



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

Friday, 25th August, 1967

The House met at half-past nine 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 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. (Sungei Siput).
- .. the Minister of Transport, TAN SRI HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- .. the Minister of Health, TUAN BAHAMAN BIN SAMSUDIN (Kuala Pilah).
- .. the Minister for Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- .. the Minister for Local Government and Housing, TUAN KHAW KAI-BOH, P.J.K. (Ulu Selangor).
- .. the Minister for Sarawak Affairs, TAN SRI TEMENGGONG JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).
- .. the Minister of Labour, TUAN V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- .. the Minister of Information and Broadcasting and Minister of Culture, Youth and Sports, TUAN SENU BIN ABDUL RAHMAN (Kubang Pasu Barat).
- .. the Minister of Agriculture and Co-operatives, TUAN HAJI MOHAMED GHAZALI BIN HAJI JAWI (Ulu Perak).
- .. the Minister of Lands and Mines and Minister of Justice, TUAN HAJI ABDUL-RAHMAN BIN YA'KUB (Sarawak).
- .. the Assistant Minister of Education, TUAN LEE SIOK YEW, A.M.N., P.J.K. (Sepang).
- .. the Assistant Minister of Finance, DR NG KAM POH, (Teluk Anson),
- .. the Parliamentary Secretary to the Minister of Health, TUAN IBRAHIM BIN ABDUL RAHMAN, J.M.N. (Seberang Tengah).

- The Honourable the Parliamentary Secretary to the Minister of Labour,
TUAN LEE SAN CHOON, K.M.N. (Segamat 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).
- „ WAN ABDUL KADIR BIN ISMAIL, P.P.T.
(Kuala Trengganu Utara).
- „ TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).
- „ TUAN ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- „ TUAN HAJI ABU BAKAR BIN HAMZAH, J.P. (Bachok).
- „ TUAN AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ TUAN HAJI AHMAD BIN SA'AID, J.P. (Seberang Utara).
- „ PUAN AJIBAH BINTI ABOL (Sarawak).
- „ 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 SIANG SUN, P.J.K. (Bentong).
- „ TUAN CHEW BIOW CHUON, J.P. (Bruas).
- „ TUAN CHIA CHIN SHIN, A.B.S. (Sarawak).
- „ TUAN FRANCIS CHIA NYUK TONG (Sabah).
- „ TUAN CHIN FOON (Ulu Kinta).
- „ 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 HANAFI BIN MOHD. YUNUS, A.M.N., J.P. (Kulim Utara).
- „ TUAN HARUN BIN ABDULLAH, A.M.N., J.P. (Baling).
- „ WAN HASSAN BIN WAN DAUD (Tumpat).
- „ TUAN STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- „ DATO' HAJI HUSSEIN BIN MOHD. NOORDIN, D.P.M.P., A.M.N.,
P.J.K. (Parit).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN, S.M.K., J.P.
(Kota Bharu Hulu).
- „ TUAN IKHWAN ZAINI, K.M.N. (Sarawak).
- „ TUAN ISMAIL BIN IDRIS (Penang Selatan).
- „ TAN SRI SYED JA'AFAR BIN HASAN ALBAR, P.M.N.
(Johor Tenggara).

- The Honourable
- 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 KEAN SIEW (Dato Kramat).
 - .. TUAN LIM PEE HUNG, P.J.K. (Alor Star).
 - .. TUAN T. MAHIMA SINGH, J.M.N., J.P. (Port Dickson).
 - .. TUAN C. JOHN ONDU MAJAKIL (Sabah).
 - .. DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K. (Kuala Kangsar).
 - .. TUAN MOHD. ARIF SALLEH, A.D.K. (Sabah).
 - .. 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. (Jelebu-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 MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH (Pasir Mas Hilir).
 - .. TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S. (Sarawak).
 - .. DATO' HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., A.M.N., J.P. (Sabak Bernam).
 - .. TUAN MUSTAPHA BIN AHMAD (Tanah Merah).
 - .. TUN MUSTAPHA BIN DATU HARUN, S.M.N. (Sabah).
 - .. TAN SRI NIK AHMAD KAMIL, D.K., S.P.M.K., S.J.M.K., P.M.N., P.Y.G.P., Dato' Sri Setia Raja (Kota Bharu Hilir).
 - .. TUAN NG FAH YAM (Batu Gajah).
 - .. TUAN ONG KEE HUI (Sarawak).
 - .. TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
 - .. TUAN QUEK KAI DONG, J.P. (Seremban Timor).
 - .. TUAN HAJI RAHMAT BIN HAJI DAUD, A.M.N. (Johor Bahru Barat).
 - .. TUAN RAMLI BIN OMAR (Krian Darat).
 - .. RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).
 - .. TUAN SANDOM ANAK NYUAK (Sarawak).
 - .. TUAN SEAH TENG NGIAB, P.I.S. (Muar Pantai).
 - .. TUAN SIM BOON LIANG, A.B.S. (Sarawak).
 - .. TUAN SIOW LOONG HIN, P.J.K. (Seremban Barat).
 - .. TUAN SENAWI BIN ISMAIL, P.J.K. (Seberang Selatan).
 - .. TUAN SNG CHIN JOO (Sarawak).

The Honourable TUAN SOH AH TECK (Batu Pahat).

- „ TUAN SULEIMAN BIN HAJI TAIB (Krian Laut).
- „ PENGIRAN TAHIR PETRA (Sabah).
- „ TUAN TAJUDDIN BIN ALI, P.J.K. (Larut Utara).
- „ TUAN TAI KUAN YANG, A.M.N. (Kulim-Bandar Bharu).
- „ DR TAN CHEE KHOON (Batu).
- „ TUAN TAN KEE GAK (Bandar Melaka).
- „ TUAN TAN TOH HONG (Bukit Bintang).
- „ TUAN STEPHEN YONG KUET TZE (Sarawak).
- „ TENGKU ZAID BIN TENGKU AHMAD (Pasir Mas Hulu).
- „ TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).

ABSENT:

The Honourable the 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 Education, TUAN MOHAMED KHIR JOHARI (Kedah Tengah).
- „ the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).
- „ the Assistant Minister without Portfolio, TUAN HAJI ABDUL KHALID BIN AWANG OSMAN (Kota Star Utara).
- „ the Assistant Minister of National and Rural Development, TUAN SULAIMAN BIN BULON, P.J.K., (Bagan Dato).
- „ the Assistant Minister of Culture, Youth and Sports, ENGU MUHSEIN BIN ABDUL KADIR, J.M.N., S.M.T., P.J.K. (Trengganu Tengah).
- „ the Parliamentary Secretary to the Minister of Finance, TUAN ALI BIN HAJI AHMAD (Pontian Selatan).
- „ TUAN ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).
- „ TUAN ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan)
- „ WAN ABDUL RAHMAN BIN DATO' TUANKU BUJANG, A.B.S. (Sarawak).
- „ DATO' ABDULLAH BIN ABDULRAHMAN, S.M.T., Dato' Bijaya di-Raja (Kuala Trengganu Selatan).
- „ Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM TUANKU ABDUL RAHMAN, P.P.T. (Rawang).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH, A.M.N., S.M.J., P.I.S. (Segamat Utara).
- „ O. K. K. DATU ALIUDDIN BIN DATU HARUN, P.D.K. (Sabah).
- „ DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- „ PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).
- „ TUAN CHAN SEONG YOON (Setapak).
- „ 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 HAJI HAMZAH BIN ALANG, A.M.N., P.J.K. (Kapar).

The Honourable TUAN HANAFIAH BIN HUSSAIN, A.M.N. (Jerei).

- .. TUAN HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- .. TUN DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, S.S.M., P.M.N. (Johor Timor).
- .. PENGHULU JINGGUT ANAK ATTAN, K.M.N., Q.M.C., A.B.S. (Sarawak).
- .. DATO' LING BENG SIEW, P.N.B.S. (Sarawak).
- .. DR LIM CHONG EU (Tanjong).
- .. TUAN PETER LO SU YIN (Sabah).
- .. DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).
- .. TUAN JOSEPH DAVID MANJAJI (Sabah).
- .. DATO' HAJI MOHAMED ASRI BIN HAJI MUDA, S.P.M.K. (Pasir Puteh).
- .. TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- .. TUAN OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- .. TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P. (Rembau-Tampin).
- .. TUAN D. R. SEENIVASAGAM (Ipoh).
- .. DATO' S. P. SEENIVASAGAM, D.P.M.P., P.M.P., J.P. (Menglembu).
- .. TUAN SULEIMAN BIN ALI (Dungun).
- .. TUAN TAMA WENG TINGGANG WAN (Sarawak).
- .. TUAN TAN CHENG BEE, A.M.N., J.P. (Bagan).
- .. TUAN TAN TSAK YU (Sarawak).
- .. TUAN TIAH ENG BEE (Kluang).
- .. TUAN TOH THEAM HOCK (Kampar).
- .. TUAN YEH PAO TZE (Sabah).

PRAYERS

(Mr Speaker *in the Chair*)

ORAL ANSWERS TO QUESTIONS

GENERAL ELECTIONS, SARAWAK

1. Tuan Ong Kee Hui (Sarawak) [*under S.O. 24 (2)*] asks the Prime Minister to state the date of the forthcoming general elections in Sarawak.

The Minister of Finance (Tun Tan Siew Sin): Mr Speaker, Sir, the authority to fix the dates for holding the elections lies with the Election Commission. The Election Commission submitted its report on delimitation to the Prime Minister on 5th August, 1967, and this report is being tabled at this session of Parliament. If the delimitation is ap-

proved at this sitting, the Commission will need a period of about six months for the registration exercise required, and this would bring the period to about the end of January, 1968. All this while the main preparation for the elections will, of course, be under way. One month at least will have to be devoted by the Commission to the training of officers and staff to run the election.

Barring any unavoidable delays, the Commission may be able to inform the Government in February, 1968, that it is ready to hold the election, which will be held within the period of ninety days from the date of dissolution of the Council Negri.

A similar question was asked by the Honourable Member from Sarawak at the last sitting of this House and answer no more or less similar lines had

been given. The Election Commission has, in fact, stressed that it can only adhere to this programme if the delimitation is approved at this very sitting.

It should be mentioned that the Election Commission is an independent authority to run the elections and that the fixing of dates of elections is its sole responsibility. It only advises the Government when it fixes the date.

Tuan Ong Kee Hui: Mr Speaker, Sir, on this basis, would it be correct to say that the election could not then be held earlier than April or May next year?

Tun Tan Siew Sin: Mr Speaker, Sir, the Honourable Member has heard the possible time-table and, as I have already tried to indicate in my reply just given, under any circumstances, that is the minimum time-table in so far as the date of election is concerned. As to whether it can be held soon after, I think it is very much a matter of conjecture.

Tuan Ong Kee Hui: Mr Speaker, Sir, in his reply, the Honourable Minister stated that a report will be tabled. So far, we have not seen the report. Could he clarify this statement, please?

Tun Tan Siew Sin: Mr Speaker, Sir, according to the information made available to me—the Honourable Member will appreciate that in fact this question is not really within my portfolio—the report is being tabled, and I will make a note of the Honourable Member's question and look into it, in case it has not been tabled. (*See further clarification in Col. 2389*).

INVOLVEMENT OF NON-POLITICAL ORGANISATIONS IN SARAWAK IN POLITICS

2. Tuan Edmund Langgu anak Saga (Sarawak) asks the Prime Minister to state whether it is the policy of the Government to encourage some non-political organisations in Sarawak to get involved in politics.

Tun Tan Siew Sin: Mr Speaker, Sir, there is no Government policy as such to encourage or not to encourage non-

political organisations to take part in politics. In a democratic country, citizens have their rights under the Constitution and, as such, they can directly or indirectly participate in politics. Some of them may join political parties and can actively carry out political activities, but non-political organisations cannot indulge in politics, though nothing can stop their individual members from taking part in politics.

Tuan C. John Ondu Majakil (Sabah): Tuan Yang di-Pertua, boleh-kah Yang Berhormat Menteri itu menerangkan ia-itu sekolah² dewasa yang bukan pertubuhan politik dan jika demikian mengapa-kah pekerja²-nya seperti guru²-nya selalu berchakap hal² politik di waktu mengajar murid² dewasa itu?

COUNCILLOR IN SARAWAK COUNCIL NEGRI HOLDING POST IN ADULT EDUCATION SCHEME

3. Tuan Edmund Langgu anak Saga asks the Prime Minister to state whether a person serving as a Councillor in the Sarawak Council Negri can hold a post under the Adult Education Scheme.

Tun Tan Siew Sin: Mr Speaker, Sir, a person serving as a Councillor in the Sarawak Council Negri can hold only a part-time post such as a supervisor or teacher under the Adult Education programme if appointed by the Ministry of National and Rural Development.

Tuan Edmund Langgu anak Saga: Mr Speaker, Sir, does this apply to a District Councillor in Sarawak, or can a serving District Councillor in Sarawak hold a post under the Adult Education Scheme?

Tun Tan Siew Sin: I cannot quite follow your supplementary question. Will you please repeat it again?

Tuan Edmund Langgu anak Saga: My supplementary question is this, Mr Speaker, Sir: I want to know whether a District Councillor in Sarawak can hold a post under the Adult Education Scheme?

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soal tambahan. Saya mengucapkan terima kasih di atas kenyataan itu tetapi ada satu perkara yang berbangkit ia-itu Yang Berhormat ini condemn saya sebab berpegang kepada berita surat khabar, dapat-kah Menteri ini akan memberi tahu kepada saya bahawa berita² dalam surat khabar negara kita ini tidak boleh di-pakai sebab berita² dia buat dalam tong sampah sahaja.

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, dia yang suka mengutip berita dalam tong sampah. Saya tidak kata berita surat khabar ini orang kutip dalam tong sampah. Ada berita dia di-dalam surat khabar itu betul, factual—kenyataan, tetapi ada pula oleh kerana harus reporter itu salah dengar, report dia telah salah. Jadi tidak boleh kita katakan semua berita surat khabar itu 100% betul atau pun semua berita surat khabar itu 100% tidak betul.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, berita yang tersiar dalam surat khabar *Utusan Melayu*, tidak ada-lah surat khabar lagi dalam negeri ini, Tuan Yang di-Pertua.

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, reporter-nya bukan reporter super-human macham yang di-kehendaki oleh Ahli Yang Berhormat daripada Bachok. Mereka itu pun manusia juga. Ada berita dalam *Utusan Melayu* tersalah seperti juga ada berita dalam *Straits Times* seperti juga ada berita yang di-bawa oleh Ahli Yang Berhormat itu harus salah dalam Dewan ini.

Tuan C. John Ondu Majakil: Soalan tambahan, Tuan Yang di-Pertua, bolehkah Yang Berhormat Menteri itu menerangkan, ia-itu dia tidak ada menyebut atau dia ada menyebut Dato' Donald Stephens atau Dato' Stephen Kalong Ningkan ada berkata ia-itu bebiau² mahu bahawa Sabah dan Sarawak keluar daripada Malaysia?

Tuan Haji Abdul-Rahman bin Ya'kub: Soal ini tidak menyebut atau pun surat² khabar itu, kalau saya tidak salah, tidak menyebutkan. Saya tidak

menudoh Dato' Donald Stephens atau Dato' Stephen Kalong Ningkan akan membawa Sarawak dan Sabah keluar daripada Malaysia, tetapi hasil daripada propaganda concept Sarawak untuk orang Sarawak sahaja, Sabah untuk orang Sabah sahaja, menimbulkan satu perasaan di-kalangan ra'ayat Sabah dan di-kalangan ra'ayat Sarawak bahawa ra'ayat Malaysia daripada negeri yang lain tidak mempunyai hak langsung di-dalam Sarawak dan Sabah. Ini akibat-nya akan mengasingkan orang Sarawak dan orang yang duduk dalam Sabah daripada ra'ayat Malaysia yang lain, suatu akibat yang tidak baik.

Tuan C. John Ondu Majakil: Tuan Yang di-Pertua, soalan tambahan. Jika begitu, kerana apa-kah tidak sebut dia ini perasaan ra'ayat Sabah dan Sarawak dan kerana apa pula di-sebutkan dan di-katakan orang yang tidak ada perbatasan sa-kali pun demikian.

Tuan Haji Abdul-Rahman bin Ya'kub: Sebut apa itu, Tuan Yang di-Pertua, saya tidak mengerti sangat. Harus juga yang di-kehendaki dia itu yang saya maksudkan ada pemimpin dia dan tidak boleh tidak mengaku bahawa parti-nya sendiri UPKO, menganut concept Sabah untuk Sabahan seperti juga SNAP menganut Sarawak untuk Sarawakian. Kita meminta penjelasan apa dia Sarawak untuk Sarawakian, Sabah untuk Sabahan, tetapi tidak ada penjelasan diri mereka dalam perkara ini. Ra'ayat jelata di-dalam Sabah dan di-dalam Sarawak mahu hidup sa-mati di-dalam Malaysia, tetapi pemimpin yang seperti ini mengapi²kan perasaan orang Sabah dan orang Sarawak supaya jangan bersatu padu dengan ra'ayat Malaysia yang lain dalam negara kita ini.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soal tambahan. Dapat-kah pehak Kerajaan meminta kemurahan daripada Perdana Menteri sendiri menjawab masaalah ini kerana apa yang di-jawab itu menambahkan kerumitan di-dalam Dewan ini. Saya tidak mengatakan Menteri kita tidak competent, tetapi tidak tentu hala, saya hendak faham. Jadi, Perdana Menteri

The Minister of Lands and Mines (Tuan Haji Abdul-Rahman bin Ya'kub): He can carry on the post which he is holding, Mr Speaker, Sir, but if it is a Government post, permanently established or non-established post, then he cannot.

Dr Tan Chee Khoon: Sir, while the Honourable Minister of Lands and Mines has stated that he cannot be a full-time officer of the Crown, is the Honourable Minister of Lands and Mines aware that while he may have a chance—I wouldn't say the right—to serve as a teacher in the Adult Education Club, the very fact that he is an active officer of a political party, either as a Council Negri member, or as a Divisional Council member or a District Council member, it is invidious of him to be given such a job, because he may well propagate the views of his party in the Adult Education class, be it S.N.A.P. or S.U.P.P. or Partai Bumiputras.

Tuan Haji Abdul-Rahman bin Ya'kub: The Councillor need not necessarily be a member of any political party. The fact that a person belongs to a political party should not disqualify him from holding a post which is not in the Government service.

MENGHANTAR ASKAR² MALAYSIA UNTOK BERKHIDMAT DI-TIMOR TENGAH DI-BAWAH PANJI² BANGSA² BERSATU

4. Tuan Haji Abu Bakar bin Hamzah (Bachok) bertanya kepada Perdana Menteri ada-kah Malaysia akan menghantar askar²-nya berkhidmat di-Timor Tengah di-bawah panji² Bangsa² Bersatu, dan jika tidak, kenapa.

Tun Tan Siew Sin: Tuan Yang di-Pertua, soal ini tidak berbangkit oleh kerana apa yang di-putuskan oleh Bangsa² Bersatu ia-lah menghantar Pasokan Pemerhati² ka-Timor Tengah dan bukan Pasokan Tentera. Sunggoh pun demikian Malaysia tentu akan memberi pertimbangan yang sewajarnya kalau di-undangkan.

MEMISAHKAN SARAWAK DARI MALAYSIA OLEH SA-BUAH PARTI POLITIK DI-SARAWAK

5. Tuan Haji Abu Bakar bin Hamzah bertanya kepada Perdana Menteri adakah benar bahawa sa-buah parti politik di-Sarawak kini sedang giat memisahkan Sarawak dari Malaysia sa-bagaimana yang di-nyatakan oleh Menteri Tanah dan Galian baharu² ini, dan jika benar, apa-kah tindakan yang telah di-ambil oleh Kerajaan untuk menentang kegiatan itu.

Tun Tan Siew Sin: Mr Speaker, Sir, the Government has not received any report to this effect. If, as implied in the question of the Honourable Member, there are elements which are engaged in this kind of activity that will clearly be illegal, and I hope the Honourable member will bring to the notice of Government if he knows of cases of this nature.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soal tambahan. Saya ada ma'alumat saya hendak bagi kemudian saya hendak tanya soal tambahan, ia-itu ma'alumat-nya saya ada report dalam surat khabar bahawa Menteri Tanah dan Galian sendiri mengatakan perkara ini berlaku. Jadi, apa-kah tindakan Kerajaan yang di-ambil terhadap sa-orang Menteri yang dia tahu tetapi dia tidak memberitahu kepada Kerajaan.

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, nampak-nya Ahli Yang Berhormat ini apabila membaca surat khabar mengambil keputusan semua-nya yang di-sebutkan di-dalam surat khabar itu 100% betul.

Apa yang telah saya nyatakan, ada ahli² bagi pihak Parti Pembangkang yang tertentu telah menjalankan propaganda² di-Sarawak akan mempunyai akibat-nya mengasingkan orang Sarawak daripada orang² Malaysia yang lain seperti orang Malaysia daripada Sabah, orang Malaysia daripada Malaya. Akibat-nya ini kemudian hari kelak jika perkara ini menjadi² harus Sarawak akan terkeluar daripada Malaysia.

kita pun sudah ada, dapat-kah Kerajaan tolong beri jawapan dalam perkara ini.

