACTURED GOODS TO SABAH AND SARAWAK

	*	Sabah	Sarawak
1963 ...	\$	2,961,034	\$ 2,691,825
1964 ...		5,293,898	5,464,965
1965 ...		10,116,867	13,565,976
1966 ...		25,145,998	33,833,107

* No records have been kept of our export of locally manufactured goods to East Malaysia. The above figures are, however, arrived at by a derivative method, i.e., the subtraction of our re-exports from our exports. The figures derived from it are therefore only partly correct.

Cement

4. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state the average cost of production per ton of cement in West Malaysia.

Dr Lim Swee Aun: Cost of production of industries is confidential information and as such it cannot be disclosed.

Statistical Data

5. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state if he is aware that manufacturing statistical data in this country are primitive if not non-existent. Is the Minister also aware that FIDA is to get down to work it is vitally important that such data should be available for FIDA. If so, what steps has his Ministry taken to collate such data.

Dr Lim Swee Aun: The Honourable Member is misinformed about the status of manufacturing statistical data in Malaysia. The Department of Statistics has been collecting information covering the manufacturing sector since 1960. Annual reports have been issued for the years 1959 to 1965. The report in respect of 1966 is being prepared and should be released in the course of the next two months. These reports are available at the Department of Statistics. The data in these reports are most comprehensive and in line with

the recommendations in respect of manufacturing statistics made by the Economic Commission for Asia and the Far East. In no sense can the statistical series be considered primitive or non-existent. The Honourable Minister of Commerce and Industry is fully aware of the importance of having proper data for use by the Federal Industrial Development Authority. The Director of FIDA has established close contact with the Department of Statistics and steps are being taken by the Department to meet any special requirements that FIDA might have.

Rice

6. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state if he is aware that the import of rice and its distribution particularly of rice from the Government stockpile has been controlled by:

1. See Hoy Chan Ltd.
2. Sino-Thai Ltd.
3. Heap Cheng Ltd.
4. Sin Heap Lee Ltd.
5. Dai Nam Lee Ltd.
6. Chan Nam Ltd.

Is he also aware that these **BIG SIX** have practically a stranglehold on the rice supply in this country so that they can manipulate the price of rice. If so, what steps has he taken to curb the monopolistic machinations of the **BIG SIX**.

Dr Lim Swee Aun: I am not aware and I have no reason to believe that the import of rice and its distribution has been controlled by a few importers referred to by the Honourable Member as the **BIG SIX**. Nor am I aware that the distribution of rice from the Government stockpile is controlled by them.

At present there are 180 registered importers in West Malaysia alone. Furthermore, imported rice constitutes only about 35% of the total rice requirement of this country.

In regard to the second part of the question, my Ministry is prepared to take any appropriate action in accordance with the Control of Supplies Act

and the Price Control Ordinance if it could be proved that any rice importer or a group of them is having a stranglehold on the marketing of rice in this country.

Malayawata Steel Ltd

7. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state what is the capital of **MALAYAWATA STEEL LTD**, and who are the main shareholders. When will the steel mill start production or has it done so. If it has done so has its products been sold in the open market. If not, why not.

Dr Lim Swee Aun: The nominal capital of Malayawata Steel Ltd is \$250 million and the paid-up capital is \$31.1 million to be subscribed as follows:

Malaysian—

1. Malaysian Public ...	33.4%
2. Malaysian Government	11.1%
3. Malaysian Industrial Development Finance Ltd.	6.5%
Total ...	51.0%

Foreign—

1. Yawata	39%
2. International Finance Corporation	10%
Total ...	49%

The Malayawata Steel Mill commenced production in June, 1967 and has been producing pig iron, steel ingots and round steel bars. Round steel bars from Malayawata's factory at Butterworth are currently being sold in the market.

8. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state if participation by **M.I.D.F.L.** in the Malayawata Steel Ltd, mean that the Alliance Government will enter into business as an entrepreneur. If so, will it participate in other big industries through **M.I.D.F.L.**

Dr Lim Swee Aun: **M.I.D.F.L.** is a private limited company incorporated to provide medium and long-term loans

to the industry. The Malaysian Government is one of the shareholders in the Company. Government's participation in the equity capital of the M.I.D.F.L. should not be construed to mean that the Government is entering into business as an entrepreneur.