Tuan Haji Abdul-Rahman bin Ya'kub: Daripada Menteri lain itu merupakan jawapan daripada Kerajaan semua, sama ada daripada Perdana Menteri atau daripada Menteri² yang lain kita mempunyai collective responsibility dalam Dewan ini, kita tidak seperti Ahli daripada pihak Parti Yang Berhormat itu dia bawa satu concept yang lain, rakan dia lain bawa concept yang lain, kita dalam Perikatan tidak macham itu (*Tepok*).

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, saya tidak nullify, saya tidak mengatakan benda itu bukan mewakili Kerajaan, saya kata benda itu rumit—tidak dapat difahami. Jadi saya minta ada-kah Kerajaan sanggup meminta Perdana Menteri mengulangkan sa-mula balek supaya tidak menjadi rumit, bertambah rumit. I did not nullify your statement? (*Ketawa*).

Tuan Haji Abdul-Rahman bin Ya'kub: Tuan Yang di-Pertua, dia ini hendak berchakap bahasa Melayu, tetapi dia berchakap dalam bahasa Inggeris dan dia tidak suka bahasa Inggeris. Sekarang dia sendiri berchakap dalam bahasa Inggeris.

Mr Speaker: Saya tahu, tetapi Ahli Yang Berhormat itu sahaja suka hendak mendengar Yang Berhormat Perdana Menteri menjawab (*Ketawa*).

The Prime Minister: Tuan Yang di-Pertua, sa-takat mana sahabat saya sudah jawab saya tidak tahu-lah, tetapi berkenaan dengan soal itu barangkali yang sa-benar-nya jikalau ada mana² parti politik yang membuat apa² satu pekerjaan yang derhaka terhadap negeri-nya sendiri, maka itu telah ternyata atau pun kalau dia buat satu² benda yang melangkah daripada constitution yang boleh di-sifatkan derhaka, yang itu boleh-lah kita ambil tindakan di-atas-nya seperti kita ambil tindakan atas sa-orang yang derhaka.

Tetapi berkenaan dengan apa yang di-sebut oleh soal tadi, saya belum

dapat apa² report yang ternyata berkenaan dengan hal perbuatan daripada parti politik di-Sarawak itu.

MEMASOKKAN TOKOH² PARTAI PEMBANGKANG DI-DALAM JAWATAN-KUASA KHAS BERKENAAN DENGAN TUNTUTAN FILIPINA

6. Tuan Haji Abu Bakar bin Hamzah bertanya kepada Perdana Menteri, ada-kah benar bahawa Malaysia yang merasa serba salah terhadap tuntutan Filipina ka-atas Sabah, sekarang ini sedang membentok sa-buah Jawatan-kuasa Khas untuk mewakili Malaysia dalam rundingan-nya dengan Sabah, dan jika benar, ada-kah Kerajaan akan mengambil tokoh² partai pembangkang menyertai Jawatan-kuasa tersebut, dan jika tidak, kenapa.

The Prime Minister: Yang sa-benar-nya berkenaan dengan tuntutan Philippines terhadap Sabah itu, kita tidak ada sa-benar-nya di-dalam dilemma. Yang sa-benar-nya kita telah bersetuju di-masa menchapai satu perdamaian di-Bangkok. Hal tuntutan Philippines terhadap Sabah itu, kita akan dapat membincangkan dengan Pegawai² Philippines. Jadi, berkenaan dengan pegawai² sa-belah kita ini, tentu-lah di-ambil orang² daripada Sabah yang banyak, baik pun ahli di-dalam Perikatan, atau dalam Kerajaan, atau ahli yang di-dalam Opposition.

Tuan Haji Abu Bakar bin Hamzah: Tuan Yang di-Pertua, soalan tambahan. Oleh kerana masalah Sabah ini masalah nasional bagi Malaysia, ada-kah Kerajaan akan memberi peluang sama kepada pihak² Pembangkang di-Malaysia Barat ini turut dalam perundingan itu, tidak bererti kepada Pembangkang yang di-Sabah sahaja?

The Prime Minister: Yang itu saya tidak ada chadangan, kerana saya tidak tahu berapa orang pihak² pembangkang di-sa-belah Malaysia Barat hendak kata di-dalam perjumpaan yang kita akan adakan itu. Kami diberi persetujuan dengan pihak Philippines, jadi rosak-lah kita (*Ketawa*).

ACCEPTANCE IN TOTO OF THE SUFFIAN COMMISSION REPORT

7. Dr Tan Chee Khoon asks the Prime Minister to state whether he would make a declaration that Government would accept in toto the recommendations of the Suffian Commission Report, whether or not funds are available in the same way as he declared in advance acceptance of the findings of the Aziz Commission on Teachers' Salaries.

The Prime Minister: The Government, in the first place, never gave the assurance that we would accept in toto the recommendation of the Suffian Commission on the salaries of the Government servants, but I can assure the Honourable Member that we would accept the recommendations after we have worked out with the Staff Side of the Whitley Council. At the moment we have handed over to them the Suffian Report, and within the next three months we hope to lay the Report before this House and also to leave it for the information of the public.

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification. Firstly, I did not in my question here say that the Government has accepted in toto the report of the Suffian Committee. The question that I seek to ask is this: the Government has already declared in advance that it would accept the Report of the Aziz Committee on Teachers' Salaries—What I am asking for is a similar declaration from the Honourable Prime Minister that the Government would accept; if the Government is not in a position to accept, we would be very glad to hear from the Honourable Prime Minister.

The Prime Minister: As I said, this is subject to negotiation and discussion with the Staff Side and at this present junction I would not be able to give any assurance to the Honourable Member.

Dr Tan Chee Khoon: Mr Speaker, Sir, the Honourable Prime Minister stated that within three months he would table the Suffian Commission Report in this House. Will the Honour-

able the Prime Minister try and expedite this matter because this is a matter that not only concerns the Civil Servants, but presumably it concerns the Treasury and it concerns all of us in this country, because if greater salaries are paid, possibly the Minister of Finance in general will hike up the taxes then in order to pay for the increased salaries and as such the whole country is involved and not just the Government and the Civil Servants.

The Prime Minister: Sir, that is as far as I can give assurance to this House.

ADMINISTRATION OF ANAESTHESIA IN MAJOR OPERATIONS BY HOSPITAL ASSISTANTS IN SIBU DISTRICT HOSPITAL, SARAWAK

8. Dr Tan Chee Khoon asks the Minister of Health to state if he is aware that in the District Hospital in Sibu, Hospital Assistants have been trained to be anaesthetists and that they give anaesthesia for major operations including lobectomy, etc., and if so, whether he is aware that this may give rise to medico-legal complications should the case end up in a coroner's court and this also imposes an additional and unnecessary burden on the surgeon concerned.

The Parliamentary Secretary to the Minister of Health (Tuan Ibrahim bin Abdul Rahman): Mr Speaker, Sir, Yang Berhormat Menteri is aware that in the District Hospital in Sibu, Hospital Assistants have been trained to be anaesthetists. So far, there have been no complaints by the surgeon of additional burden on him. Three lobectomies have been done in Sibu thus far, all successfully, and all patients survived. All these three Hospital Assistants, Anaesthetists, are quite competent in anaesthesia and the use of muscular relaxants. In such and similar circumstances, the surgeon himself is responsible for the operations.

Dr Tan Chee Khoon: I do not know whether the Honourable Parliamentary Secretary to the Minister of Health considers that because there are no

fatalities, in connection not only with the three lobectomys that have been performed at the District Hospital in Sibu and other operations as well, it is a satisfactory procedure to ask the Hospital Assistants to give anaesthesia for major operations. Is the Honourable the Parliamentary Secretary aware that the number of operations done at the Sibu District Hospital, in the average year, has amounted to 4,000 including minor and major operations? Is the Honourable Parliamentary Secretary also aware that practically every afternoon the surgeon there does a major operation? Now by "major" we mean, a lobectomy, a lebrology and the like, where the anaesthesia by any standards anywhere is always given by a specialist. And the very idea of asking a hospital assistant to give anaesthesia will, in other places, cause the Surgeons and doctors to hold up their hands in horror. This is no denigration on the capability of the Hospital Assistants concerned.

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, medico-legal complication is a real possibility, however, even in the best type of hospital, but the Ministry of Health is making effort to recruit anaesthetists in 1968 as we have seen in the written reply to the Honourable Member himself to Question No. 46.

Dr Tan Chee Khoon: Mr Speaker, Sir, although it is admitted that medico-legal complications may well arise in any operation, even the lancing of a simple boil, is the Honourable Parliamentary Secretary not aware that in asking hospital attendants to give anaesthesia in major cases, the poor surgeon has both to be an anaesthetic and the surgeon, and this imposes an undue and unnecessary strain, burden, on the poor surgeon.

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, the Surgeon and the doctor concerned are quite happy with them although naturally they prefer the presence of a doctor anaesthetist because of possible medico-legal complications, and I would like also to refer to the Honourable Member that

Hospital Assistants or nurse being anaesthetist is also an established practice not only in Sarawak and in East Malaysia but also in many other countries, for example in the United States of America. In some of these States, the nurse—hospital assistant—anaesthetists are trained and are given diplomas. I learn with interest that the care Medico intends to set up a centre of training for nurse—hospital assistant—anaesthetists in Malaya.

Dr Tan Chee Khoon: The Honourable Parliamentary Secretary wants to wander to South America and even to America to show that the standards elsewhere are lower, which is absolutely a false idea. I think no reputable American surgeon would want to operate with anaesthesia given by an anaesthetist, and he is also trying to tell us that when other countries accept sub-standards, why cannot we in this country. Other countries give doctors training for two or three years as a crash programme. Is the Honourable Parliamentary Secretary trying to tell us that we may well establish the same thing?

Tuan Ibrahim bin Abdul Rahman: Sir, we have in the whole country only six anaesthetists, and we have in West Malaysia alone 12 General Hospitals. So, it is quite impossible for us to distribute them to all these General Hospitals even in West Malaysia. However, as I said earlier, the Ministry of Health is making every effort to recruit anaesthetists in 1968.

Dr Tan Chee Khoon: Sir, the Honourable Parliamentary Secretary obviously is not aware that anaesthetists like others who specialise in anaesthesia are rare birds and that if at all there is a shortage of anaesthetists, it is entirely the fault of the Ministry of Health because doctors in this country have time and again, for several years, urged the Ministry of Health to send officers abroad for further training in anaesthesia. Can the Honourable Parliamentary Secretary tell us why only in 1968 a post has been established for anaesthesia and why not in 1964, 1965 or 1966? Why

is it only now thought necessary to have a post on the establishment of an anaesthesia in 1968?

Tuan Ibrahim bin Abdul Rahman: Mr Speaker, Sir, every year we have a post of anaesthetists, I mean scholarship, but very few of the doctors come forward because they prefer to go for general surgery, obstetrics and other specialities.

Dr Tan Chee Khoon: Is the Honourable Parliamentary Secretary aware that far from every year not enough doctors coming forward for anaesthesia, is he not aware that in fact the contrary is the case? I sit on the Selection Committee for anaesthetists in the University of Malaya and every time there is an advertisement there are more than enough candidates; and I presume that this will be so in the case of candidates seeking to go abroad for further studies in anaesthesia, but the question that I have asked is that why is it that the Ministry of Health only thought fit to put an anaesthetist on the establishment list in 1967 and not earlier?

Dato' Dr Haji Megat Khas: Mr Speaker, Sir, I think the Honourable Member had not been serving the Government and its medical services, and he is speaking from a very idealistic height where he needs the specialist anaesthetist for the surgeon to operate on his case. But as a doctor who has served for 28 years in the Government hospitals of this country, various hospitals at that, even in the General Hospital, Singapore in those days, due to the shortage of trained men in the specialised art of anaesthesia, which is now a very specialised job, we had to make do with a reliable member of the staff usually from the hospital assistants or the theatre staff itself to do the anaesthesia for the surgeon and so long as the surgeon concerned is happy to take the risk, the operations went on very well. But the risk was there no doubt and whenever an emergency occurred, of course the surgeon had to stop his work of operating and assist the anaesthetist in reviving the patient or resuscitating the patient. I agree that it is not the

ideal standard by any means, but in a country like ours where we are still suffering from a shortage of not only the specialists but also the general duties doctors who carry the full time daily load of the hospital work, I think the Honourable Member should be able to give an allowance to the Ministry of Health because I do know that they are trying their best to induce doctors to take up the various specialities to fill in the gaps where these occur, and this does not only hold for the purpose of anaesthesia but for many other purposes. At one time I think the Honourable Member may remember that I also spoke in the House about the shortage of psychiatrist specialists, and we have got a lot of loony birds in this country and in Tampoi alone there are more than 2,000 and in Tanjong Rambutan 4,700 who need the attention of psychiatrist specialists of which we have got a very few in number.

Dr Tan Chee Khoon: Sir, I hesitate to tussle with the Honourable Member for Kuala Kangsar because he is a far more senior person than I am in the medical profession. For his information, I did serve as a loyal Government servant for two years, and I do know a little bit of what happens in Government. But unlike the Honourable Member for Kuala Kangsar, I have been in the forefront of medical activities and medical associations and perhaps, in that sphere, I am a little more conversant with the shortage in this country than he is. The question that I wanted to ask of the Parliamentary Secretary is a very simple one: Why is it that the Government has thought fit to place anaesthetists on the establishment only in 1966 and not earlier? He cannot say that the medical profession as represented by the Malayan Medical Association has not urged the Government to send more and more people to do anaesthesia in the years gone by.

Tuan Ibrahim bin Abdul Rahman: Sir, the posts of anaesthetists have already been in the establishment every year and even this year, but have not been filled.

Dr Tan Chee Khoon: I was not aware and this was not my information. I hesitate to say that the Honourable Parliamentary Secretary may well be pulling a fast one on us, but I will have to check on that a little later. He says that the posts have been advertised. Can he give us various details of the advertisement efforts made by the Ministry of Health to fill the posts of anaesthetists in Sabah?

Tuan Ibrahim bin Abdul Rahman: I cannot give off hand, but I will communicate with the Honourable Member if he wants to.

Dr Tan Chee Khoon: Sir, if I may pass a comment on it, this is symptomatic of the work and the efficiency of the Ministry of Health,

EXPORT OF WEST MALAYSIAN MANUFACTURERS' GOODS TO SABAH AND SARAWAK

9. Dr Tan Chee Khoon asks the Minister of Commerce and Industry to state if he is aware that:

- (a) West Malaysian Manufacturers are reluctant to export their goods to Sabah and Sarawak;
- (b) the terms and conditions imposed by the West Malaysian manufacturers have been regarded as too harsh by the traders in Sabah and Sarawak, and if so, what steps he has taken to remedy the situation.

Tuan Khaw Kai-Boh: Mr Speaker, Sir, West Malaysian manufacturers are not reluctant to send their goods to Sabah and Sarawak. In fact, our statistics show that there has been an increase of imports of Malaysian goods into Sabah by 1,200 per cent and into Sarawak by 1,650 per cent. It is not clear to me what the Honourable Member means by the terms and conditions offered by the Malaysian manufacturers as being too harsh to the traders in Sabah and Sarawak. Malaysian manufacturers have been offering a credit term of up to three months as they normally offer to any other importers outside Malaysia. My Ministry is informed that the traders

in Sabah and Sarawak traditionally obtain their supplies from Singapore and are therefore reluctant to change over to West Malaysia. However, my Ministry has been urging the Malaysian manufacturers to establish closer relationship with traders in Sabah and Sarawak and to start direct agencies in these two States. So far, Messrs Lum Soon Corporation Ltd., Johnson & Johnson, Par Paints and a few others have successfully established agencies there. In the case of Dunlop (Malaysia) Industries Ltd., they have established their own branches in a few towns in Sabah and Sarawak.

Dr Tan Chee Khoon: Is the Honourable Acting Minister of Commerce and Industry aware that my basis for saying that Malaysian manufacturers are reluctant to export their goods to Sabah and Sarawak is based on what little I see at Tariff Board hearings, where time and again we have asked the people who come before the Board why is it that they have not thought of the East Malaysian market, and invariably, the answer is the market is too small. I do agree that Dunlops, Lum Soon and others have established, but that cannot be said for the majority of manufacturers in this country. Perhaps, if the Acting Minister of Commerce and Industry were to sit at the whole sitting of a session of the Tariff Advisory Board or send an officer to go there, he will find this reluctance is very real. That is No. 1, Mr Speaker, Sir.

The second question that I have asked is regarding the terms and conditions. He has told us that merchants in Sarawak and Sabah have been given three months' credit. On the contrary, the complaints that I have received when I was in Sabah and Sarawak is that the manufacturers in West Malaysia in dealing with the merchants in East Malaysia always ask for a letter of credit to be established, which means capital is locked up. No. 2 is this: as he has quite rightly pointed out, unlike Singapore, when a merchant in East Malaysia phones to Singapore, in about two weeks, the goods reach East Malaysia; whereas if he phones to Kuala Lumpur, it takes as much as

three months for the goods to reach East Malaysia, with the result that when one's capital is locked up for that long, then the merchant naturally does not think kindly of the manufacturers in West Malaysia. Will the Honourable Minister look up on this matter? This is a very serious matter. Elsewhere they get better credit terms, e.g. from Singapore and elsewhere, but they get very stiff credit terms from the manufacturers in West Malaysia.

Tuan Khaw Kai-Boh: Mr Speaker, Sir, I am much obliged to the Honourable Member for the various suggestions he has made. With regard to Tariff Advisory Board hearing, and he has complained that our manufacturers have not taken into consideration the market in East Malaysia, I think no doubt this is a fact which the Chairman of the Tariff Advisory Board will take into consideration or has taken. As I said, he will no doubt take into consideration with regard to his decision he makes in connection with such an application and obviously he would not let that kind of submission to hoodwink the Board as to grant the various tariff protection.

With regard to the terms and conditions, we must appreciate channels of trade are not established overnight. It will take some time for all these channels of trade to be properly established and, as we all know, we believe in free enterprise in this country. It is obviously for the buyer and the supplier to make the necessary adjustments and if the manufacturers in West Malaysia want to capture the market in East Malaysia, obviously they will have to make the necessary adjustments and no doubt what the Honourable Member says this morning in this House will, I hope, be given due prominence in the press, so that this will catch the eye of the manufacturers. But, obviously this is not a thing that the Government can say, "You do this, and you do that". But, as far as the Ministry is concerned, we are doing everything possible to regularise or bring about a better channel of trade between East and West Malaysia and for that purpose my Ministry has, in

fact, established Branch Office in Kuching and Jesselton as far back as 1965, which distribute and supply information to the importers in East Malaysia and *vice versa* and, of course, this question of terms and conditions will receive the attention of the Ministry and the Ministry will take the necessary steps to persuade of course the manufacturers to extend better terms and conditions as mentioned by the Honourable Member.

This 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.

PROBLEM OF HAWKERS IN KUALA LUMPUR

10. Tuan C. V. Devan Nair asks the Minister for Local Government and Housing to give:

- (a) the total number of licensed hawkers in Kuala Lumpur;
- (b) the Government's estimate to the number of illegal hawkers, and
- (c) what measures have been taken to resolve the long-standing hawkers problem in Kuala Lumpur, by providing legal or alternative means of livelihood for the illegal hawkers.

Tuan Khaw Kai-Boh: Mr Speaker Sir, the answer to the various questions are as follows. First, the total number of licensed hawkers is 3,009. The answer to the second part of question is that the number of illegal hawkers is estimated to be 1,200. Now, the answer to the third part of the question is that every city in the world faces hawker problem and this is not unique in the case of Kuala Lumpur. In order to tackle this problem effectively, I have directed quite some time ago, and a Federal Capital Hawkers' Committee was appointed to advise the Pesuruhjaya Ibu Kota with the following terms of reference: firstly, to find and recommend new sites for day and night trading including seven sites for the holding of "Pasar Malam" in rotation, if possible; secondly, to consider and

make recommendations for the issue of new licences on sites to be approved for trading; cancellation of licences for reasons other than non-payment of licence fees; location of alternative sites for displaced street traders; location of sites for temporary trading during festivals, e.g., Chinese New Year, Moon Cake Festival and Hari Raya and Deepavali; and allocation of stalls and pitches in Hawkers' Emporia; and thirdly, generally, to find means and ways of accommodating the needs of itinerant traders within the Municipality of Kuala Lumpur and make recommendations for the solution of their problems.

The first recommendations of the Committee have been accepted and plans for a Pasar Malam Scheme are about to be implemented. This will provide accommodation for approximately 2,000 hawkers in various parts of the town. Other measures already taken are; firstly, the construction of two hawkers emporia with accommodation for 400 hawkers—these two emporia are pilot projects, and if proved successful, additional emporia will be constructed. Secondly, sites have been found for displaced traders at the new car park beside Bukit Bintang Amusement Park and Jalan Sultan Mohamed; and, finally, applications have in the past been dealt with for temporary trading during the various festive seasons, namely, as I have said just now, Chinese New Year, Moon Cake Festival, Hari Raya and Deepavali.

Tuan C. V. Devan Nair: Mr Speaker, Sir, that seems to me to be an impressive recital but would the Honourable Minister care to let us know what is the composition of this Federal Capital Hawkers' Committee which has been working for some time. For instance, would it be true to say that this Committee is packed with M.C.A. nominees? Would it not be possible to make this Committee more representative? I await an answer subject to correction.

Tuan Khaw Kai-Boh: Mr Speaker Sir, although I have not got the list of the members of the Committee with me here, and that, of course, requires

notice for me to produce the list, but I think it is the other way round. The Committee is far from being packed with M.C.A. supporters—and if the Honourable Member would care to write to the Federal Commissioner, he will be supplied with a list of the members of this Committee—in fact, a number of the members of the Committee are drawn from leading persons in Kuala Lumpur, people connected with the press and who have quite a lot of standing in this town and who are well versed with the problems of this town. It is far from being packed M.C.A. members at all. And, in fact, it is the policy in the running of the Federal Capital to avoid having politicians on the Federal Capital Administration for the simple reason that, in the early days, there were so much political bickerings going on between the various political parties that the affairs of the Federal Capital came to a standstill at one stage, as a result of which the Federal Capital Act was brought into operation and we have now this Federal Capital administrator in the form of the Commissioner for the Federal Capital administering the national capital of Malaysia. In fact, that is something which I think the Honourable Member can rest assured that that would not happen as far as the administration of the Federal Capital is concerned.

Dato' Dr Haji Megat Khas: Mr Speaker, Sir, I would like to add a few comments on this question of the hawker problem, if I may.

Mr Speaker: Are you going to put in supplementary questions?

Dato' Dr Haji Megat Khas: No.

Mr Speaker: Then, it is all right. This is not the time for comments.

APPEAL BY CHEMICAL WORKERS' UNION OF MALAYA AGAINST DECISION DISALLOWING ORGANISING OF WORKERS OF LAM SOON OIL AND SOAP MANUFACTURING LTD

11. **Tuan C. V. Devan Nair** asks the Minister of Labour the result of his consideration of the appeal by the

Chemical Workers' Union of Malaya against the decision of the Registrar of Societies in disallowing the union in organising the workers of Lam Soon Oil and Soap Manufacturing Ltd and the reasons for the decision.

The Minister of Labour (Tuan V. Manickavasagam): Mr Speaker, Sir, I have considered very carefully the appeal by the Union but regret that I can find no grounds to vary the decision of the Registrar of Trade Unions as I am satisfied that the predominant business of this Company does not fall within the scope of membership of the Chemical Workers' Union of Malaya.

Tuan C. V. Devan Nair: Sir, would it be true to say that the Honourable Minister satisfied himself that the predominant business of this Company did not come under chemicals as a result of a visit, which he made together with some other Labour Ministry officials, to the Lam Soon Factory some time ago?

Tuan V. Manickavasagam: Mr Speaker, Sir, to make sure that I make the right decision, I made it a point to visit the Factory myself with not officials from other Ministries but with officials from my Ministry, and I am satisfied, Sir, that the Registrar's decision is to be upheld.

Tuan C. V. Devan Nair: Is the Minister aware that, on the day he visited the Factory, the management sent off 70 workers engaged in soap manufacturing from the place, so that the Minister and his officials would get the impression that the whole thing was made up of oil workers and not soap manufacturers? Is the Minister aware of that?

Tuan V. Manickavasagam: Mr Speaker, Sir, I visited the factory after my officials had already visited it and made up reports, and my visit gave me the same information as was given by my officials. Sir, if the Company had withdrawn any workers on that day, they cannot be withdrawn for too long, because I can still make visits when I am satisfied that there has been some foul play.

Tuan C. V. Devan Nair: May I guarantee the Minister that if he makes a visit again to Lam Soon Factory—let him do so in the company of workers; there is no point in just taking the management's words for it but go in the company of the Union—he will find to his surprise that, in fact, workers engaged in soap manufacture in Lam Soon outnumber the workers engaged in the oil sector. Would the Minister undertake to do that—to make another visit, not just direct dealings with the management but in the company of the Union and let the workers also have a say and help the Minister to make up his mind?

Tuan V. Manickavasagam: I will consider that request, Sir.

Tuan C. V. Devan Nair: It is not a matter of consideration. A serious charge is being made here that the Minister was hoodwinked by the management of Lam Soon into believing that workers engaged in soap manufacture in Lam Soon were in minority; he was deliberately hoodwinked. This is a very serious charge, and I hope that the Minister will not merely consider but that he will undertake to visit the Factory in the company of the Union.

Tuan V. Manickavasagam: Sir, out of the 240 workers employed by this Company, only 81 can be considered to be engaged in manufacturing toilet articles or chemical processes. The remainder are engaged in food processing such as oil milling, refining of oil, making of margarine, etc. Sir, there are 50 workers who are working as office staff. According to the Union, 80 per cent of the workers in this Company are engaged, directly or indirectly, in soap manufacturing. But, my visit showed the reverse—80 per cent of the workers are engaged in work other than soap manufacturing, because I saw most of them working in other work.

Tuan C. V. Devan Nair: Sir, in view of the fact that on the Minister's visit the management had deliberately sent away practically all the soap workers, i.e., round about 70 and also, in view

of the fact that the Union's figures are quite different from the figures supplied by the management, would the Honourable Minister kindly make it his business, when he goes to Lam Soon, not merely to go into the manager's office, but to go there with the Union's representatives and thrash it out once and for all?

Tuan V. Manickavasagam: Mr Speaker, Sir, I have said that I will consider it. I did not go there just to the office; I went round and spent two hours in the Factory.

Tuan C. V. Devan Nair: Mr Speaker, Sir, I do not know whether this would help, there are allegations—would the Minister also investigate that—there are allegations that the officials who accompanied the Minister after

Mr Speaker: Is this a supplementary question?

Tuan C. V. Devan Nair: It is a supplementary question.

Mr Speaker: What is your supplementary question?

Tuan C. V. Devan Nair: Is the Minister aware, or, would he consider looking into the allegation that the officials, who accompanied the Minister, after making their study tour of the Factory returned with a few cases of oil and soap? (*Laughter*).

Mr Speaker: Well, that is the end of Question Time, but I have a request here that the Honourable Minister of Lands and Mines would like to clarify a certain answer.

CLARIFICATION REGARDING ELECTION COMMISSION'S REPORT (SARAWAK)

The Minister of Lands and Mines (Tuan Haji Abdul Rahman bin Ya'kub): Mr Speaker, Sir, I do not know, but the truth of the matter is this: I received a note from an official sitting at the back. He might have heard that the Minister of Finance just now, in answer to one of the Honourable

Members from Sarawak in connection with the date of election in Sarawak, according to this note, the Minister of Finance might have stated that the Election Commission's Report would be tabled at this sitting of Parliament. If he had said that, then that is not correct; he might have made a slip. The Report, as the Honourable the Prime Minister said a few days ago, is currently being studied by a Cabinet Committee.

(Question Time was up, and the answer to Oral Question No. 12 is given below).

TELEVISION IN SARAWAK

12. Tuan C. V. Devan Nair asks the Minister of Information and Broadcasting why, after Penghulu Tawi Sli had announced over a year ago that television services would be extended to Sarawak, this has not yet been done, and to give a firm date when the Sarawakians will be able to receive televisions.

The Minister of Information and Broadcasting (Tuan Senu bin Abdul Rahman): My reply to this question is the same as I have given to the Honourable Member from Sabah (Dato' Aliudin bin Dato' Harun).—(*See answer to Oral Question No. 33 on 24-8-1967*).

ADJOURNMENT TO A LATER DAY

(Motion)

The Minister of Transport (Tan Sri Haji Sardon bin Haji Jubir): Mr Speaker, Sir, I beg to move:

That, notwithstanding the provisions of Standing Order 12 (3), the House shall, at its rising today, stand adjourned until 10.00 a.m. tomorrow, Saturday, 26th August, 1967.

Tuan Khaw Kai-Boh: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That, notwithstanding the provisions of Standing Order 12 (3), the House shall, at its rising today, stand adjourned until 10.00 a.m. tomorrow, Saturday, 26th August, 1967.

EXEMPTED BUSINESS

(Motion)

Tan Sri Haji Sardon bin Haji Jubir: Mr Speaker, Sir, I beg to move:

That, notwithstanding the provisions of Standing Order 12, the House shall not adjourn today until 12.00 midnight or the earlier completion of Government Business set out on the Order Paper for today.

Tuan Khaw Kai-Boh: Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That, notwithstanding the provisions of Standing Order 12, the House shall not adjourn today until 12.00 midnight or the earlier completion of Government Business set out on the Order Paper for today.

BILLS

THE SUPPLEMENTARY INCOME TAX 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 make provision for the imposition, collection and recovery of supplementary income tax and for incidental and related matters" be read a second time.

The purpose of this Bill is to provide for the imposition of supplementary income tax and in particular the continuance of tin profits tax and development tax from the year of assessment 1968 when the existing Income Tax/Inland Revenue Ordinances of West Malaysia, Sabah and Sarawak are repealed on the coming into force of the Unified Income Tax Law.

Honourable Members will recall that tin profits tax was introduced in West Malaysia in 1965 and development tax in West Malaysia, Sabah and Sarawak in 1967 by amendments to the respective Ordinances of the three components. The Unified Income Tax Bill which is solely on income tax does not legislate for tin profits tax and development tax. It was considered undesirable to reproduce even with the necessary amendments the legislation for these two taxes

in the Income Tax Bill. A separate Bill is, therefore, necessary. Although the Bill is applicable to the whole of Malaysia, tin profits tax will have practical application in West Malaysia only.

Part II of the Bill legislates for the imposition and collection of tin profits tax for the year of assessment 1968 and subsequent years. Since tin profits tax has been in existence since 1965 and is already a well known fiscal feature in Malaysia, I do not propose to review the provisions of this Part of the Bill.

The provisions for the continued imposition and collection of development tax also for the year of assessment 1968 and subsequent years are in Part III of the Bill. The general structure of the tax has not been altered but because of the change in the scope of charge from a derived income basis to a world income basis and the unification of the laws relating to income tax for the whole of Malaysia the following changes of substance have been made. The development income of a person from more than one component will be aggregated in the same way as income liable to income tax will be aggregated under the Income Tax Act, 1967. In the case of a person ordinarily resident in Malaysia, his income from a business wherever derived will be chargeable to development tax whereas at present only income derived from Malaysia is so chargeable. At present where a person has a development source in more than one component and is liable to the minimum development tax of \$500 or \$100, as the case may be, in each component, he will now be liable to only one amount of minimum development tax for a year of assessment. Except for these changes and the need to make this Part referential to the Income Tax Act, 1967, the provisions are largely identical with the existing legislation and need no further explanation.

Sir, I beg to move.

The Parliamentary Secretary to the Minister of Finance (Tuan Ali bin Haji Ahmad): Sir, I beg to second the motion.

Tuan Stephen Yong Kuet Tze (Sarawak): Mr Speaker, Sir, it looks as if the Government is determined to snow us down with Bills, and today we are supposed to consider and pass, I think, 37 Bills.

As we have seen yesterday, the Opposition was taken completely by surprise in that the Income Tax Bill were to go through all the stages last night without any prior warning at all and to us, particularly those from East Malaysia, this Bill was never sent to us in time, or if the Bill was sent, it was sent by sea-mail, which took about two weeks or so; and we have to find what legislation that we were to pass or to give intelligent comments on only when we come here. It is by no means satisfactory and we, therefore, do not feel that we really have done justice to our constituents to be here to contribute towards any intelligent discussion of all Bills.

Now, Sir, we regarded development tax as a temporary measure at a time when the Treasury had to find some money to cope with the large expenditure that was incurred at the time of confrontation. Although the name is called "development tax", that tax, the money that is accrued, would in any way go to the Central Fund. We, in Eastern Malaysia, particularly in Sarawak, are paying an extra tax for trade licensing fees. That tax is being paid by all traders and members of professions at standard rates. That, Sir, in many ways resembles the development tax that has been proposed. At a time when there is a national emergency, where more money will be required, people will not grudge too much in paying, what you call, a temporary tax. However, now, Sir, it appears that this development tax is going to be a permanent feature of our national life.

I would, therefore, urge the Government that in so far as Sarawak taxpayers are concerned, the tax (licensing fees) paid ought to be taken into account in the payment of development tax, so that a rebate to the extent of the trade licensing fees paid by the taxpayers in Sarawak would be refunded or taken into account. If you do not

do this, Sir, then a situation might arise of people not being able to pay either one or the other, with the result that you would find people not paying either of the taxes. I know, Sir, that the tax (trade licensing fees) is accrued to the State, but nevertheless the State contributes towards development funds too, and it may well be by adjustment of accounts; the amount that is being lost in this way could be regarded as less contribution or deductions of contribution from the State towards development fund.

We have yesterday considered the Income Tax Bill, and although there is a rebate or a concession of 30 per cent for tax-payers in Sarawak, it by no means will be forever so, because according to that provision in the Income Tax Bill it can be removed—all these percentages for concessions can be reduced.

We do not know when this would take place, but it is likely to take place in the future. We are, entirely at the tender mercy of the Minister of Finance. So, we cannot take too much comfort in this so-called 30 per cent rebate, because we know that very soon that it will be abolished in accordance with the policy outlined by the Minister of Finance.

Looking at this Bill, Sir, I was further perplexed in not being able to find the definition of "statutory income". In Clause 12 there is a definition for "aggregate statutory income". The definition is:

"'aggregate statutory income' means the aggregate of his statutory income for that year from each of his development sources."

There is also a definition for "net aggregate statutory income from all his development sources". The definition is:

"'net aggregate statutory income from all his development sources' means his aggregate statutory income for that year."

less some other sums as stated in the principal Act. Again the other definition for "net aggregate statutory income from all sources" repeats itself:

"'net aggregate statutory income from all sources' means the aggregate of his statutory income for that year from each of his sources

less the amounts mentioned in paragraphs (a) and (b) of the preceding definition."

So far there is no definition as to what "statutory income" means. Then in this definition of "property loss", reference is made to Chapter 4 of Part III of the principal Act. There is Chapter 4, but I do not see any Part III in that Act at all and I do not know whether the Parliamentary Draftsman has got some other Bills in mind or there has been a mistake somewhere.

Now, Sir, the other matter which, I think, requires some thought of this House is, if we are going to impose certain sums or certain tax for development purposes it would be, to my mind, more logical that this tax should be levied at 5 per cent on the income derived within Malaysia because, presumably, the profits made would be made from Malaysia as a result of any development schemes. And now if you extend this Act to "profits made outside Malaysia", then, in my submission, that would not be a correct thing to do, because the profits that have been made outside Malaysia might be properly charged for income tax purposes—but for development tax purposes it would not be fair nor equitable. There must be some relationship between your profit with your development, otherwise it would be a disguised form of a further taxation and it would well be like taxing someone five per cent first and then getting on to your income tax at the rates that were stated in the principal Act.

I would like to mention, Sir, that this Supplementary Income Tax Bill cuts across a large section of the population and although the Minister of Finance said, "Well, if you are in business this would not hurt very much", but in real life someone may be making \$300 and in most cases people have large families and have commitments, particularly those in Eastern Malaysia, where although primary school fees are abolished you still have to pay for other sums of money, e.g. for books and other expenses for children, and this sum of money does not go anywhere. And although there are provisions for cases to be reviewed

by the Comptroller-General of Inland Revenue, there are so many cases which are so common, particularly in Sarawak, that he would not find it feasible to deal with all cases of hardship. I would urge the Government to consider raising the minimum income before provisions of this Supplementary Income Tax Bill should apply.

As I have said, Sir, if the law is too harsh people may choose to ignore it. Then, you will find difficulty in enforcing the letter of the law with the result that you may not be able to collect any money at all. The trouble, the difficulty in collecting this money will not be commensurate with what the Government has in mind. Therefore, I would urge that so long as trade licensing fees are payable in Sarawak, those fees paid should be taken as in payment or part payment of tax under this Bill.

Sitting suspended at 10.50 a.m.

Sitting resumed at 11.15 a.m.

(Mr Speaker in the Chair)

Tuan Ong Kee Hui (Sarawak):

Mr Speaker, Sir, I rise to add my plea to that of my Honourable colleague from Sarawak on behalf of all those small traders—hawkers, *kachang puteh* men and such like—who are now suffering from the burden imposed by the Honourable Minister of Finance in this Development Tax which is to be continued under this Supplementary Income Tax Bill. When the Development Tax was introduced into this House, we on this side, I think, sounded a word of warning to the Honourable Minister of Finance that this tax is going to fall heavily on the lot of small traders, and he assured us that, in the application of this tax, he would take any hardship into account. The minimum income is stated to be \$500. Now, working on this basis, this net is cast very wide and affects a lot of people and the actual working of the tax, since it has been introduced, has given rise to a lot of hardships to a large number of small traders in Sarawak, and at the risk of being accused, again, of being

parochial in my outlook, I would urge the Honourable Minister of Finance to look into this matter and see whether or not this minimum could not be raised, so that a large number of people could be relieved of this burden. As my Honourable colleague from Sarawak has pointed out, we in the State, in addition to having to pay Federal taxes, such as the Development Tax, are now also paying the trade licensing fee which is more or less worked on the same lines as this form of taxation, in that the traders are licensed on a flat rate with no regard of the income derived from their business. I would, therefore, in conclusion, urge the Honourable Minister of Finance to see whether something could not be done when we come to consider the Bill in Committee Stage to revise the scale and raise the minimum of \$500 to something higher.

Tuan Stanley Ho Ngun Khiu (Sabah): Mr Speaker, Sir, regarding this Bill, I would like to touch on the Development Tax. We, in Sabah, in the course of the last three years, have gone through the experience that every year we have an additional type of tax. With regard to this Development Tax, we in Sabah have many hardships. Since Malaysia we find that our taxation has gone up, in some cases by 300 per cent, and also we have the high cost of living in Sabah today which is 40 per cent higher than that in West Malaysia. So, I hope the Minister of Finance will consider this matter. Like Honourable Members from Sarawak who have said so, this Development Tax was imposed during confrontation; and now in Sabah all our people start to question us: "Well, what is this Development Tax?" In the course of these three years, we see very little development in our country, but instead we have a high cost of living; the Government has never done anything to rectify the trade and trade licences; when comparing with West Malaysia our trade licence is between 5 to 50 times more, and the property tax like the education rate in Sabah today is 20 times more than that in Kuala Lumpur itself. So, we hope that the Honourable Minister of Finance will consider the

matter, since Sabah is in its infancy in its development, where people always question us: "Where are our roads; where are our education facilities; where is the development that we are yet to see; why not we cut off this tax?"

Dr Ng Kam Poh: Mr Speaker, Sir, I wish to reply to a few points put up by the Opposition, especially by Sabah and Sarawak Members. I do not like to debate the point of Development Tax which has been debated before in this House during the Budget Speech. As far as I know, no Member of the Opposition has voiced very great concern over the tax with the exception of the Member for Bungsar, who was the one who said that it was not fair because it was not based according to the schedule of income tax wherein the percentage of taxation is based on the income derived.

The Honourable Member for Sarawak, Tuan Stephen Yong, stated that he was taken by surprise last night and that he did not have the chance to debate on the Income Tax Bill. I am sorry for that, Sir, but that is not my fault. Honourable Members should be present here at all times of the House and should be ready to debate the Bill as most Members of Parliament here. He complained of the late receiving of the *Gazette* in Sarawak, if I remember rightly, some time on the 6th of July just before the Minister of Finance came back, representations by three State Ministers from Sabah were made to Tun Haji Abdul Razak, and I was present there at that moment concerning this unified Income Tax Ordinance. We had several conversations together, and I had made certain recommendations to the Minister of Finance. So, if the State Ministers of Sabah had received this *Gazette*, I do not see why other Honourable Members from Sabah and Sarawak have not received theirs. However, it may be due to some factor, which I do not know. By and large, I would have thought that, at least people in West Malaysia like the Member for Bungsar or the Member for Batu, should have no complaints.

As for the trade licensing fee which was brought up by the Honourable

Members from Sarawak, Mr Stephen Yong and Mr Ong Kee Hui, a reply was given to them by the Honourable Minister of Finance in answer to one of the oral questions, where he has said that this is a State tax whereby the revenue derived from this trade licensing fee accrues to the State, as the Honourable Member, Mr Stephen Yong, has so correctly stated; and the problem now is that we are negotiating with Sabah whether the State Government of Sarawak is willing to forego this loss of revenue. However, the State Government apparently wants us to sort of reimburse them for this loss of revenue for the trade licensing fees. The negotiations are still going on, and I cannot give any assurance as yet whether we will do anything with that.