9. Dr Tan Chee Khoon asks the Minister of Commerce and Industry how many workers are employed in the Malayawata Steel Ltd, at present and how many will be employed when the mill is in full production.

Dr Lim Swee Aun: At present, the Malayawata Steel Ltd employs 500 workers. When the Mill is in full production it is expected to employ up to 1,000 workers.

Joint Venture

10. Dr Tan Chee Khoon asks the Minister of Commerce and Industry in view of the fact that it is not enough for a joint venture to have 51% Malaysian Capital and 49% Foreign Capital because if the 51% Malaysian Capital is split up into several smaller units it is possible for the 49% of the Foreign Capital to dominate the affairs of the company, whether he would take steps, has been or will be taken to ensure control of the board of the company should be in Malaysian hands.

Dr Lim Swee Aun: In order to attract foreign capital as well as technical know-how and management skill which are not available locally, Government has not insisted that control of the Board of Directors be in Malaysian hands. However, where there is a joint venture, with 51% local capital participation, local shareholders, if they are so inclined, can as a group influence the decision of the company to their advantage.

Industries

11. Dr Tan Chee Khoon asks the Minister of Commerce and Industry the number of firm inquiries for setting up industries in Malaysia have been received from Hong Kong since 31st January, 1967, in each month.

Dr Lim Swee Aun: Since 31st January, 1967, the following firm enquiries to set up factories in Malaysia have been received from Hongkong:

January	...	...	Nil
February	...	...	Nil
March	...	...	Nil
April	...	...	Nil
May	...	...	1
June	...	...	Nil
July	...	...	2
			3

Public Hearings

12. Dr Tan Chee Khoon asks the Minister of Commerce and Industry the reasons why officers from the Industrial Development Division of his Ministry have not attended public hearings of the Tariff Advisory Board, as these officers in addition to learning something new may perhaps be able to contribute something useful to the deliberations of the T.A.B. in public.

Dr Lim Swee Aun: The officers of the Industrial Development Division perform a wide range of functions and therefore find it difficult to attend all public hearings of the Tariff Advisory Board. They have, however, attended public hearings of the Board whenever possible.

Manufacturers/Importers

13. Dr Tan Chee Khoon asks the Minister of Commerce and Industry if he is aware that the liaison between the manufacturers in West Malaysia and the importers in East Malaysia is woefully poor, and if so, what steps has he taken to improve this state of affairs.

Dr Lim Swee Aun: Liaison between the manufacturers in West Malaysia and the importers in East Malaysia has steadily improved as borne out by the increase in imports into Sabah by over 1,200% and 1,650% into Sarawak over the last four years.

To further improve this state of affairs my Ministry has established

Branch Offices in Kuching and Jesselton in 1965 which distribute and supply information to the importers in East Malaysia and vice versa. The Ministry's Branch Offices also attend to enquiries on other trade matters and keep the importers and chambers of commerce in East Malaysia in contact with their counterparts in West Malaysia.

In October 1966, my Ministry successfully sponsored a "Malaysian made goods" campaign and a Floating Trade Fair visited all ports in East Malaysia. The purpose of this Floating Trade Fair was to inform East Malaysia importers and consumers of goods made in Malaysia and also to drive consciousness to the Malaysian people to buy Malaysian-made goods.

The Ministry has also encouraged manufacturers and people from other private sectors to visit East Malaysia so as to bring them into contact with their business counterparts in these States.

Daching

14. Dr Tan Chee Khoon asks the Minister of Commerce and Industry if he is aware that thousands of consumers are being swindled daily by traders using the daching, and if so, will he consider banning the use of the daching and replacing it with a spring balance.

Dr Lim Swee Aun: I am quite aware of what the traders can do with the daching. But if he can swindle through the use of the daching because of the ignorance of the public he can also do so with the spring balance.

A Colombo Plan Expert on Weights and Measures has been attached to my Ministry since September 1966 and his report and recommendations are now being studied by a Committee appointed by my Ministry.