Coming to the question of development tax again, the whole matter revolves around this, Mr Speaker: When this development tax was first promulgated in the Budget Speech of 1967, it was stated that this tax is to broaden the base of the taxable people in this country. After all, Mr Speaker, Sir, as you have heard the Minister of Finance saying, only 200,000 over people pay tax in this country out of a population of 10 million, which is only 2%. Now, surely the Members of the Opposition will agree with me that there must be some form of evasion one way or the other; and this is one way of broadening the base wherein we should tap this development tax, and the people will have a chance to pay more tax and help in a small way by contribution towards the development of this country.

A point has been raised by the Honourable Member from Sarawak, Mr Stephen Yong, that he says that it is not fair that people who have development sources outside Malaysia should be taxed this 5% income tax. Mr Speaker, Sir, I am afraid I cannot agree with him. Now, the people who have development sources outside Malaysia are the people who are fairly rich. I mean they can afford it, otherwise how can they have sources of development outside Malaysia? In

other words, they have shares or property which give them income outside Malaysia, and these are the people who can afford to pay these taxes. Why should you fight for people who can afford to pay tax? I can understand the Honourable Member from Sarawak, Mr Ong Kee Hui, at least he is fighting for, what he says, the *Kachang Puteh* seller, the medical profession, fellows like me, and that sort of thing, of course. But I can't understand why Mr Stephen Yong wants to fight for people who are so well off and can have income outside Malaysia? Mr Stephen Yong also said that he does not know, he can't see Part III of the Income Tax Bill. Mr Speaker, Sir, I have the Income Tax Bill here along with me and on the first page there is Part III. I don't know what is wrong with the Honourable Member from Sarawak, but probably due to old age, I suppose, like myself growing old, we both have failing eyesight and that is why he can't see the Part III in this Income Tax Bill.

And as to the statutory income Mr Speaker, Sir, the "statutory income" is defined in the principal Act itself, i.e., the Income Tax Act, and if he had looked closer, he would find that under that section. Clause 2 of the Bill provides that the words have the same interpretation as in the Income Tax Bill, and that is why it is not defined in the Supplementary Income Tax Bill.

As regard the plea for raising the \$500 minimum, I do not think it is necessary except to say that if in cases of genuine hardship the Comptroller-General has powers to exempt a certain amount of taxation.

Coming to the point from the Honourable Member from Sabah, Mr Stanley Ho, I always find myself faced with the usual situation of a plea coming from Sabah and Sarawak that they are not that developed yet and also that they do not have the amenities that we have in West Malaysia. Time and again such issues always come up, and I would like to point to him that the development in Sabah, the money for development in Sabah, as pointed

out by the Honourable Minister of Finance, has been higher than development for other member States in West Malaysia. So we are pouring in money to Sabah and they have generous incentives in the Income Tax Bill. I do not see any reason for complaint from the Honourable Members from Sabah. As for the trade licensing fees, Mr Speaker, Sir, three State Ministers from Sabah, the Acting Chief Minister, Dato' Khoo Siak Chiew, the Minister, Dato' Pang Tet Tshung and also the Finance Minister, Mr Harris bin Mohd. Salleh have come to see us and we have discussed this thing over concerning the trade licence fees and very soon I am sure, they will hear from the State Ministers an announcement to that effect. I think that is all I have to say about this Bill. Thank you very much, Mr Speaker, 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 a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

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

Clause 6—

Dr Ng Kam Poh: Mr Chairman, Sir, I wish to move an amendment to Clause 6 as per amendment slip circulated to the House, which reads:

In paragraph (a) of the proviso to subsection (3), substitute "75" for "74" after the word "paragraph".

The reason is to conform with the amended Schedule 3 to the Income Tax Bill.

Amendment put, and agreed to.

Clause 6 as amended, ordered to stand part of the Bill.

Clauses 7 to 10 inclusive ordered to stand part of the Bill.

Clause 11—

Dr Ng Kam Poh: Mr Chairman, Sir, with your permission, I would like to move the following amendment—

Substitute "74" for "72" after the word "paragraph".

The reason is to conform with the amended Schedule 3 to the Income Tax Bill.

Amendment put, and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clauses 12 to 19 inclusive ordered to stand part of the Bill.

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

THE PETROLEUM (INCOME TAX) BILL, 1967

Second Reading

The Assistant Minister of Finance (Dr Ng Kam Poh): Mr Speaker, Sir, I beg to move a Bill intituled "an Act to impose a tax upon income from the winning of petroleum in Malaysia, to provide for the assessment and collection thereof and for purposes connected therewith" be read a second time.

The Petroleum (Income Tax) Bill is designed to remove from the scope of the general Income Tax Laws the taxation of companies engaged in petroleum operations. This is to say that companies engaged in exploration, development and production of oil or natural gas will only be subject to the provisions of this Bill. A separate piece of legislation is necessary because of the special nature of the industry, and in particular the heavy capital expenditure that is required by an oil company to undertake prospecting, exploration and development before production.

There shall be an assessable tax at 50% of the chargeable income. The incidence of the petroleum income tax will fall only on a company which has an agreement with the Government pursuant to the laws in force relating to petroleum mining and in particular to Section 8 or 9 of the Petroleum Mining Act, 1963.

The administration part of the Bill follows the corresponding provisions of the Income Tax Bill, which has been passed by this House, in order to facilitate the administration of the tax. Other parts of the Bill provide for the method of ascertaining the income derived from petroleum operations and the amount of petroleum income tax chargeable on such income. The gross income for tax purposes under this Bill is comprised mainly:

- (a) the value of all crude oil exported from Malaysia calculated by the application of a tax reference price adopted by the Middle East member States of the Organisation of Petroleum Exporting Countries (OPEC);
- (b) the value of all crude oil sold or delivered to a refinery in Malaysia calculated at the selling price, or fair market value.

As is the practice in the OPEC countries, the royalty paid in respect of crude oil exported from Malaysia will be expensed, i.e., treated as an expense in arriving at the chargeable income of the company. Where any refined petroleum products are exported, the royalty paid in respect of the crude oil and casing head petroleum spirit injected therein used in the production of the refined petroleum products exported will also be expensed. The rate of royalty payment will be prescribed in an agreement between the Government and the company and this will accrue to either the Federal or State Government as revenue depending on whether it is off-shore operations (to the extent defined by the Continental Shelf Act, 1966) or on-shore operations respectively.

Other than the 50% tax there will be no other direct taxes, or duties on equipment and materials used solely in petroleum operations. The Bill is drafted in the manner that any such amounts paid will be credited against the assessable tax.

Since considerable capital expenditure will need to be incurred by a company to explore, develop, and produce petroleum, special provisions are

made for the grant of capital allowances. Schedule I to the Bill provides for deductions for capital expenditure on exploration. Besides an initial allowance of 10% of such expenditure or 20% where such expenditure is incurred in secondary recovery, the remainder of the expenditure will be allowed over the life of the petroleum deposits in proportion to the output subject to a maximum period of 20 years.

The Bill also provides for writing off all intangible expenses for drilling appraisal and development wells whether productive or unproductive, provided that such expenses were incurred in respect of petroleum operations carried out under the same petroleum agreement or in any contiguous areas though under a separate petroleum agreement.

In the case of capital expenditure incurred on the provision of machinery, plant or appliances used for the purpose of petroleum operations or on the construction of a building, an initial allowance of 20% and 10% respectively of such expenditure will be given except that where the expenditure is incurred in secondary recovery the rate of the initial allowances, will be doubled. The remainder of expenditure incurred on the provision of machinery, plant or appliances will be written off in 10 years although their life may be much longer. This is intended to encourage exploration and development as quickly as possible. In the case of expenditure on the construction of a building the annual allowance is 2% of the expenditure.

Since the Bill is specially designed to tax only income derived from petroleum operations, such income will not again be subject to tax under any other law for the time being in force relating to income tax. In other words, income derived from petroleum operations and dividends paid out of such income will not be liable to income tax.

In view of the special nature of the industry, there is provision in the Bill for any dispute on posted price of petroleum to be referred to a Price Review Committee which practice is

generally adopted by most petroleum producing countries.

Mr Speaker, Sir, I beg to move.

The Parliamentary Secretary to the Ministry of Finance (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.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 84 inclusive ordered to stand part of the Bill.

Schedule 1 ordered to stand part of the Bill.

Schedule 2 ordered to stand part of the Bill.

Schedule 3 ordered to stand part of the Bill.

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

THE LOANS FUNDS (ALLOCATION TO RIDA 1953 TO 1956) BILL

Second Reading

Dr Ng Kam Poh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to relieve the Majlis Amanah Ra'ayat of the liability of repaying certain principal sums and charges thereon" be read a second time.

The object of this Bill, as explained in the Explanatory Statement, is to seek the authority of this House to relieve the Majlis Amanah Ra'ayat (MARA) of the liability of repaying the principal sum of \$7,600,000 allocated to the former Rural and Industrial Development Authority between 1953 and 1956, and any charges on that amount.

From 1953 to 1956, a total sum of \$7.6 million was paid to RIDA out of

loan funds raised under the Malaya Loan Ordinance, 1955. Section 17 (3) of the Rural and Industrial Development Authority Ordinance (Ordinance No. 48 of 1953) which has now been repealed and replaced by the Majlis Amanah Ra'ayat Act, 1966, provides that the charges on any amount which may be allocated to the Authority from loan funds shall be met by the Authority, provided that all or any part of such charges may be met from the general revenues of the Federation with the approval of the House of Representatives.

No such approval by resolution of the House of Representatives was given, but on 1st October, 1954, the Treasury informed RIDA in connection with the then forthcoming allocation of \$10 million in loan funds to the Authority, that the loan was made to enable the Authority to finance at reasonable rates of interest projects which were considered economically viable. It was also decided that the capital sum was not required to be repaid to the Government and that no interest would be charged. It was, however, expected that the project funds would be preserved and that the interest received from the borrowers will be available to increase the amount provided for the loan operations. It was, therefore, clear that the intention at that time was that the amount already given to the Authority should be by way of grant and not loan, and that the Authority should use the funds as a revolving trust fund.

Unfortunately, however, this intention has not been translated into action, and no resolution was ever moved in the House of Representatives in terms of the proviso to section 17 (3) of the RIDA Ordinance.

The Majlis Amanah Ra'ayat Act, 1966, which replaced the RIDA Ordinance, provides, *inter alia*, that all powers, rights, privileges, duties, liabilities or obligations which immediately before the appointed day were those of the Authority, as from that day devolved on the Majlis. The Act came into force on 1st March, 1966, and from that day the Majlis Amanah Ra'ayat

assumed all the liabilities of the Authority. Since the sum of \$7.6 million was legally a loan to the former RIDA in the absence of a resolution by the Dewan Ra'ayat to the contrary, MARA is liable to repay that loan. However, MARA is using this money now as a revolving fund for its loan operations. If MARA is asked to repay this loan, it will not be able to continue its loan operations unless it obtains a new allocation from the Government.

In the circumstances, it has been decided that MARA should retain this amount without repayment, and this Bill seeks the authority of the House to relieve MARA of the liability of repaying the sum in question.

Sir, I beg to move.

Tuan Ibrahim bin Abdul Rahman:
Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

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

THE FINANCE (AMENDMENT) BILL

Second Reading

Dr Ng Kam Poh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Finance Act, 1965" be read a second time.

The Finance Act, 1965, provides that the Minister of Finance may exempt public bodies or a class of employers from the payment of payroll tax as may be specified by notification in the *Gazette*. It will be noted that the power of exemption of the Minister covers a class of employers. There is no provision for the Minister to grant exemption to a particular employer.

The amendment is necessary because the Federal Government, by virtue of Section 76 of the Malaysia Act (No. 26 of 1963), is under obligation to exempt the Sarawak Shell Oilfields Limited from the payment of payroll tax in accordance with an Agreement of Lease between the Company and the Government of Sarawak signed on 23rd June, 1952.

The Bill which is now before the House is to seek an amendment to the Finance Act to enable the Minister of Finance to exempt any employer from the payment of payroll tax as well as class of employers.

Sir, I beg to move.

Tuan Ibrahim bin Abdul Rahman:
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 and 2 ordered to stand part of the Bill.

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

THE ACCOUNTANTS BILL, 1967

Second Reading

Dr Ng Kam Poh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to provide for the registration of accountants and matters connected therewith" be read a second time.

The position of the accountancy profession in Malaysia at present is not entirely satisfactory in that although many accountants are members of long established and reputable associations and have within the last few years between them formed the Malaysian Association of Certified Public Accountants for the purpose of maintaining adequate standards of competence and ethics in this country, there are many who wish to be considered as accountants but who belong to accountancy

associations imposing lower standards or whose members could be considered underqualified except for a measure of practical experience.

There are three main fields in which the qualified accountants may work, first in public practice, second in commercial or industrial organisations, and third with Government or semi-Government or statutory bodies. There is already a limited control of public accountants in public practice as laid down under Section 8 of the Companies Act, 1965. This requires that any person who wishes to act as an auditor of companies must obtain the approval of the Minister of Finance who must be satisfied that the person is of good character and is competent to act as an auditor. Other enactments set out regulations for the approval of auditors for particular bodies such as Co-operative Societies, Trade Unions and Schools.

The object of the Bill, therefore, is to make provision for the adequate control of the accounting profession as a whole, and this control is to be entrusted to a Malaysian Institute of Accountants to be established under the Bill. The Bill also makes provision for the minimum standards of experience required before a person can be considered to be competent to perform the duty of an auditor.

Part II of the Bill establishes the Malaysian Institute of Accountants as a body corporate with perpetual succession and a common seal. Its functions are as set out in Clause 6 and include, amongst other things, the registration of accountants and regulation of the practice of the profession. It may, with the approval of the Minister of Finance, make rules on various matters including training and examination as provided in Clause 7.

Part III establishes the constitution of the Council of the Institute consisting of eight public accountants, six registered accountants and the Accountant-General. The Council will manage the affairs and funds of the Institute, make by-laws and generally look after the

interests of the Institute and its members.

Part IV deals with membership of the Institute and sets out the qualifications required of members of the Institute, who may be classed either as public accountants, registered accountants or licensed accountants. The accountancy qualifications are the same for public accountants, and for registered accountants but the experience required of a public accountant must be obtained in the office of a practising public accountant, whereas that of a registered accountant may be obtained in accounting elsewhere, e.g., Government departments, banks, commercial, industrial or financial organisations, etc. In any case, the necessity for practical experience as well as the passing of examinations is considered to be beyond dispute. The third group is the licensed accountants who are otherwise not qualified but have obtained approval to act as public accountants or tax consultants before the coming into operation of the Act and who may be permitted to continue to practise in the manner and with the limitations and conditions incorporated in the original approval.

Part V requires the Institute, with the approval of the Minister of Finance, to appoint a Registrar who will maintain a register of accountants classified in their appropriate categories. Clause 18 prohibits a member from acting in certain ways, such as, practising as a public accountant in a name other than his own or those of his past and present partners of the firm, from sharing profits or commissions for professional work with solicitors, auctioneers, brokers or other agents, and from advertising his practice.

Part VI deals with the general provisions and provides for the setting up of an Investigation Committee and a Disciplinary Committee to investigate and decide upon complaints against members.

Sir, I beg to move.

Tuan Ibrahim bin Abdul Rahman:
I beg to second the motion.

Tuan Tan Toh Hong (Bukit Bintang): Mr Speaker, Sir, this Bill is long overdue, and on the whole I heartily support it. I am sure the accountancy profession generally will certainly welcome this important Bill. The long-felt need to register accountants and control the profession is at last being fulfilled.

The progress of industrialisation in this country and the expansion of commercial activities and other activities have led to greater demand for accountants. This Bill is, therefore, very necessary.

Regulation and control of accountants will not only enhance the status of the profession but also ensure that the commercial and financial organisations will receive services rendered by accountants who are recognised by law. Sir, the accountancy profession has played a major role in the development of this country. The responsibilities of accountants in nation-building and community services are many and varied. The services of accountants are required in both Government departments as well as in commerce. With the advancement in techniques of modern management, costing and financial operations, the accountant has been called upon to play a more important role than merely keeping of financial records as in the past. His advice is sought for in planning financial programmes and in investments; he is required to forecast financial results and the preparation of budgets both in the Government and in commerce. In practically all financial matters, more often than not, accountants are called upon to help and to advise. As such, Mr Speaker, Sir, this Bill is timely, and I am sure that when this Bill comes into operation, the standard and quality of accountants in Malaysia will always be safeguarded.

Sir, this Bill makes, as the Honourable Assistant Minister has said, provision for the registration of accountants who have qualified as well as those who have not qualified but have many years of practical experiences in public accounting. The Bill

also takes cognizance of those higher qualified accountants in possession of university degrees as distinct from those with professional diplomas only by reducing the period of experience by two years.

This Bill, I beg to say, Sir, is in conformity with those in more advanced countries and can be considered to be very fair. Those who are already in practice, whether qualified or not, could register themselves; those who are not in public practice but who work in commercial and other organisations can also register. Sir, this is really very liberal and indeed is expressive of the Alliance's policy that there is a place for everyone under the Malaysian sun.

Accountancy students in future will know where they stand as far as recognition of qualifications is concerned. The Malaysian Institute of Accountants should be considered by the Government as the supreme body in this country, and it is hoped that in future Government advertisements should only mention members of the Malaysian Institute of Accountants or those whose qualifications are acceptable to the M.I.A.

With the passing of this Bill, I am sure, that our society will continue to be assured of better services from well-qualified and trained accountants. Thank you, Mr Speaker, Sir.

Sitting suspended at 12.05 a.m.

Sitting resumed at 4.00 p.m.

(Mr Speaker in the Chair)

THE ACCOUNTANTS BILL

Second Reading

Debate resumed.

Dato' Dr Haji Megat Khas: Dato' Yang di-Pertua, saya suka-lah memberi sokongan yang penoh kepada Rang Undang² yang telah di-kemukakan di-Rumah ini berkenaan dengan Accountants Bill ini. Saya juga berasa saperti Ahli yang telah berchakap terlebih dahulu daripada saya, ia-itu

ada-nya Rang Undang² ini akan membolehkan mereka² yang bekerja sebagai Accountant di-seluruh negara kita ini mendapat satu badan yang boleh mengawal hal ehwal mereka itu sendiri. Rasa saya tidak-lah payah disebutkan kerana ada terchatet didalam Rang Undang² ini ia-itu ada tiga perengkat Accountants yang disebutkan di-sini, ia-itu Public Accountants, yang kedua-nya Registered Accountants dan yang ketiga bahagian yang akhir ia-lah Licensed Accountants. Mereka itu boleh-lah di-katakan bahagian yang pertama dan yang kedua itu ia-lah mempunyai academic qualification atau pun kebolehan academic yang tidak dapat di-nafikan, tetapi Licensed Accountants boleh ada termasuk di-dalam gulungan mereka itu mereka yang tidak ada mempunyai academic qualification bahkan ia-lah chuma ada pengalaman dan kemahiran di-dalam menjalankan kerja² sa-bagai accountants.

Saya juga perchaya, Dato' Yang di-Pertua, ia-itu ketiga² bahagian accountant ini ia-lah menjadi ahli didalam M.I.A. atau pun Malayan Society of Incorporated Accountants dan sa-bahagian daripada mereka itu ada-lah berasa ketakutan barangkali sebab ada di-antara-nya yang tidak mempunyai academic qualification yang penoh akan tidak dapat menjalankan hal kehidupan mereka itu dengan chara membuat kerja accountant ini dan saya perhatikan ia-itu tidak ada-nya menahan mereka itu menjalankan kerja-nya masing². Maka oleh itu saya suka-lah kalau sa-kiranya Rumah ini boleh memberi jaminan ia-itu tidak ada sa-orang daripada accountant² daripada ketiga² bahagian itu akan hilang chara² yang boleh mereka itu menjalankan saraan hidup-nya sendiri.

Itu sahaja, Dato' Yang di-Pertua, yang saya hendak kemukakan di-sini supaya mereka itu mendapat akuan-nya itu.

Dr Ng Kam Poh: Mr Speaker, Sir, I thank the Honourable Member for Bukit Bintang for supporting this Bill

and also for further clarifying it. I also wish to extend my thanks to the Honourable Member for Kuala Kangsar who has clarified this Bill further into the three bodies. His only wish is that nobody would lose his job and that he wants an assurance from the Minister concerned that those who are licensed accountants will not lose their jobs.

Mr Speaker, Sir, if you have a look at the Bill, and also in a part of my speech where I have already said so, licensed accountants will not lose their jobs, if they have served with licence before; and also in paragraph 5 of the Explanatory Statement is stated that the "entitlements of an accountant who has been registered are set out in Clause 17. Members of the Institute shall be prohibited from doing any of the things set out in Clause 18, that is to say, *inter alia*, he shall not allow any person not being a member to practise in his name as a public accountant and he shall not be a director or shareholder", and so on and so forth—but this is not important. The fact is that he is *ipso facto* a Member of the Institute when he applies, if he was formerly a tax consultant or a tax advisor or even a licensed accountant under the Companies Act. So, I can assure the Honourable Member for Kuala Kangsar that nobody will be deprived of his job when the time comes. This legislation is not to deny the people of their jobs but to seek a body to control the accountants in this country, so that they can be encouraged to obtain higher skills, to obtain degrees in universities and have experience as public accountants for a number of years, so that they can be properly constituted public accountants. This body to be constituted, i.e., the Malaysian Institute of Accountants, will fulfill that job. That is all that I have to say, Mr Speaker, Sir. 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 30 inclusive ordered to stand part of the Bill.

Dr Ng Kam Poh: Mr Chairman, Sir, I beg to move the following amendments:

Paragraph 2 (1)—Substitute for the word “five” in line 1 the word “eight”.

Paragraph 2 (2)—Substitute for the word “five” in line 1 the word “six”.

Amendment put, and agreed to.

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

Second Schedule ordered to stand part of the Bill.

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

THE STAMP (AMENDMENT) BILL

Second Reading

Dr Ng Kam Poh: Mr Speaker, Sir, I beg to move that a Bill intituled “an Act to amend the laws relating to Stamp Duty” be read a second time.

The purpose of the Bill is to amend the Stamp Ordinance, 1949, and the Stamp Duty (Special Provisions) (Malaysia) Act, 1967, so as to improve the administration of these laws. The new Section 3A of the Stamp Ordinance, 1949, for example, will authorise the Collector of Stamp Duty to require any person to produce any instrument for the purpose of ascertaining that duty has been paid and to have free access to all premises and documents, in order to ascertain the market value of any property. The new sub-section to Section 52 will provide an additional sanction to prevent evasion by absentee landlord and also absentee owners of property who effect outside Malaysia transactions relating to properties situated in Malaysia.

There is also added to Section 80 a provision to enable the Minister of Finance to exempt payment of Stamp

Duty. The Bill also seeks to expand Section 5 of the Stamp Duty (Special Provisions) (Malaysia) Act, 1967, in order to give clarity to that Section, so as to enforce payment of Stamp Duty for transactions outside Malaysia in respect of shares registered in Local Share Registers. This will ensure that appropriate Stamp Duty is paid to Malaysian Revenue.

The other amendments are as set out in the Explanatory Statement to the Bill.

Sir, I beg to move.

Tuan Ibrahim bin Abdul Rahman: Sir, I beg to second the motion.

Tuan Mohd. Zahir bin Haji Ismail (Sungai Patani): Yang Berhormat Tuan Yang di-Pertua, dengan izin tuan, saya hendak berchakap sedikit di-atas Rang Undang² Stamp (Amendment) yang di-hadapan kita pada masa sekarang ini. Yang pertama-nya saya hendak berchakap bersangkut dengan lambat-nya hendak menilaikan satu² penjualan atau pun transfer, atau hebah, atau settlement yang di-perbuatkan oleh Collector of Stamp Duty di-mana² tempat. Umpama-nya di-pejabat² yang ada tersedia untuk menilaikan harga² yang di-tukarkan nama atau transfer, jual atau hebah itu. Lazim-nya bersangkut dengan tanah. Maka kerja hendak menilai-nya itu lazim-nya dibuat oleh sa-orang pegawai, dan kerja itu akan memakan masa. Sa-telah perkara itu di-hantarkan kepada-nya sa-lepas dia menilaikan penjualan itu atau pun harta itu maka baharu-lah pula di-bawa kepada Pejabat Stamp. Sa-lepas daripada itu baharu-lah di-hantarkan ka-Pejabat Tanah untuk di-daftarkan, menukar nama itu. Kerja² ini kadang² memakan masa yang sangat-lah panjang dan sangat² menjadikan kesusahan kepada orang ramai. Oleh yang demikian saya suka men-chadangkan jikalau boleh supaya chara² hendak menilaikan satu² harta itu dan tempat hendak melekatkan stamp dan mendaftarkan kesemua-nya kerja² itu hendak-lah di-dalam satu tempat.

Yang kedua-nya, Tuan Yang di-Pertua, saya hendak sebut bersangkut

dengan sekshen 12 (a), (b), ia-itu yang mengatakan :

"For the purpose of assessing the value of any property which is the subject of a transfer or settlement, such value shall be taken to be :

- (a) the money value, if any, mentioned in the instrument of transfer as the consideration for the transfer or settlement; or
- (b) the market value, as on the date of execution, of the property transferred or settled;

whichever be the greater."

Yang Berhormat Tuan Yang di-Pertua, perkara ini saya suka hendak membawa satu mithalan ia-itu jikalau sa-kira-nya sa-saorang itu mempunyai tanah yang luas umpama-nya 500 ekar, maka ia hendak hebahkan atau jualkan tanah-nya sedikit sahaja, umpama-nya 10 ekar kepada anak-nya.

Tuan Yang di-Pertua, mengikut sekshen 214 (1) Kanun Tanah Negara yang menyatakan :

"Subject to sub-division in sub-section 2 nothing shall be capable of transfer under this Act :

- (a) the whole but not a part only of any alienated land;
- (b) the whole but not a part only of any undivided share in alienated land."

Jadi, berma'ana, Tuan Yang di-Pertua, jikalau sa-kira-nya "A" hendak transfer tanah-nya kata-lah tanah-nya sa-bagaimana saya katakan tadi 500 ekar, dia hendak transferkan hanya 10 ekar sahaja. Maka di-dalam borang transfer mengikut sekshen Kanun Tanah Negara yang saya bachakan tadi, dia tidak boleh transferkan 10 ekar sahaja. Dia terpaksa transfer kesemua 500 ekar itu kepada 490 ekar kepada-nya sendiri dan 10 ekar kepada anak-nya.

Jadi perkara ini menjadi kesusahan, dengan kerana jikalau sa-kira-nya mengikut section yang saya bachakan tadi, 12 (a) Undang² Stamp, kena-lah di-buboh stamp di-atas harga nilaian 500 ekar itu, walhal-nya dia mentransferkan hanya sa-banyak 10 ekar sahaja. Dan oleh memandang kepada section 214 (1) ini pada masa sekarang ini, maka orang² yang transfer akan transferkan tanah itu kepada-nya sendiri, umpama-nya 490 ekar dan kepada anak-nya 10 ekar. Jadi harga nilaian

stamp akan di-kenakan kepada 500 ekar; ini pada fikiran saya tidak-lah patut dengan kerana dia hanya mentransferkan sa-benar²-nya 10 ekar sahaja. Jadi pada fikiran saya, oleh sebab memandang kepada section 12A dan (a), (b) Undang² Stamp ini, saya memikirkan patut-lah pehak Kementerian meminta pegawai² yang menilai harta itu menggunakan Proviso "provided that the officer before whom the instrument of transfer is tendered for registration may accept the consideration mentioned therein as being the market value, unless he shall have reason to believe otherwise."

Dan harap-lah supaya satu arahan supaya orang penilai itu menilaikan sa-banyak mana yang sa-benar²-nya di-hebahkan. Jangan-lah di-kira tanah yang tidak di-hebah itu bersama² sa-bagai market value di-atas tanah kesemua-nya itu. Jika tidak, Tuan Yang di-Pertua, maka nampak-lah pembayaran itu sangat² banyak dan kadang² tidak dapat bertanggung.

Dr Ng Kam Poh: Mr Speaker, Sir, while I agree with the Honourable Member for Sungei Patani that at times the transfer of land takes a considerable length of time and there are difficulties where a transfer of land is concerned—whether transfer of 10 acres out of 500 acres or from one to the other. The point that he has raised is well taken, and I can assure him that we shall bring this up to the Minister concerned—to my Minister. But on the question of New Section 12A (b), the market value, as can be seen in the Explanatory Statement, means that we would not allow people to get away with under-valuing a piece of land. That is why we used the words "market value" and not "money value" as sometimes in the transfer of land between various people, they may under-value their piece of land in order to pay less stamp duty. That is why we have brought in 12A (b). That is the reason why this has been introduced. Mr Speaker, Sir, I think that is all I wish to say.

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 4 inclusive ordered to stand part of the Bill.

Schedule 1 ordered to stand part of the Bill.

Schedule 2—

Dr Ng Kam Poh: Mr Chairman, Sir, I wish to make an amendment to the Second Schedule as circulated in the Amendment Slip which has been circulated to the House and which reads:

Insert in the Second Schedule after the amendment of Item 28, the following:

"32. In the second column opposite paragraph (a), there shall be substituted for the words 'the amount of value of the consideration' the words 'the money value of the consideration or the market value of the property, whichever is greater'."

The explanatory note is self-explanatory.

Amendment put, and agreed to.

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

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

THE CUSTOMS BILL

Second Reading

Dr Ng Kam Poh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend and consolidate the law relating to Customs in the Federation" be read a second time.

At the time when Malaysia was formed, there were in existence separate laws relating to customs in the States of Malaya, Sabah and Sarawak. These laws, which are still in force at present, are the Customs Ordinance, 1952, of the States of Malaya, the Customs Ordinance of Sabah and the Customs Ordinance of Sarawak. As Customs is

a Federal subject and the Royal Customs and Excise Department is a Federal Department, it must logically follow that there should be only one customs law applicable throughout Malaysia, instead of separate laws for West and East Malaysia. It has not been possible, until the process of economic integration of West and East Malaysia has reached the present stage, to introduce such legislation.

The Bill before this House is a consolidation of the existing customs laws and when enacted will replace such laws. As indicated in the Explanatory Statement in the Bill itself, the substantive laws are not amended to any great degree. Where amendments have been made, these are to meet administrative requirements in present circumstances. The basic principles, upon which the present laws have been drafted, have remained the basis for the new unified Bill, and particular care has been taken to ensure that some of the special needs of Sabah and Sarawak are met in the Bill. With this enactment, a further progressive step will have been taken in the economic integration of East and West Malaysia in that customs administration will be on a uniform basis hereafter; and this should lead to greater efficiency all round.

Sir, I beg to move.

Tuan Ibrahim bin Abdul Rahman: Sir, I beg to second the motion.

Tuan Tai Kuan Yang (Kulim Bandar Bahru): Mr Speaker, Sir, I would like to bring to the attention of the House Clause 137 (3) which reads:

"If an officer of customs has reasonable suspicion that another officer of customs junior in rank to him has in his possession any money received in contravention of paragraph (b) of sub-section (1) he may search such other officer."

Honourable Members of the House, are we to take this provision to mean that an officer of the Customs can only search another officer junior in rank to him and not those senior to him? If we are to accept this, I wish to ask whether we are going to encourage corruption among the higher customs

officials and only to check corruption among the lower officials? With a more rigid measure of control in mind, I would suggest that the officer junior in rank should search an officer of the same rank so that the junior officer of customs can search a junior officer, and the senior officer of customs can search a senior officer under the circumstances laid down in this Bill. With this tighter measure of control, I am sure that the urge and desire to accept bribes among Customs officials will be reduced to a minimum.

Mr Speaker, Sir, I wish to give my full support to this Bill. Thank you, Sir.

Tan Sri Nik Ahmad Kamil: Mr Speaker, Sir, perhaps, it would not be out of place, in debating this Bill, for one to say how very much we are indebted to our Customs officers for the splendid work that they have been doing for all these years past. This Bill, consolidating all the Acts of West Malaysia, bringing in the Acts of Sabah and Sarawak, should make a very useful working document, and I do feel that this House should give it full support.

I know there are many stations where officers have to work under difficult conditions, and I know too that there have been cases of Customs officers being accused of being corrupt and not too kind to most people, but by and large from my own experience, looking at their work on the spot, they have really been discharging their duties to the best of their ability; and I should not, as I said earlier, let this opportunity go by without according my own personal appreciation of the work done by our Customs officers at all levels. Thank you, Sir.

Dr Ng Kam Poh: Mr Speaker, Sir, I wish to thank both the Honourable Members, one from Kulim and the other from Kota Bharu Hilir, for supporting me in this Bill. I want to clarify a point which was made by the Honourable Member from Kulim who suggested that Customs officers of the same rank should be able to search

each other, or to search somebody who is senior to him. Mr Speaker, Sir, it is good in theory, but in practice sometimes it is very difficult to keep. Supposing I am a senior customs officer and somebody is junior to me, and suddenly something get into his head and he wants to search me, I feel a bit offended—I mean it's human—for I am senior to him and then he wants to search me. That is one point of view.

The second point of view is that if he is of the same rank, for example, I might get into my mind that he is corrupt and I will go and search him and he feels offended and then he starts searching me, there will be no end of each other searching each other (*Laughter*). The reason why we want a senior Customs officer to search a junior one, the rank and file, is that there should be a certain amount of discipline. That is the reason why Section 137 is made that way and not to encourage corruption.

Tuan Kam Woon Wah: Sir, does this mean that if a senior officer is corrupt, he cannot be searched by a junior officer? (*Laughter*).

Dr Ng Kam Poh: Mr Speaker, Sir, on the question of whether he is corrupt, if he is corrupt, I am afraid he has to report that to the higher authorities according to the law. The junior officer, in the case where this clause is concerned is a preventive one, when they go for the raid. I must say, Mr Speaker, Sir, the Honourable Member for Sitiawan being a lawyer, we do not have to argue this point, he knows as well as I do that such is the case.

Anyway, I think I have made my point clear, Mr Speaker, Sir, Thank you very much.

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 to 169 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE EXCISE (AMENDMENT) BILL

Second Reading

Dr Ng Kam Poh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Excise Ordinance of Sarawak" be read a second time.

As Honourable Members are aware, there is now a uniform excise duty of \$1 per pound on cigarettes throughout Malaysia and the legal basis for the imposition of this levy is the Excise Laws in West Malaysia, Sabah and Sarawak. There is, however, a discrepancy in administration in that whilst provision exists in the West Malaysia and Sabah laws for such manufacturers to enter into a bond with the Comptroller-General of Customs, no such provision exists in the Sarawak Ordinance.

A "bond" in this context is a written agreement or undertaking by the manufacturer that in the event of the non-fulfilment of any condition imposed in a licence issued to him, then a penalty as stipulated in the bond will be exacted. Although this is a revenue safeguard, the manufacturer himself enjoys an advantage, in that with this security he can be allowed to draw goods which are liable to excise duty from bonded warehouses for manufacturing purposes, without an immediate need to pay excise duty after each withdrawal of goods.

The Bill before this House seeks to amend the Excise Ordinance of Sarawak accordingly to provide facilities for the undertaking of such "bonds", so that customs practice in West and East Malaysia in this regard may be uniform.

Sir, I beg to move.

The Parliamentary Secretary to the Ministry of Health (Tuan Ibrahim bin Abdul Rahman): Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

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

THE ARCHITECTS BILL

Second Reading

The Minister of Works, Posts and Telecommunications (Tun V. T. Sambanthan): Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to provide for the registration of Architects and for purposes connected therewith" be now read a second time.

In the course of this meeting of Parliament, I am introducing, in addition to the Architects Bill, two other Bills, i.e. the Registration of Engineers Bill and the Registration of Surveyors Bill. The purpose of the three Bills is to provide for the establishment of separate Boards for engineers, architects and surveyors, to maintain professional standards and to control the activities of members registered with the Boards.

There is already at present an Architects Ordinance enacted in 1951. The Ordinance provides that only those who are registered under the Architects Ordinance of 1951 may submit plans and drawings required by the building authorities, which is defined in the Architects Ordinance as any municipality, town board and any rural board constituted or created under the provisions of any written law

relating to municipalities or town boards in force in the Federation and any other person or body required under the provisions of any written law to approve building plans. As plans and drawings submitted to building authorities also contain engineering and quantity surveying components, the engineers and the quantity surveyors consider that they too should be given the right to submit plans and drawings to building authorities; hence, the proposal to legislate separately for the architects, the engineers and the quantity surveyors.

The Architects Bill as well as the Engineers Bill and the Surveyors Bill will regulate the functions and practices of the professions including draughtsmen. In the case of the draughtsmen, certain limitations have been imposed and these limitations have been agreed to by them.

The functions of the Boards will include the following:

- (a) to keep and maintain a Register of Engineers, Architects and Surveyors under the relevant Acts;
- (b) to approve or reject applications for registration under the relevant Acts or to approve any such application subject to such restrictions as the Boards may deem fit to impose;
- (c) to order cancellation, removal or reinstatement in accordance with the relevant Acts;
- (d) to fix from time to time, with the approval of the Minister, the maximum scales of fees to be charged by registered Engineers, Architects or Surveyors for professional advice or service rendered;
- (e) to hear and determine disputes relating to professional conduct or ethics of the profession or to appoint a committee or arbitrator or arbitrators to hear and determine such disputes; and
- (f) to determine and regulate the conduct and ethics of such profession.

I need not go further into the Objects and reasons of the Architects Bill as they are attached as an appendix to the Bill. I wish, however, to state that the Bills will not take away any existing rights enjoyed by those who are registered under the Architects Ordinance, 1951.

Sir, I beg to move.

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

Tan Sri Nik Ahmad Kamil (Kota Bharu Hilir): Mr Speaker, Sir, I welcome this Bill, and I am glad to see that provisions are made here, in order to protect the interests of those styled "specially authorized persons" in the Architects Ordinance of 1951. I am not concerned with those, who are fully qualified, because they can take care of their own affairs. However, these people, who are called "specially authorized persons", there are lots of them doing small practice here, there and everywhere in Malaysia, and I do hope that the authorities concerned—I believe it is the Board or the local authority concerned—when dealing with these people now under the new Ordinance, would give them all the facilities to practise, what I might call, "their sort of profession" as they have done in the past. Thank you, Sir.

Tuan Mohamed Zahir bin Haji Ismail: Tuan Yang di-Pertua, dalam mengalu²kan Rang Undang² Akitek yang di-hadapan kita sekarang, kita boleh membayangkan segala kema'amoran dan kemajuan yang ada di-negara kita yang berhasil dari Rang Undang² Akitek, Rang Undang² Surveyors, Engineers dan Accountant yang telah pun di-bahathkan dan yang akan di-bahathkan oleh Dewan ini.

Sa-benar-nya Rang Undang² ini membayangkan dan mencherminkan segala kema'amoran dan kemajuan negara kita. Hanya negara² yang mempunyai banyak Akitek², Surveyors, Accountants, Engineers, Doctors dan sa-bagai-nya yang boleh kita mendapati kema'amoran dan kemajuan di-dalam

negeri itu. Jadi, Tuan Yang di-Pertua, dari segi ini pekerjaan profession Akitek itu sangat-lah mustahak untuk pembenaan negara. Yang demikian ada-lah sangat² mustahak bahawa sakalian langkah² hendak-lah di-ambil oleh Kerajaan untuk meletakkan pekerjaan akitek itu dan lain² pekerjaan yang sa-rupa dengan-nya di atas kedudukan yang terjamin dan terhormat agar pekerjaan itu terselamat dari rasuah, paksa-memaksa, takut-mena-kuti dan akhir-nya jangan ada kurang mengurangkan harga atau under-cutting. Jika ada keadaan² yang sa-rupa ini berlaku, maka boleh jadi akhir-nya kema'amoran negara kita akan terbengkalai. Sa-balek pula orang ramai yang membayar chukai pula akan menerima kerugian dengan sebab apa yang di-beli, dengan di-bayar dengan wang, ia tidak dapat barang sama dengan nilaian wang yang di-keluarkan-nya itu. Oleh yang demikian akitek sa-bagai juara di-dalam perusahaan pembenaan hendak-lah di-adakan perasaan kesedaran di-atas kewajipan² mereka dan mereka hendak-lah mempunyai segala kelayakan, baik pun di-dalam pelajaran atau pun di-dalam akhlak atau perangai pekerjaan atau professional etiquette.

Oleh sebab itu-lah Rang Undang² ini sangat-lah sesuai dengan kehendak negara kita pada masa sekarang ini. Di-dalam-nya di-adakan syarat untuk membolehkan akitek² di-registerkan bekerja dan ada syarat² yang membolehkan Lembaga Akitek yang di-tubuhkan di-bawah Undang² itu membuang mana² akitek jika mana² akitek itu telah melakukan kesalahan atau pun kechurangan. Kesalahan atau pun kechurangan daripada akitek yang sangat² menyusahkan orang ramai ia-lah jika sa-orang akitek itu telah bermuafakat dengan contractor² yang bekerja membena rumah yang plan-nya itu telah pun di-sediakan oleh akitek itu sendiri.

Section 15 (1) (b) dan 15 (1) (c) Rang Undang² ini telah menetapkan supaya jangan mana² akitek itu menerima commission haram di-atas mana² kerja² atau sa-masa itu juga bekerja

sa-bagai contractor. Mithal-nya jikalau sa-orang itu mengupah sa-orang contractor membuat rumah untuk-nya dan di-bayar sa-orang akitek untuk membuat plan dan menjaga, atau mengawasi rumah itu. Jika akitek itu telah bermuafakat dengan contractor, maka akitek itu boleh memberi sijil mengatakan bahawa barang², kata-lah besi yang di-tarohkan sa-bagai foundation itu, telah mengikuti seperti yang di-sebutkan di-dalam specification walhal-nya tidak chukup. Tuan rumah itu tentu-lah tidak berdaya hendak mengetahui sama ada besi² yang di-bawah rumah itu mengikut specification atau pun tidak.