Cost of Electricity

15. Dr Tan Chee Khoon asks the Minister of Commerce and Industry if he is aware that at practically every hearing of the Tariff Advisory Board manufacturers complain that the cost

of electricity for commercial purposes in this country is far too high, thus raising the cost of production and that the recent decrease in the cost of electricity for commercial purposes does not go far enough as the ceiling of 500,000 units per month is too high for those to enjoy the new tariff, and if so, whether he will reduce it to 250,000 units per month to help the small industries.

Dr Lim Swee Aun: The tariff for large manufacturing industries which has been introduced by the National Electricity Board for those consumers with a minimum consumption of 500,000 units per month is offered at almost bare cost. If this same tariff were also offered to smaller manufacturing industries which consumed between 250,000 and 500,000 units per month, the Board would run the risk of considerably reducing its overall mean revenue should the number of such industries increase. The new tariff introduced was based on the Report made by Mr D. J. Bolton, a Tariff Expert in 1966 who has recommended that any tariff revisions which might be introduced in the near future should aim at securing the same overall mean revenue received at the present time. In the light of this, it would not, therefore, be possible to reduce the tariff further without the Board incurring a loss in its revenue. At present, there are only 11 industries supplied by the Board which consume between 250,000 and 500,000 units per month (excluding mines).

Malayan Borneo Building Society

16. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state whether he is aware that the Malayan Borneo Building Society distributes its work amongst a select few in the matter of approved or accredited legal firms to transact legal business connected with the borrowing of money and this is so even if the developer has his own legal adviser who is excluded and whether he will take steps to see that the system is changed.

Dr Lim Swee Aun: Malaya Borneo Building Society is a public company

registered under the Companies Ordinance, 1940-46, and has its own panel of Solicitors to provide professional legal service in the preparation of documents connected with loans given by the Society and in its business transactions generally. I do not know what the Honourable Member meant by the words "select few" as there are no less than a total number of 25 different legal firms acting for the Society throughout West Malaysia. For instance in Selangor alone no less than 6 firms act for the Society and in Perak 7 and in Penang 5. While the Society must have its own legal advisers to protect its interests there is no reason why the developer should not retain his own legal adviser to act for him to protect his own interests. If the Honourable Member will submit specific details of any developer being deprived of this right I would be glad to look into it.

Pineapples

17. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state:

- (a) if he is aware that early in July 1967 pineapples were left to rot by the roadside and in drains in South Johore. If so, what steps has his Ministry or FAMA taken to prevent this wanton waste of good fruits;
- (b) what steps has he taken to induce local canners to produce pineapple juice and jam.

Dr Lim Swee Aun: (1) During the period from March to July this year, pineapple production in Johore reached its peak. The peak period was abnormally high and extended over a longer period than was usually the case in the past. Although production of pineapples during that period was in excess of canners' capacity in spite of increases in work-shifts, all the canners gave their full co-operation by absorbing all the raw fruits delivered to them. Raw fruits are delivered to canneries by growers themselves by means of lorries owned either by co-operative societies or by private vendors. During the peak period despite faster turn rounds and

more trips by the lorries there were a few occasions when raw pineapples were left uncollected at particular collecting points. In the light of this experience, the Malayan Pineapple Industry Board has made arrangements to ensure that in future all fruits would be delivered to canners during peak periods.

(2) Pineapple juice and jam have been produced by local pineapple canners but demand for these products has always been poor. However, as it is more profitable to produce canned pineapple, canners have concentrated on the processing of this product. Juice extracted from pineapples is utilised as syrup for the packing of canned pineapple in order to improve its flavour.

Deputy Director, Federal Industrial Development Authority

18. Tuan C. V. Devan Nair asks the Minister of Commerce and Industry to state whether a suitable Malaysian has been found for the post of Deputy Director, Federal Industrial Development Authority, if so, to give the name, if not, to state how long he expects it to take to find such a man.