Jadi, Tuan Yang di-Pertua, kedua² syarat 15 (1) (b) dan 15 (1) (c) ini sangat-lah berfaedah kapada orang ramai dan kita berharap Lembaga Akitek yang di-tubuhkan di-bawah section 3 (1) itu jangan menchuai²kan tugas mereka daripada mengambil tindakan² yang tegas ka-atas akitek² yang melakukan pekerjaan churang itu. Jika perkara churang ini di-benarkan berlaku oleh kerana pandang memandang dari sebab masing² yang dudok di-dalam Lembaga itu ia-lah akitek² belaka, maka tentu-lah perusahaan pembenaan negara kita tidak lagi di-atas keadaan yang sehat—healthy—yang demikian mendatangkan kerugian sa-mata² kapada kesemua pehak.

Tuan Yang di-Pertua, saya juga berharap supaya Kerajaan memberi segala bantuan dan panduan kapada akitek² warganegara di-dalam negeri kita ini. Dan lagi harap-lah Kerajaan jangan mengambil expert² atau consultant² dari luar negeri jika sudah ada akitek, atau consultant² warganegara kita yang boleh menjalankan kerja² yang di-ranchangkan itu.

Umpama-nya, Tuan Yang di-Pertua, kita boleh berbangga dengan bangunan Parlimen kita ini, tetapi jikalau sa-kiranya bangunan Parlimen kita ini di-plan—di-rekakan oleh sa-orang akitek warganegara maka pada fikiran saya kita akan bertambah² bangga lagi. Tetapi sa-tahu saya plan atau rekaan untuk bangunan Parlimen ini di-buat oleh sa-orang akitek dari expatriate

officer. Dan juga kita boleh berbangga kapada bangunan TV dan Kementerian Penerangan complex kerana bangunan² itu sangat²-lah chantek, sangat²-lah elok di-pandang, tetapi rasa saya jika sa-kira-nya bangunan itu di-reka dan di-plankan oleh akitek—consultant yang di-dalam negara kita sendiri, maka kita akan berasa bertambah² bangga lagi. Tetapi malang-nya, sa-tahu saya, akitek yang merangka bangunan TV dan bangunan Kementerian Penerangan itu ia-lah sa-orang Colombo Aid Expert. Tuan Yang di-Pertua, tetapi kita boleh berbangga dengan sa-penoh²-nya di-atas bangunan Masjid Negara kita yang plan-nya di-buat oleh sa-orang akitek tempatan.

Oleh itu, Tuan Yang di-Pertua, saya berharap bangunan yang akan datang akan di-bena jika sa-boleh²-nya harap-lah di-gunakan akitek² tempatan umpama-nya bangunan University yang akan di-bangunkan di-Pulau Pinang atau pun bangunan² yang lain² lagi. Tuan Yang di-Pertua, saya berchakap bagini dengan kerana bangunan² di-dalam sa-buah negeri itu ia-lah menjadi satu tempat, atau pun satu bakat tawarikh kapada orang² yang akan datang. Kerja² pembenaan ada-lah berlainan daripada kerja² sa-bagaimana kerja² peguam—advocacy. Advocacy walau bagaimana pun pandai-nya peguambela, atau pun peguamchara itu, mereka itu datang ka-Mahkamah dan mereka itu berchakap², kemudian mereka itu keluar. Tidak nampak apa yang di-chakapkan. Tetapi bangunan, Tuan Yang di-Pertua, ada-lah satu benda yang tinggal di-tempat itu bertahun² yang akan datang. Jadi kalau sa-kira-nya bangunan² itu di-bangunkan—di-rekakan, di-plankan oleh akitek tempatan, maka menjadi kebanggaan-lah pada anak chuchu kita yang akan datang, dan bagaimana yang saya katakan tadi akan menjadi bakat tawarikh sa-bagaimana kerja² Christopher Wren di-dalam England itu yang telah pun di-bangunkan berpuluh² tahun yang lepas.

Oleh itu, Tuan Yang di-Pertua, jika boleh saya suka menhadangkan jika mana² expert dari luar negeri membuat sa-suatu pekerjaan yang tertentu, yang

tidak dapat tidak hendak menggunakan pekerja atau pun jasa expert² daripada luar itu, sangat-lah elok jika pada masa itu Kerajaan mensharatkan supaya expert atau consultant itu bekerja bersama² dengan akitek tempatan atau consultant² tempatan atau pun engineer² tempatan yang bersangkutan dengan pekerjaan itu. Muga² jika di-buat demikian maka warganegara kita akan mendapat kebolehan dan menchapai kebolehan dan kemahiran yang lebih tinggi lagi dan kita berharap akhir-nya warganegara kita itu pun boleh menyandang kedudukan expert antara bangsa ia-itu sa-bagai international expert, supaya tidak payah lagi kita memanggil expert² daripada luar negeri dalam masa yang kahadapan untok kerja² yang sa-rupa. Yang demikian menyelamatkan wang kita daripada keluar dari negeri kita. Sekian-lah saya mengucapkan terima kaseh.

Tun V. T. Sambanthan: Sir, I would like to thank the Honourable Member for Kota Bharu Hilir for the interest he has shown with regard to the future of draughtsman and the so-called under-privileged in this field. In fact, I was particularly worried about them, and I refused to have anything to do with passing this Bill till I met them myself and they told me themselves that they were happy with this Bill and the safeguards within the Bill, because I wanted to see that the under-privileged are looked after.

I would like to thank the Honourable Member for Sungai Patani for his dissertation on this subject of architects and architecture, building and the philosophy behind buildings and the philosophy behind the whole structure of consultants and what goes beyond the realm of Government. However, I must confess that this Bill will not ensure the creation of any Christopher Wren or any such person. All it seeks is just to regulate the procedure or professional conduct amongst the architects.

Sir, I beg to move.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

(Mr Speaker *in the Chair*)

Clause 1 to 39 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE REGISTRATION OF ENGINEERS BILL

Second Reading

Tun V. T. Sambanthan: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to provide for the registration of Engineers and for purposes connected therewith" be now read a second time.

During the course of the second reading of the Architects Bill, I have explained the reasons why it is considered that there should be, in addition to that Bill, i.e., the Architects Bill, a Bill to provide for the registration of Engineers as well as another Bill to provide for the registration of Surveyors. Hence, I do not propose to explain further the objects and reasons of the Registration of Engineers Bill.

Sir, I beg to move.

Tan Sri Haji Sardon bin Haji Jubir: Sir, I beg to second the motion.

Tuan Haji Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya sungguh bersukachita ia-itu satu Rang Undang² telah di-adakan oleh Kerajaan pada hari ini, ia-itu mengadakan satu chara supaya jurutera² ini di-daftarkan dan ada clause²-nya yang boleh jurutera² ini di-kawal. Sebab saya katakan begitu, pada masa yang lampau jurutera² ini bebas tidak ada satu badan pun yang boleh mengawal mereka² itu, ia-itu mereka² ini menjalankan urusan² dengan tidak siapa dapat membatasi dan ini mengakibatkan banyak perkara² telah

timbul di-negeri ini ia-itu kebaikan public atau orang ramai telah terkorban. Umpama-nya, Tuan Yang di-Pertua, kita tengok sa-telah kita merdeka, banyak bangunan² yang didirikan di-tanah ayer kita, tetapi kebanyakan bangunan² ini tidak-lah memuaskan hati. Jadi kita tidak tahu pada masa itu bagaimana jurutera² ini menjalankan kerja dengan tidak di-kawal. Mereka barangkali chuai dan kita tidak dapat mengambil apa² tindakan, umpama-nya Dewan ini, Tuan Yang di-Pertua. Saya pada masa dahulu ada berchakap banyak-lah. Jadi saya sa-bagai orang yang biasa, orang 'awam memikirkan tentu-lah kekurangan jurutera² ini menjalankan kerja-nya mengakibatkan seperti Dewan kita ini banyak kekurangan, ia-itu bochor disana, di-sini dan baru² ini pula saya mendengar ia-itu bangunan Filem Negara kita bumbong-nya telah jatuh. Jadi kita tidak tahu macham mana jurutera² itu menjalankan kerja-nya. Jadi dengan ada-nya Undang² yang samacham ini, ia-itu undang² jurutera² ini, pada masa hadapan, dia berasa yang mereka itu ada di-kawal, jikalau mereka tidak menjalankan pentadbiran mereka² dengan baik bagaimana tugas² yang patut di-jalankan oleh mereka itu, kita boleh memotong nama mereka itu daripada daftar²-nya dan menahan mereka² itu menjalankan urusan² jurutera² ini. Jadi saya berasa bangga, kerana satu undang² telah di-adakan supaya orang 'awam dapat perlindungan daripada jurutera² yang tidak bertanggung-jawab ini. Terima kaseh.

Tun V. T. Sambanthan: Sir, I would like to thank the Honourable Member for his support.

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 27 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

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

THE REGISTRATION OF SURVEYORS BILL

Second Reading

Tun V. T. Sambanthan: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to provide for the registration of surveyors and for purposes connected therewith" be now read a second time.

This is a Bill to provide for the registration of surveyors, to maintain professional standards and to control the activities of members registered with the Board of Surveyors.

I do not propose to elaborate on the objects and reasons of the Bill, as I have given the objects and reasons on the previous similar Bills for the architects and engineers.

Sir, I beg to move.

Tan Sri Haji Sardon bin Haji Jubir: Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 28 inclusive ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

THE MALAYAN RAILWAY PROVIDENT FUND (AMENDMENT) BILL

Tan Sri Haji Sardon bin Haji Jubir: Mr Speaker, Sir, I beg to move that a Bill intituled, "an Act to amend the Malayan Railway Provident Fund Ordinance, 1952" be now read a second time.

At its meeting on 16th December, 1965, the Cabinet decided that the Minister of Finance and the Minister of Transport should discuss the claim of the Railway servants for pension benefits before the latter met the representatives of the Railwaymen's Union of Malaya. Subsequently, a meeting was held in the office of the Minister of Finance, where the Minister of Finance, the Minister of Transport and the Principal Establishment Officer and officials of the relevant Departments were present. It was decided at this meeting that those civil servants filling posts, which will be declared to be pensionable posts, would be eligible for full pension status in accordance with the Pensions Ordinance, 1951. On 31st December, 1965, a meeting of officials of the relevant Departments was held in the Ministry of Transport prior to a meeting with representatives of the Railwaymen's Union of Malaya to work out the details of the offer to be made.

At the meeting of the representatives of the Union held on the same day and at which the Minister of Transport, the Minister of Labour, the Assistant Minister of Finance and the officials of the relevant departments were present, the representatives of the Union were informed in writing of the decision arrived at. The letter conveying the decision contained the following terms:

The decision to grant pensionable status to Railway employees would take effect from 19th August, 1964. Posts, which are scheduled posts and which qualify as pensionable posts in accordance with the standards currently applied to the posts in the Public Service on the 19th August, 1964, and thereafter, would be eligible for pension benefits. Those officers, who are contributors to the Malayan Railway Provident Fund, would be given an option to opt with a specific period for pension benefits under the Pensions Ordinance, 1951, or to continue to remain as contributors to the Malayan Railway Provident Fund; and officers appointed to scheduled posts or promoted to such posts from non-scheduled posts on 1st January, 1966, and after, which posts would qualify as pensionable posts, would carry pension benefits in accordance with the Pensions Ordinance, 1951, and would not be liable to contribute to the Malayan Railway Provident Fund.

In order, therefore, to implement the offer I have mentioned earlier, necessary legislation has been made by way

of amending the Malayan Railway (Provident Fund) Ordinance, 1952. The Malayan Railway Provident Fund benefits will thereafter be limited to those set out in the Explanatory Statement of the Bill now before the Parliament.

Sir, I beg to move.

Tun V. T. Sambanthan: Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

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

THE PRICE CONTROL (AMENDMENT) BILL

Second Reading

Tuan Khaw Kai-Boh: Mr Speaker, Sir, I beg to move that the Price Control (Amendment) Bill, 1967, be now read a second time.

Mr Speaker, Sir, as a step to check profiteering in certain essential commodities, my Ministry introduced an order under the Price Control Ordinance, 1946, in the Legislative Supplement to the Government *Gazette* as P.U. 271/67, Price Control, Indication of Rate and Prices Order, 1967, dated 15th June, 1967, requiring every retailer to affix a tag on the bag, or container, to show the grades and retail prices of the following articles:

- (i) rice of all types;
- (ii) sugar;
- (iii) wheat flour;
- (iv) cooking oil.

Since the articles are not gazetted as price controlled goods, the Price Controller has no power of enforce-

ment. These articles could, however, be declared as price controlled goods, but by doing so all dealers in such goods must be licensed. As licensing costs money by way of additional staff, this should be avoided unless in a national emergency. It is obvious, therefore, that there is a serious gap in the law in this respect, particularly in meeting temporary difficulties. The seriousness of this defect can be gauged by the fact that although any person, who fails to observe this Order would be committing an offence under Section 22 of the Ordinance, there is nothing that the Price Controller can do, as long as these articles are not declared price controlled goods, unless he obtains a warrant from a magistrate; but this procedure is cumbersome and causes delay. To overcome this the Price Control Ordinance, 1946, has to be amended as in the Bill to empower the Price Controller to take any appropriate action when it becomes necessary to do so. This amendment, Mr Speaker, Sir, will also enable the Price Controller to take other appropriate action in accordance with the provisions of the Ordinance when there is an urgency to do so, without having to gazette any commodity as price controlled goods. This power is essential as on too many occasions, especially during Hari Raya and the Chinese New Year, the traders have taken advantage of the increased demand of essentials to put prices up unreasonably high.

Sir, I beg to move.

Tuan Lee San Choon: Sir, I beg to second the motion.

Dr Tan Chee Khoon: Mr Speaker, Sir, I must congratulate the Acting Minister of Commerce and Industry on the way he has introduced this Bill. In the past this House has always heard the Minister of Commerce and Industry, whenever we bring up the question of price control, saying that the fault lies with the consumer and that if the consumer is so docile, if the consumer is without any spine, if the consumer has no initiative, well he deserves what he gets from the trader. I am very glad that the Acting Minister

of Commerce and Industry is aware that there may be more than a grain of truth in the castigation given by the substantive holder of the Ministry of Commerce and Industry but, on the other hand, the Government must play its part to show the ordinary consumer in this country that the Government is also behind him in framing up adequate laws to see that the trader is penalised. And I am very glad that under the amendment that is before the House, at long last this gap in the law is plugged up, and I do hope that the Price Controller will take full advantage of the provisions of the law to see to it that not only are prices put up for the essential commodities that the Acting Minister has stated but also, if he is not satisfied, he should seize the goods in respect of which there has been a contravention of this law and also should inspect any premises to examine books, accounts or other documents in respect of these goods, in particular, rice.

Despite the answer given by the Minister of Commerce and Industry regarding the import and sale of rice in this country—I have asked a question whether the import and distribution of rice in this country is being manipulated by the big six in this country and the Minister in his reply has stated, “oh, no, it is not so; there are 180 importers of rice in this country and surely six people cannot manipulate the other 174 who are also importers of rice”. But we do know that the other 174 have only a small percentage of the market, and the whole market is controlled by these big six, and I am told that very often in the evening they go and have a little “chakap²an” and then they fix the price for the next day. We do know that these six are that powerful that they can literally manipulate the price of rice in this country. I do hope that with the passage of this piece of legislation, the Government will see to it that these monopolistic tendencies and these tendencies are present not only with rice but with other commodities as well and in particular flour, for example. Early this year, there was a shortage of rice and, again, these big

merchants or these big distributors also got together and jacked up the price. I do hope that the Government will make full use of the legislation, the power that it seeks before the House today, and enforce the letter of the law, so as to see that the poor consumer is not victimised. For Selangor, all that I can say is that the Selangor Consumers' Association is doing its bit and is doing its best, and I believe they have now gone to the extent of listing a number of shops which give a fair price to the consumers. And I do hope that the Ministry of Commerce and Industry will encourage such efforts on the part of the Consumers' Associations up and down the country. Thank you.

Tuan Haji Ahmad bin Saaid (Seberang Utara): Tuan Yang di-Pertua, saya bangun untuk memberi sokongan yang penoh ka-atas Bill (Pindaan) ini, dan saya harap manakala di-luluskan oleh Parlimen, di-laksanakannya dengan sa-chepat mungkin di-atas barang² keperluan hari², kerana pada masa sekarang ini ada sungutan² daripada pengguna² barang² yang ahli² perniagaan mengenai harga yang tidak berpatutan.

Saya ingin menarek perhatian Yang Berhormat Menteri sungguh pun ada harga barang² di-letakkan di-barang² itu, tetapi ada juga satu muslihat daripada ahli² perniagaan; kalau-lah sa-orang itu hendak membeli beras dengan harga yang di-tetapkan oleh Kementerian atau pun pengawal harga barang², kata-lah \$2 satu gantang, tetapi dengan bijak pandai daripada ahli² perniagaan di-pamerkan beras yang mutu-nya rendah dan di-buboh harga \$2. Jadi jika orang yang berkehendakkan barang yang baik di-katakan: “Kalau mahu barang baik, awak boleh dapat, tetapi kena bayar harga yang lebeh”. Jadi ini-lah perkara yang harus berlaku, kerana kerap kali kita dapati manakala ada undang² yang sa-macham ini, pehak² peniaga mengambil peluang untuk menggunakan undang² dengan sa-chara yang lain pula. Jadi saya harap-lah pehak pengawal akan mengambil tindakan yang sa-wajar-nya ka-atas orang² yang menyalah gunakan

undang² ini yang hendak mengexploit pengguna² barang² untuk kepentingan mereka dan juga untuk mendapat harga yang lebih daripada yang di-tetapkan oleh pihak Kerajaan.

Tuan Khaw Kai-Boh: Mr Speaker, Sir, first, I would like to reply to the remarks made by the Honourable Member for Batu. I thank him for the compliments he has paid me, but I think in fairness to my colleague, the substantive Minister of Commerce and Industry, this move had in fact come from him and was not initiated by me, and I think any credit for the introduction of this Bill should go to my colleague, the substantive Minister of Commerce and Industry.

Now, the Honourable Member also referred to the answer given to one of his Written Questions regarding the monopoly, or the allegation regarding the monopoly, held by the six big rice importers in this country. Needless to say, the answer has already been given in respect of this point and the Government deny that there is such a monopoly—in fact, there are over 100 importers for rice in this country—and if the Honourable Member in fact has any positive evidence of these six importers—as he has said that they go at night into clubs and have a chakap² and after the chakap² they jack up the price

Dr Tan Chee Khoon: Mr Speaker, Sir, on a point of clarification, they decide on the price for the next day—it may be jacking up or it may be jacking down. They control the price and they manipulate the prices.

Tuan Khaw Kai-Boh: Well, as I said, Mr Speaker, Sir, if the Honourable Member in fact has definite evidence of such a thing being done, or being conspired by the six importers, I am quite sure the substantive Minister would take adequate action because, I think, the policy of this Government is to prevent any monopolistic tendency in this country.

I welcome the Honourable Member's remark regarding the important role to be played by the Consumers' Associa-

tions and, in fact, this Ministry has repeatedly pointed out the necessity of such Associations throughout the country and it is only when we have powerful and well organised Consumers Associations that we can really put up a stand against profiteering in this country.

With regard to the various remarks made by the Honourable Member for Seberang Utara, these are being noted down and, where necessary, action will be taken. But, I think, we all know that businessmen are businessmen, they are out to make profit, and, as I said, it is up to the consumers to get together to resist any undue pressure being exerted by the businessmen in their profiteering activities.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

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

THE PATENTS (RIGHTS OF GOVERNMENT) BILL

Second Reading

Tuan Khaw Kai-Boh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to make provisions as to the rights of the Government in the legislation relating to patents and for matters incidental thereto" be now read a second time.

Mr Speaker, Sir, the legislation regarding patents registration thereof at present in force in Malaysia comprises the Registration of United Kingdom Patents Ordinance, 1951, applicable to West Malaysia, the Patents Ordinance (Cap. 61) of Sarawak and the Registration of United Kingdom Patents (Cap. 124) of Sabah. Each of the

Ordinance provides for the re-registration in the territory to which it is applicable of patents registered in the United Kingdom under the United Kingdom law, and if an United Kingdom patent is registered under any of these Ordinances, the holder thereof in this country shall have similar privileges as conferred by the issue of Letters Patent in the United Kingdom. The United Kingdom Act, however, specifically provides that any Government Department may make use and exercise any patented invention for the services of the Crown under certain specific conditions. On the other hand, under the existing legislation in force in West Malaysia, Sabah and Sarawak, there is some uncertainty as to whether the Government of Malaysia can exercise similar rights by applying the provisions of the United Kingdom Act as regards risk of infringement. Honourable Members will appreciate that it is important for the Government to reserve the right to the use and exercise of certain patented products, processes and technology, in the interests of the country and the public at large or in times of emergency. It is also necessary that the Government should be free to apply patented inventions that would normally constitute an infringement of patent rights for purposes such as research, health and education whenever the occasion demands without liability to pay compensation or otherwise laying itself open to infringement actions. In view of the uncertainty with regard to the rights of the Government, prevailing under the existing legislations, this Bill now seeks to make it clear that the Government of Malaysia, or any State, or Ministry, or Government Department, or any authorised person, has the right to do any act in respect of any patent registration in this country which would otherwise be an infringement of the privileges or rights granted to the patentees under the provisions of the existing legislations.