Dr Lim Swee Aun: The Federal Industrial Development Authority has decided not to fill the post of Deputy Director immediately. This is to enable the Authority to assess the actual nature and scope of work of F.I.D.A. and in the light of this, to ascertain the type of person most suitable for the post. The Authority is now in the process of recruiting officers for the various posts and it may decide that the post of Deputy Director be filled from one of these officers. If this is not possible, the Authority will then advertise the post.

MINISTRY OF LANDS AND MINES

National Land Code

19. Dr Tan Chee Khoon asks the Minister of Lands and Mines to state if he is aware of the outmoded stipulation in the National Land Code

which stipulates in the title to agricultural land, specific type of crops that can be planted. If so, will he amend the National Land Code to allow for greater flexibility in the use of land for agricultural purposes.

The Minister of Lands and Mines (Tuan Haji Abdul-Rahman bin Ya'kub): The stipulation in the National Land Code requiring specific type of crops that can be planted on agricultural title is certainly not outmoded. On the contrary they are necessary in order to direct and ensure that the best use of land is achieved, having regard to topography, soil conservation and crop diversification in the interest of the national economy. This is in accordance with modern practice in land administration. Proper

control is also achieved by this stipulation in respect of charging the appropriate premium and rent. On the other hand provision is also made in the National Land Code under Section 124 for the rescission and amendment of the express conditions imposed on the title.

National Land Rehabilitation and Consolidation Authority

20. Tuan C. V. Devan Nair asks the Minister of Lands and Mines to give a progress report of the work of the National Land Rehabilitation and Consolidation Authority.

Tuan Haji Abdul-Rahman bin Ya'kub: The Authority has just started the work of rehabilitation on three Fringe Alienation Schemes and the progress is as follows:

Scheme	Area (acre)	Nature of work	Date of commencement	Progress
(1) Ayer Hitam Rehabilitation Scheme, Bahau, Negeri Sembilan	1,038	Eradicating interline lalang	9-7-67	Until end of July, 1967 about 700 acres have been cleared of lalang. This work is done by a contractor
(2) Rasau "A" Rehabilitation Scheme, Slim River, Perak	583	Felling and clearing	6-8-67	This work has just been started by a contractor
(3) Gong Rehabilitation Scheme, Temerloh, Pahang	936	Eradicating under growth	6-8-67	This work has just been started

I should point out that the National Land Rehabilitation and Consolidation Authority was established on 1st April, 1966; the members were appointed in October, 1966 and the staff were recruited early this year.

T.O.Ls

21. Tuan C. V. Devan Nair asks the Minister of Lands and Mines to state in view of his inability to answer my questions in the last session of Parliament as to the number of T.O.Ls in each State and the T.O.L. fees collected by each State, whether he would agree that one of the reasons for establishing a Federal Ministry of Lands and Mines is to collate these figures for use by planners and other interested parties, and whether he would immediately instruct his officials to assemble these data.

Tuan Haji Abdul-Rahman bin Ya'kub: I do not agree with the contention of the Honourable Member that one reason for establishing the Ministry of Lands and Mines is to collate T.O.L. figures in all the States. Under the Constitution, land is a State matter. The Honourable Member should, therefore, address this question to the State Governments.

Hardwood Forest in Sabah

22. Tuan C. V. Devan Nair asks the Minister of Lands and Mines to make a statement with regard to the purchase of 750,000 acres of hardwood forest in Sabah by the American firm, Weyerhaeuser Co., and to state whether any attempts were made to facilitate the local purchase of the acreage concerned.

Tuan Haji Abdul-Rahman bin Ya'kub: As this is a State matter I am not in a position to make a statement on the subject. The following answer has been supplied by the State of Sabah :

“The question is misconceived; there was no purchase from Government and the second part of the question does not therefore arise. The facts of the matter are that the Kennedy Bay Co. Ltd holds a

concession for timber extraction with an annual coupe of 10 square miles for 21 years running from the 1st January, 1960. The concession area is at Lahad Datu. The company is a locally-incorporated private company. It is understood that the Weyerhaeuser Company has bought all the shares in the Kennedy Bay Timber Co. Ltd. Such a purchase and transfer of shares is not inconsistent with the terms of the concession agreement between the Government and the Kennedy Bay Timber Co. Ltd.”