The proposed Bill would be effective throughout Malaysia, as otherwise it would be necessary to make separate amendments to the three Patents Ordinances now in force in West

Malaysia, Sarawak and Sabah, having regard to the objective of the Bill and in the interests of the Government and those sections of the public who will benefit from the Government's free use of patented inventions.

Sir, I beg to move.

The Parliamentary Secretary to the Ministry of Labour (Tuan Lee San Choon): Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

Preamble ordered to stand part of the Bill.

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

THE MUNICIPAL (EXTENDED APPLICATION) (AMENDMENT) BILL

Second Reading

Tuan Khaw Kai-Boh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Municipal Ordinance (Extended Application) Ordinance, 1948" be now read a second time.

Section 3 of the Municipal Ordinance (Extended Application) Ordinance, 1948, requires that any Order made under the Ordinance will have to be laid at the first meeting of the House of Representatives after publication of such Notification and shall cease to have any force or effect, if disallowed by a resolution of the House.

My Ministry has been advised that the Municipal Ordinance (Extended Application) Ordinance, 1948, was made on the 4th of March, 1948, as a

Federal law by virtue of the fact that item (75) of the Second Schedule of the Federation of Malaya Agreement, 1948, listed municipal corporations, town boards, etc., as a Federal subject. Hence, when the Legal Notification 332 of 1958 was drafted as an omnibus Notification Order, the expression "Legislative Council" in section 3 (3) of the Municipal Ordinance (Extended Application) Ordinance, 1948 was modified to read "House of Representatives." After Merdeka, however, Local Government, which under item (75) of the Second Schedule of the Federation of Malaya Agreement, 1948, was a Federal subject, became a subject on the State List of the Malayan Constitution, now Malaysian Constitution, i.e., item (4) of List 2 of the Ninth Schedule. Having become a matter within the purview and the jurisdiction of the State Governments, it is only proper that an order which deals with an item on the State List should be placed before the State Legislative Assembly and not before the House of Representatives.

The law officers of the Attorney-General Chambers are therefore, of the view that the modification effected by Legal Notification No. 332 of 1958, in so far as it relates to section 3 (3) and section 3 (4) of the Municipal Ordinance (Extended Application) Ordinance, 1948, is *ultra vires* and, in fact, the expressions "Legislative Council" and "Council" should be read as the "State Legislature" or the "State Legislative Assembly" as the case may be.

The purpose of this Bill, therefore, is to bring the Municipal Ordinance (Extended Application) Ordinance, 1948 into conformity with the Federal Constitution. I might also add that, as required under Article 95A of the Malaysian Constitution, this Bill has been agreed to by the National Council for Local Government at a meeting held recently.

Mr Speaker, Sir, I beg to move.

Tuan Lee San Choon: Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

Preamble ordered to stand part of the Bill.

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

THE MUNICIPAL (AMENDMENT) BILL

Second Reading

Tuan Khaw Kai-Boh: Tuan Speaker, Tuan, saya mohon meniadakan bahawa Rang yang bergelar Undang² bagi Meminda Municipal Ordinance di-bacha bagi kali yang kedua.

Tuan, Rang ini sangat-lah jelas tujuan-nya dan, seperti yang di-terangkan di-dalam keterangan kepada Rang itu, ia-lah bertujuan meminda Municipal Ordinance Cap. 133 bagi membolehkan undang² kecil di-perbuat supaya menentukan kawasan² di-dalam perbandaran bagi peliharaan lembu dan sa-umpama-nya dan bagi membolehkan binatang² yang di-tangkap kerana kesalahan di-bawah undang² kecil itu di-musnahkan. Seperti yang di-kehendaki di-bawah Fasal 95 (a) Perlembagaan Malaysia, Rang ini telah mendapat persetujuan Majlis Kebangsaan Kerajaan Tempatan.

Tuan Speaker, demikian-lah saya kemukakan.

Tuan Lee San Choon: Tuan Yang di-Pertua, saya menyokong.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

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

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

THE MUNICIPAL (AMENDMENT) (No. 2) BILL

Second Reading

Tuan Khaw Kai-Boh: Mr Speaker, Sir, I beg to move that a Bill intituled "an Act to amend the Municipal Act, 1963" be now read a second time.

Sir, this Bill seeks to extend the definition of "squatter hut" as appearing in the Municipal Act, 1963, so as to enable the Commissioner of the Federal Capital too, in accordance with the provisions in the by-laws made consequent upon the passing of the Municipality Act, 1963, to control and prevent the erection of squatter huts on alienated land. Under the by-laws referred to, the Commissioner, notwithstanding the provisions of any written law for the time being in force, may after giving to the owners of squatter huts on State land thereof at least seven days' notice in their behalf, summarily demolish the squatter huts and may for that purpose remove or force to be removed from such huts any person or property. It will, therefore, be observed that although the Commissioner of the Federal Capital is empowered to demolish summarily squatter huts erected on State land, he is not so empowered in respect of squatter huts erected on alienated land. The need to empower the Commissioner to deal with squatters on alienated land has become most pressing as, during the past few months and particularly during the past few weeks, illegal squatter huts have sprung up like mushrooms at an alarming rate on alienated land, thereby aggravating the already serious squatter problem.

It is apparent from the recent spate of construction of these illegal huts in Kuala Lumpur that the Kuala Lumpur Municipality is no longer dealing with only individual squatter as such but with well-organised groups, who are

evidently financed by unscrupulous contractors and protected by thugs. These people are openly and flagrantly flouting the law by constructing illegal huts in broad daylight and conveying by lorries prefabricated parts of buildings to the sites within the town centre. Clearly, swift and effective action must be taken, if the squatter problem is to be contained and not let to get out of hand.

I might also add that as required under Article 95A of the Malaysian Constitution, this Bill has been agreed to by the National Council for Local Government at a meeting held recently.

Mr Speaker, Sir, I beg to move.

Tuan Haji Abdul-Rahman bin Ya'kub: Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

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

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

THE TOWN BOARDS (AMENDMENT) BILL

Second Reading

Tuan Khaw Kai-Boh: Tuan Speaker, saya kemukakan Rang yang bergelar Undang² Bagi Meminda Undang² Lembaga Bandaran Negeri² Bersekutu, Johor dan Trengganu serta Undang² Perbandaran Kelantan di-bacha bagi kali yang kedua.

Tuan, Rang ini ada-lah jelas maksudnya dan ada-lah di-chadangkan Undang² yang tersebut di-bawah seksyen 2 itu di-pinda bagi membolehkan kira² yang di-pereksa oleh juru odit di-angkat kepada Raja dalam Majlis dan kira² itu di-ishtiharkan dalam

akhbar Kerajaan bersama² dengan sa-
barang tegoran yang di-buat oleh juru
odit.

Sekarang ini Undang² Lembaga
Bandaran F.M.S. Cap. 137, dan
Undang² bersamaan yang di-pakai oleh
Majlis Bandaran dan Lembaga Ban-
daran yang berotonomi kewangan tidak
ada syarat² yang berkehendakkan
Penguasa² Tempatan itu mengishti-
harkan kira² yang telah di-pereksa oleh
odit atau di-angkat-nya kapada Pe-
ngusaha Negeri.

Juru Odit Negara biasa-nya memberi
tegoran di-dalam laporan odit di-atas
kira² Persekutuan. Betapa mustahak-
nya Undang² berkenaan di-pinda
supaya kira² Penguasa² Tempatan yang
telah di-pereksa oleh odit di-kehendaki
di-angkatan kapada Raja dalam Majlis
di-dalam masa yang tertentu, berapa
haribulan kira²-nya di-tutup pada tiap²
tahun dan juga mengishti-harkan-nya
bersama² tegoran odit dalam akhbar
Kerajaan. Dan juga telah pun ada
beberapa kejadian berlaku yang Majlis²
Bandaran tidak ada mengemukakan
keterangan kira² tahunan untuk di-
pereksa oleh odit dan ada di-antara-
nya memakan masa satu hingga tiga
tahun. Keadaan seperti ini menjadikan
sukar mengetahui sama ada daftar² di-
simpan dengan betul atau tidak. Dan
juga tidak dapat di-ketahui ada-kah
kira² itu di-simpan dengan sempurna
atau tidak.

Sebab² yang besar kedudukan ke-
wangan Penguasa² Tempatan tidak
memuaskan ada-lah dari kerana tidak
ada Undang² yang berkehendakkan
mereka mengemukakan kira² tahunan
bagi di-pereksa oleh odit dalam masa
yang tertentu. Maka pindaan yang
di-chadangkan ini akan memaksa Pe-
ngusaha² Tempatan yang menyimpan
kira²-nya dengan terator dan sempurna
untuk di-odit dalam masa yang di-
tentukan. Seperti yang di-kehendaki
menurut Fasal 95 (a) Perlembagaan
Malaysia, Rang ini telah pun mendapat
persetujuan Majlis Kebangsaan Kera-
jaan Tempatan.

Tuan Speaker, sakian-lah saya ke-
emukakan.

**Tuan Haji Abdul-Rahman bin
Ya'kub:** Tuan Yang di-Pertua, saya
menyokong.

**Tuan Mustapha bin Ahmad (Tanah
Merah):** Tuan Yang di-Pertua, suka-
chita saya mengambil bahagian
sadiKit untuk berchakap di-dalam
Rang Undang² mengenai Lembaga
Bandaran dan Municipality Enactment
saperti yang di-terangkan oleh Menteri
Kerajaan Tempatan dan Perumahan
tadi.

Tuan Yang di-Pertua, saya meny-
kong Rang Undang² ini kerana kerap
kali kita dapati Majlis² Bandaran dan
Lembaga² Bandaran serta Majlis
Tempatan yang ada berselerak di-
seluruh Malaysia kita ini tidak terator
kedudukan kewangan-nya. Saya tidak
tahu apa-kah Menteri Kerajaan Tem-
patan dan Perumahan itu sedar atau
tidak satu kechurangan telah berlaku,
benar-kah atau tidak saya tidak tahu,
di-dalam Majlis Bandaran Tanah
Merah mengenai kedudukan kewangan
ini sa-hingga sampai bagitu lama sa-
telah timbul perselisihan di-dalam
Majlis Bandaran itu hingga hari ini
pun tidak pernah di-adakan meshuarat
beberapa tahun.

Jadi dengan ada-nya Undang² ini
saya mengharapkan pihak Kerajaan
tidak hanya sa-kadar membuat undang²
di-dalam perkiraan wang-nya sahaja
untuk di-angkat kapada Auditor-
General dan untuk di-sahkan di-dalam
Majlis Kerajaan Negeri tetapi patut-
lah Kerajaan juga memikirkan supaya
Majlis² Bandaran dan Majlis² Tem-
patan yang ada di-seluruh negara kita
ini di-adakan pilehanraya balek sa-
hingga tokoh² lama yang ada di-dalam
Majlis² itu, di-dalam Council itu,
sudah berasa puas dan bosan dengan
kerja mereka kerana apabila sudah
lama dia dudok di-dalam Majlis atau
Council yang sa-demikian itu timbul-
lah bermacam² suspect, churiga orang
lain terhadap kedudukan² seperti itu.
Jadi saya menyeru kapada Menteri
ini supaya segera membuat Undang²
dan membenarkan supaya kita meng-
adakan pilehanraya di-semua Majlis²
Tempatan dan Majlis² Bandaran di-
seluruh Malaysia ini.

Tuan Khaw Kai-Boh: Mr Speaker, Sir, in reply to the point raised by the Honourable Member for Tanah Merah in connection with the Tanah Merah Town Council, which I presume is in his constituency that no meetings have been held for a long time, I think this is a matter which has been gone into now by the Royal Commission of Enquiry. I have no doubt that this matter will be dealt with in the Report of the Royal Commission and, when the Report comes up to the Ministry, this Ministry will look into the question of what action is to be taken in respect of all the Councils, which have not held their meetings regularly if, of course, the allegation made by the Honourable Member is correct.

With regard to the question of earlier elections to Local Councils, I think I have already spoken in this House on not less than one occasion that the whole question on elections to the Local Councils will have to await the Report of this Royal Commission of Enquiry. Until and unless the report is available, the attitude of Government with regard to elections cannot be finalised—I think I have already stated that in this House.

Dr Tan Chee Khoon: On a point of clarification, Sir. Can the Honourable Minister give an indication to this House when will the Report of the Athi Nahappan Commission be ready for presentation to this House and will he give us an assurance that it will be debated in this House as well?

Tuan Khaw Kai-Boh: Mr Speaker, Sir, as the Royal Commission is an independent body, I think the last thing the Honourable Member would wish me to do is to interfere with the Commission and tell it what to do. As far as I know, the report will probably come out towards the end of this year, but I am afraid that I cannot give any assurance to the Honourable Member. As I said, the last thing the Honourable Member would like me to do is to give any direction to the Commission, because the Commission is a completely independent body and its findings will also be completely

independent of the views of the Government, and I think I have answered that point.

Dr Tan Chee Khoon: I wish to correct one mistaken impression on the part of the Honourable Minister for Local Government and Housing: I was not asking him to interfere at all. Like him, I think there should be no interference whatsoever on any Royal Commission on the part of anybody whatsoever—the Government or we on this side of the House. I was seeking clarification on

Mr Speaker: Are you making another speech after this? I am going to put the question now.

Dr Tan Chee Khoon: No. I was going to clarify.

Mr Speaker: Then make it as short as possible.

Dr Tan Chee Khoon: What I was going to say was that, perhaps, the Honourable Minister may enquire from the Chairman of the Commission when the report will be ready.

Tuan Khaw Kai-Boh: I have already stated that it is likely to come out before the end of this year, Sir.

Tuan Mustapha bin Ahmad: Untuk penjelasan sedikit, Tuan Yang di-Pertua. Berhubung dengan apa yang saya bangkitkan tadi mengenai desas-desus kechurangan yang telah dilakukan oleh Majlis Tempatan Tanah Merah, ada-kah pehak Menteri ini sedar atau tidak berlaku-nya kechurangan kewangan di-dalam Majlis Tempatan Tanah Merah itu dan apakah tindakan pehak Menteri ini akan ambil sa-kira-nya perkara itu benar berlaku ia-itu kechurangan mengenai kewangan.

Tuan Khaw Kai-Boh: Mr Speaker, Sir, I think the responsibility of any Government, if there is any irregularity regarding finance, is to see that the matter is looked into when the report is received by the Government. However, in this case, I think the alleged irregularity has never been reported to

my Ministry and if there is, I think, it is far less in proportion than some of the alleged irregularities in finance committed by the Kelantan Government.

Question put, and agreed to.

Bill accordingly read a second time and committed to a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

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

Schedule ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

THE TOWN BOARDS (AMENDMENT) (No. 2) BILL

Second Reading

Tuan Khaw Kai-Boh: Tuan Yang di-Pertua, saya memohon Rang Undang² yang bergelar Undang² bagi meminda Undang² Lembaga Bandaran di-bachakan bagi kali yang kedua.

Tuan Yang di-Pertua, menurut Undang² sekarang Majlis Bandaran dan Lembaga Bandaran yang memakai Undang² Lembaga Bandaran F.M.S. (Cap. 137) dan Perbandaran yang memakai beberapa bekalan dalam Undang² Lembaga Bandaran itu tiada boleh menuntut chukai² yang belum di-jelaskan dengan jalan civil oleh kerana chukai² yang di-kenakan itu ada-lah chukai² yang di-tetapkan oleh Undang² kechuali ada perbekalan didalam Undang² Lembaga Bandaran itu yang membolehkan-nya, maka tuntutan itu tiada-lah boleh di-buat menurut Undang² biasa.

Oleh itu seksyen 54 Undang² Lembaga Bandaran hendak-lah di-pinda dengan memasukkan satu seksyen baharu memberi kuasa kepada Penguasa² Tempatan berkenaan menuntut tugas² sa-bagai hutang didalam mahkamah yang berkeelayakan. Oleh kerana ada keraguan siapa-kah

yang bertanggung-jawab menjelas tunggakan chukai yang maseh ada pada masa pindahan milek atau penjualan harta di-lakukan, maka seksyen 57 ada-lah di-chadangkan di-pinda supaya pembeli bertanggung-jawab menjelas-kan tunggakan chukai itu. Di-Kuala Lumpur, di-mana harta² sewa-nya bertukar milek beberapa kali dalam sa-tahun, pehak Perbandaran akan kerugian chukai yang banyak jika keraguan itu tiada di-hapuskan.

Peluang ada-lah juga di-ambil me-minda ma'ana perkataan "harta" yang tiada boleh di-pindah dan "tuan empunya" seperti tersebut dalam seksyen 2 Undang² Lembaga Bandaran supaya meliputi pembekalan berkenaan dengan pembahagian bangunan² yang terkandung di-bahagian 25 Undang² Tanah Kebangsaan yang berkaitan dengan chukai. Seksyen 45 Undang² Lembaga Bandaran ada-lah di-pinda bagi menentukan tanggungan yang akan di-kenakan seperti kehendak Fasal 95 (a) Perlembagaan Malaysia. Persetujuan Majlis Kebangsaan Kerajaan telah di-dapati berkenaan Rang ini. Tuan Speaker, sekian-lah saya kemukakan.

Tuan Haji Abdul-Rahman bin Ya'kub: Saya sokong.

Tuan Mustapha bin Ahmad: Tuan Yang di-Pertua, saya juga bangun menyokong Rang Undang² ini, kerana achap kali kekacauan terjadi didalam kewangan Majlis² Tempatan didalam seluruh Malaysia ini ada-lah kerana mengadakan pilihanraya. Apabila mengadakan pilihanraya pengundi², ada pilihanraya, selalu minta chukai, malu—saya takut dia tidak undi lagi dalam pilihanraya sa-kali lagi. Akibat daripada itu-lah barangkali hasil daripada recommendation daripada pehak Surohan Jaya Majlis ini telah membuat kepada Menteri membuat Rang Undang² ini.

Saya harap Undang² ini akan segera di-laksanakan didalam negara kita ini dan saya harap juga didalam soal ini pehak Majlis Tempatan, atau pun Majlis Bandaran di-wakilkan kuasa itu kepada pehak Pengerusi, Majlis Kerajaan Tempatan di-mana² negeri. Saya ingat dengan ada-nya di-beri kuasa

bertindak kepada Pengerusi Majlis Kerajaan Tempatan masing² itu, memudahkan-lah pelaksanaan-nya. Itulah sahaja penerangan yang dapat saya terangkan.

Tuan Khaw Kai-Boh: Mr Speaker, Sir, I thank the Honourable Member for his support to this Bill. As a matter of clarification here, this Bill merely defines the responsibility of the person to pay the rates. I think, as far as the power to collect the rates is concerned, this has always been there.

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 inclusive ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

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

THE PORT WORKERS (REGULATION OF EMPLOYMENT) (AMENDMENT) BILL

Second Reading

Tuan Lee San Choon: Mr Speaker, Sir, I beg to move that the Port Workers (Regulation of Employment) (Amendment) Bill, 1967, be now read a second time.

This Bill seeks to amend the Schedule to the Port Workers (Regulation of Employment) Act, 1965. This Act is the enabling legislation for the scheme of de-casualisation introduced in the Port of Penang. The scheme in the Port of Penang is now in operation only in respect of stevedores. It is proposed to prepare similar schemes for other categories of workers in the port, and the schedule to the Act empowers the Minister to make such enquiries as

are necessary to enable the introduction of such a scheme and to appoint an impartial person to carry out such inquiries. It is now found that the powers of the person so appointed to carry out these enquiries are rather limited, thus making his work extremely difficult especially in a port, where traditionally the system of employment has been rather loose, and records of employment, hours of work, earnings, etc., are difficult to obtain. It is vital that the Minister should have accurate and reliable information on these matters before he can satisfactorily make a scheme. The Bill, therefore, vests the person appointed to carry out the enquiries with the power to summon any person and to compel the production of all evidence necessary to complete the enquiries satisfactorily.

Sir, I beg to move.

Tuan Ibrahim bin Abdul Rahman: Sir, I beg to second the motion.

Question put, and agreed to.

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

House immediately resolved itself into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

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

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

THE FACTORIES AND MACHINERY BILL

Second Reading

Tuan V. Manickavasagam: Mr Speaker, Sir, I beg to move that the Factories and Machinery Bill be now read a second time.

The Explanatory Statement accompanying the Bill amply explains the major provisions of the Bill, but I would like to explain in brief the approach that we have taken in drafting this Bill.

The Bill seeks to replace the Machinery Ordinance, 1953, and the regulations made thereunder. This Ordinance is enforceable only in places where machinery is used and the safety, health and welfare provisions of the Ordinance and regulations are aimed at ensuring protection of workers from mechanical and other hazards solely in connection with the use of machinery such as the fitting of guards, etc. The Government places considerable importance to the question of safety, health and welfare of workers, especially in the context of the increasing tempo of industrial growth in this country.

Recently an Industrial Health Unit has been established in my Ministry with a view to promoting greater attention to this question. The Bill, along with other measures to be introduced subsequently, constitutes yet another step forward in this direction. We feel it important that such steps should be taken at this stage itself, in order to ensure the healthy development of the industrial environment and to provide the basic requirements of occupational and industrial health of workers. The present Machinery Ordinance is inadequate for this purpose as it does not cater for the overall occupational and industrial health of all types of industry.

With rapid industrialisation and the drawing into the industrial labour force of rural, semi-rural and other industrial workers, it is possible that accident rates will tend to rise and various occupational hazards such as industrial diseases from old and new processes would be faced by these workers. The Factories and Machinery Bill now before the House extends the scope of the existing safety and health legislation to cover all aspects of industrial health in all work places defined as factories in Clause 2 of the Bill, i.e., all premises in which persons are employed in manual labour in various processes by way of trade for the purpose of gain irrespective of whether machinery is used or not. Premises where five or less persons are employed, or where only minor repairs

to vehicles are carried out, are however exempted from the definition of "factory" and are therefore outside the scope of this Bill.

Although this Bill has been drafted with the aim of achieving the maintenance of a high standard of safety, health and welfare provisions in factories, care has been taken to ensure, firstly, that safety legislation does not become an obstacle or hindrance to the rate of industrial growth, or to the smooth running of industries, which have been set up, and, secondly, that the very small businesses and industries are not burdened with excessive safety requirements so as to render them inoperative. In the light of these factors, this Bill provides a new approach to the question of safety, health and welfare of workers. Whereas the present Machinery Ordinance requires that a certificate of fitness must be obtained from the Machinery Department in respect of all power-driven machinery before the machinery may be operated, this Bill requires such prior certification only in respect of machinery considered to be dangerous such as steam boilers, pressure vessels, lifts and the larger diesel engines. This will mean that other than for such machinery the onus will be on the occupier to ensure that the safety standards of machinery are in compliance with the standards laid down in the regulations without prior certification of fitness by the Machinery Department. As this will embrace the bulk of factory machinery in the country, it can be expected that industrial operations would be considerably eased as a result. Intending operators are, however, required under Clause 34 to notify the Machinery Department of their intention to operate a factory, or machinery, outlining details of location, layout and processes and information on the action taken, or to be taken, in respect of approvals, or permits, from such other authorities as town planners, local governments, and so on. This approach will enable the Machinery Department to give every possible assistance to the intending operator in complying with the requirements of the provisions of the Bill before

and during the actual installation and avoid burdening of the operators after the machinery has been installed, or the factory has been built.

The Explanatory Statement adequately explains the main features of the Bill, but I shall here touch on some of these. Clause 2 in Part I gives the definition of the term "factory". Part II of the Bill stipulates the various requirements relating to safety, health and welfare in respect of which the Minister is empowered to make regulations. Although the requirements for prior certification of machinery in Clause 19 has been taken from the Machinery Ordinance, as I have already mentioned previously, in regulations to be made later it is intended to apply to certain dangerous machinery only such as steam boilers, unfired pressure vessels, hoisting machines and the larger diesel engines. The provisions of Part III of the Bill are largely similar to the existing legislation with the exception of Clause 30 relating to the Board of Examiners. The present Board, under the Chief Inspector of Machinery, is replaced by a Penal of Examiners which recommends to the Chief Inspector of Factories and Machinery the issue of certificates of competency. This arrangement allows for a more impartial judgement, when considering appeals against refusal.

Part IV is also similar to existing legislation except Clause 32, which requires a medical practitioner to notify occupiers of factories of the occurrence of any industrial disease listed in the Third Schedule contracted by a worker in their factories.

The most important changes from existing legislation are embodied in Part V. The purpose of Clause 34 (1), which requires every person intending to operate a factory to notify the Inspector of Machinery, is to enable the Inspector to advise him of all requirements relating to the operation of a factory and to forward all necessary application forms, copies of regulations, etc., before a factory is actually established.

Clause 34 (2) requires an occupier of a factory to notify an inspector not less than one month before actual occupation of the factory to enable the Inspector to take note of the existence of such factory and to plan his inspection before the actual occupation. However, the occupier may occupy the factory before the period expires with the permission of the Inspector or after the expiration of the period even without the permission of the Inspector, as the onus in complying with the relevant safety provisions is now placed on the occupier.

Clause 35 requires any person, who undertakes works of engineering, construction and building operations, which are also defined as "factories" in the Bill, to notify an inspector within a period of seven days after the commencement of such operation, but exempts from this works, which may be completed within six weeks and which do not involve the use of power-driven machinery.

Clause 38 (1) is a new clause requiring factories to keep a register containing such information as list of machineries, certificated persons, particulars of certificate of fitness, dangerous occurrences and industrial diseases.

Clause 53 and 54 of Part VI provide powers to the High Court to modify tenancy agreements to meet safety requirements and to apportion expenses in cases where premises are let off as part of the factory to enable equitable treatment between the owners and the occupiers.

The Bill, Sir, applies throughout Malaysia, but the Government does not propose to bring it into force in East Malaysia, pending discussions with both the State Governments there. In any case, the Government does not propose to bring this law into force until a few months after it has been passed by Parliament. This should give employers ample time and opportunity to acquaint themselves with the requirements of the Bill and also enable us to draft all the necessary operative regulations required to be made under it.

Sir, I have discussed this Bill in the National Joint Labour Advisory Council. In fact, a Special Committee of the Council was established to study the Bill, and both the employers' and the workers' groups on the Council have agreed to its provisions.

Certain amendments to this Bill have been circulated to Honourable Members earlier. These amendments should be read as one with the Bill proper.

Sir, I beg to move.

Tuan Lee San Choon: Sir, I beg to second the motion.

Dr Tan Chee Khoon: Mr Speaker, Sir, before I speak on this Bill itself, I want to draw the attention of the House to the fact that the events of last night have so disillusioned Members of the Opposition, in particular, as regards the exercise of democracy in this House and in this country that, Mr Speaker, Sir, as you see, the whole Opposition is deserted except for the Member for Batu. Perhaps, his faith in democracy is all-abiding and his faith in his fellowmen is greater than that of his colleagues on this side of the House. It is a very sad commentary on the exercise of power by the Honourable Minister of Finance that his action last night has so disillusioned—I reiterate, so disillusioned—those on this side of the House that but for me there is no Opposition Member present and today we have so many important Bills.

Sir, this Bill before us today, the Factories and Machinery Bill, is a very important one. The other Bills that follow are also fairly important and yet not a single member of the Opposition is interested because he says, "What is the use of my coming here, what is the use of my doing my homework when the Minister, with the huge majority that he has behind him, can bulldoze through whatever he wants?" I would have thought that the Minister of Finance last night with a little more tolerance would have got the co-operation of us on this side of the House.

Having said that, Mr Speaker, Sir, I wish to say that this Bill, the Factories and Machinery Bill, is one that is long overdue as the Minister of Labour well knows. He also knows, Mr Speaker, Sir, that the present situation as regards the inspection of the machinery, the safeguards for the workers, the medical facilities and the preventive measures as regards the health of the workers, are primitive, if not, non-existent. He also know that the staff that he has to implement this Bill is also totally inadequate and this Bill, admittedly, is a very good Bill. But, like all Bills passed by this House, one must not assume that because we pass this Bill its success is assured, because its success lies in the way that it is implemented—and to implement this Bill, the Minister must have adequate staff. I do know for certain that the Inspectorate of Machinery, for example, is totally inadequate and, particularly with the rapid industrialisation that is occurring in this country, if the Minister is to implement this Bill adequately and successfully, then certainly he should try his level best to get the necessary staff to implement this Bill.

Now, to take but one aspect of this Bill—the incidence of accidents. The incidence of accidents in this country, if at all there are any statistics, are woefully poor, or totally inadequate or totally unrealistic. The Minister knows fully well that, if a worker gets a finger crushed and if he goes and sees a private doctor, it is the job of the private doctor to put the worker back into circulation: it is not his job to report the matter to the Police or to the Inspectorate of the Machinery Department and consequently that accident, although a serious one, is not reported; and, under this Bill, the occupier or the owner of the factory naturally does not want to report such an accident, because he does not want an unwelcome visitor from the Inspectorate of Machinery Department. Consequently, the Minister must not live in a fool's paradise because—unless there is a thorough survey and he knows this fully well—the incidence

of factory accidents is far greater than whatever statistics that he may have. Perhaps, with the introduction of the Social Security Scheme, then, the worker will get medical benefits and not only that, he will get leave off for incapacity as a result of his accident; and, what is more important, he will get compensation for the loss of limb, adequate with that loss, and with these provisions as provided for, I hope, in the Social Security Scheme that the Minister is about to introduce, then he will get adequate statistics, because then the worker, if he gets a cut or he gets a finger chipped off, he will naturally see to it that it is treated by his panel of doctors and he gets compensation for it and, therefore, the Minister will get adequate and reliable statistics.

Mr Speaker, Sir, the Minister has mentioned the nucleus of industrial health service and we do know that, in the Supplementary Supply Bill, he has sought provisions for the nucleus of industrial health service. I will be really grateful, if the Minister will elaborate a little on it, because merely saying that there is a nucleus of an industrial health service really does not mean a thing to me. He may well have an office boy folding up the letters that he has to send out and calls it a nucleus of a service. If at all it is to be a real nucleus that will blossom forth into a full blown and useful industrial health service under the Ministry of Health, then he must have something worthwhile, otherwise, please do not call it a nucleus of industrial health service. The Minister also knows full well that the need for an industrial health service is very compelling and urgent. This is because we are embarking on an industrial expansion and the provision of an industrial health service should move *pari passu* with the expansion of industrialisation in this country. It is well-known that many developed countries and indeed also developing countries, which have neglected the industrial health service, have suffered a great deal in terms of working hours, in terms of the health of their workers,

because they have not thought of an industrial health service worthwhile, or important enough, to merit the attention of Government. Now, Mr Speaker, Sir, if we take cognizance of the importance of industrial health service, and if we set it up immediately as a measure of urgency, then we can well avoid the mistakes of those countries that have undergone many painful birth pangs where the industrial health service is concerned and, consequently, I commend to the attention of the Minister of Labour that he should, as a matter of prime importance, establish this industrial health service forthwith and not say, "I have the nucleus of an industrial health service".

Now, I do agree that the establishment of an Industrial Health Service is not as easy as, for example, the establishment of an outpatient service by the Ministry of Health, because the establishment of an Industrial Health Service depends on the co-operation of many departments, which are interwoven into this service. For example, it has, of necessity, to work in close liaison with the Department of Machinery; it has to work in close liaison with the Department of Chemistry, because lots of these diseases listed out are as a result of noxious gases and chemicals; it has, of necessity, to work in conjunction with the people in the Public Health Department; it has, of necessity, also to liaise with the clinical people in the clinical fields of medicine and as such I do agree that it is not that easy to establish an Industrial Health Service. But I do maintain that there are people, that there are medical officers, with the requisite qualifications, in particular the Diploma of Industrial Health. Off hand, I can think of about four or five medical officers in this country who have the D.I.H. Before independence, there was not a single medical officer with the D.I.H., but today we have many of them; and if the terms and conditions of this Industrial Health Service are attractive enough, I am sure that a number of officers, who are now working with the Municipalities,

who have the Diploma of Industrial Health, may well be attracted to such a service. And, as such, I would urge the Minister of Labour to establish this service as early as possible and, in particular, to advertise widely for such a person, so that the Industrial Health Service can be established and the person, when appointed, can get cracking, so that, I reiterate, we can avoid the mistakes of countries which have suffered from a lack of prescience on the part of the authorities concerned.

Now, Mr Speaker, Sir, I wish to touch on a few other clauses of this Bill. Clause 22, on page 12, lists the provisions relating to health. The Minister knows full well that all these provisions for effluvia, ventilation and over-crowding are observed in the breach by nearly all the factories in this country. In his quest of the mighty dollar, the occupier, or the owner, of the factory has not thought it worthwhile to provide all these amenities for its workers, with the result that although he may declare a higher dividend, or get a bigger profit from the efforts of his workers, on the other hand the health of his workers suffer, and in the long run his profits get less and less and also his dividends. Take this question of offensive effluvia for example. If one goes to some of these factories, one can get the pungent and nauseating smell from a good deal of this effluvia that emanates from the factories, and one does not need to be a medical man to know that these effluvia are noxious and pose a danger to the health not only of the workers but also of the residents near the factory.

The other thing, which I wish to touch on is, on page 18, Clause 32, which lists the notification of industrial diseases. Now, I do not know whether the Honourable the Minister of Labour has consulted any medical man when he got this draft written, and I shall quote the part that does cause some concern to any medical man. It reads:

"Every registered medical practitioner attending on or called in to visit a patient whom he believes to be suffering from any

of the diseases named in the Third Schedule to this Act and contracted in a factory shall, unless such notice has been previously sent, forthwith send to the occupier of the factory in which the patient states he is or was last employed, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the registered medical practitioner, the patient is suffering.";

and the diseases that he is supposed to notify are laid down in the Third Schedule—Notifiable Diseases. Now, Mr Speaker, Sir, this Clause 32 cuts across medical ethics as we understand them. It is well known, I hope, to the Minister of Labour that the medical man is not a policeman. If and when he treats a person, he is not bound to notify the disease that he finds in his patient to anybody. In fact, it will be very dangerous, on his part, to inform the disease that he finds in his patient to any person at all, because, then you break the trust that exists between the patient and the doctor. Now, off hand, I can think of something very horrible. For example, under this Clause the medical practitioner, of course, has to notify only these notifiable diseases; but, if he gets into the habit of notifying every disease, and then along comes a person with a urethral discharge and, as a matter of course, also he reports this to the occupier, or the owner, of the factory, think of the disastrous consequences it can be to him, because, then, if the wife of the patient, through the occupier, knows of the urethral discharge, she will sue for divorce and the patient will sue the doctor for a very tidy sum. I hope that the Minister, at a later stage, would try and see if he can amend this thing, so that instead of notifying the occupier, he can notify the medical officer in charge of the Industrial Health Service, because as between doctor and doctor it is a much simpler thing, and the Ministry of Health does send out forms to doctors asking them to fill up the form to notify the Ministry regarding notifiable diseases. Now, if such a thing is done, then of course there is nothing wrong under the law to do that. Otherwise, I wish to point out that the Minister certainly would not get the co-operation of the medical profession if he insists that the

medical officer should inform forthwith or send a notification to the occupier of the factory, meaning the owner of the factory. Unfortunately, this Bill is not known to the medical profession. If it had been sent to the Malayan Medical Association, for example, we would certainly have notified him of this Clause, which is certainly obnoxious to the medical profession.

Now, Mr Speaker, Sir, I do hope that with the passage of this Bill, not only will the Minister try and set up an inspectorate that will really function, but will also establish it immediately, even before the Bill comes into effect. As he has told us that the Bill will not come into effect for another three or four months in order to get the employers to get used to the provisions of the Bill, to put their house in order, and he himself would need some time to get the staff ready to enforce this Bill. I hope that he will make use of that time to certainly start the Industrial Health Service and not wait till the implementation of the Bill itself, before he starts get cracking with the establishment of the Industrial Health Service which, I reiterate again, is of vital importance to not only the health of the workers but also to the various industries that are being established in this country. Thank you.

Tuan V. Manickavasagam: Mr Speaker, Sir, I would like to thank the Honourable Member for Batu for his observations and also for the interest that he has shown in this Bill. He has mentioned that Members of the Opposition have been disillusioned by the way the Income Tax Bill was taken in this House. Sir, we, the Members here, know that we did it with the full consent of this House, and I think it is the duty of every Member of this House to stay back, if he is interested in bringing up his remarks, just like the Member for Batu, and I would like to thank the Honourable Member for Batu for having stayed back and he made us wait here, including yourself, Sir, till 10.00 p.m. If the Honourable Member for Batu could stay back, I do not see any reason why his other

colleagues on the Opposition bench cannot be here, if they are really interested in expressing their views. Sir, no Member has been restricted in or castigated for expressing his views. To say that we have been bulldozing the Bill, Sir, we from the Government Bench and from this group cannot agree.

Sir, coming to this Bill, as the Honourable Member has said, this Bill has been brought in to see that we cover all aspects which have not been in the former Ordinance.

Sir, he said that the present rate of accidents is very high. The figures show

Dr Tan Chee Khoon: Sir, on a point of clarification. I did not say it is very high. I said that it is much higher than what the Minister thinks it is.

Tuan V. Manickavasagam: Sir, of all those that have been reported to us, of course, we have the figures; but if reports are not made—probably they go on the quiet to medical practitioners—then we cannot help them. The progress that we have so far achieved in respect of safety, I feel, is quite satisfactory. Attempts are, however, being made to improve and to ensure that we have adequate inspection staff, and recruitment of officers is being undertaken.

Sir, the Honourable Member mentioned about the Industrial Health Service. The Supplementary Supply Bill passed yesterday provides for the appointment of an industrial health doctor, a senior assistant and ancillary staff. Sir, I have described this as a nucleus, as we hope that after some experience we could appoint not only more doctors but also chemists and others. Meanwhile, Sir, the Industrial Health Unit will work in co-operation with the Ministry of Health and the Department of Chemistry and various other local authorities. Sir, it does take some time for the staff to get experience, and I can assure the Honourable Member that Government

will do everything possible to speed the establishment of this Unit with its full complement.

Dr Tan Chee Khoon: On a point of clarification, Mr Speaker, Sir, the Honourable Minister has told us that a provision has been made in the Supplementary Supply Bill for a medical officer, laboratory assistant, and the like. Can he tell this House whether the post of medical officer to head the Industrial Health Unit has been advertised?

Tuan V. Manickavasagam: Sir, we have contacted the Ministry of Health for the secondment of a medical officer to head this Division.

The Honourable Member has also mentioned Clause 22. He said that these conditions are not observed at all and that cleanliness is not observed in factories. Sir, I am aware that it is so in some places of employment, and the object of this Bill is to improve the situation.

Sir, he also mentioned Clause 32 and said that this cuts across medical ethics. This Clause has been drafted after consultation with the Ministry of Health, and I am told that such requirements are found in most factory legislation.

Sir, the doctor here does not have to notify all diseases as mentioned by the Honourable Member for Batu but only those that are considered as industrial or occupational. Sir, he has asked whether at a later stage, we would consider any amendment. If the Honourable Member, or the Medical Association, would give us constructive suggestions for any improvement to this Bill, with a view of giving workers a fair deal as well as safety in places of employment, I can assure the Honourable Member and this House that we will always consider them, 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 a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 59 inclusive ordered to stand part of the Bill.

First Schedule ordered to stand part of the Bill.

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

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

THE TRADE UNIONS (AMENDMENT) (No. 2) BILL

Second Reading

The Parliamentary Secretary to the Minister of Labour (Tuan Lee San Choon): Mr Speaker, Sir, I beg to move that the Trade Unions (Amendment) (No. 2) Bill before the House be now read a second time.

The Trade Unions Act, 1965, is at present applicable only to the States of Malaya. When the 1965 Act was drafted, the Trade Unions Ordinance, 1959, had not been extended to Sarawak and it was felt that it would be more convenient to await the extension of the 1959 Ordinance to the whole of Malaysia before making the 1965 Act applicable throughout Malaysia.

The Trade Unions Act, 1965, seeks to regulate the multiplicity of trade union organisations and to vest the Registrar of Trade Union with certain powers in this regard. The Act also contains provisions relating to the employment by trade unions of persons who are not resident in Malaysia, or who already hold office in another trade union.

Finally, the Act amends section 27 of the Trade Unions Ordinance, 1959, to authorise His Majesty the Yang di-Pertuan Agong to permit, subject to such conditions as he may specify, public officers to join or be members of

any trade union. This Bill makes the provisions of this Act also applicable to East Malaysia.

Sir, I beg to move.

Tuan Ibrahim bin Abdul Rahman: 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 of the whole House.

Bill considered in Committee.

(Mr Speaker *in the Chair*.)

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

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

THE INDUSTRIAL RELATIONS (AMENDMENT) BILL

Second Reading

The Minister of Labour (Tuan V. Manickavasagam): Mr Speaker, Sir, I beg to move that the Industrial Relations (Amendment) Bill be now read a second time.

This Bill seeks to rectify certain omissions in the Industrial Relations Bill, which was considered by this House at its last session. The Industrial Relations Act came into force on the 7th of this month.

Clause 2 of the Bill, amending section 23 of the Act, is new. This Clause of the Bill brings statutory bodies, whether Federal or State, on the same footing as the Government Service for arbitration purposes. Section 23 of the Act enables the Minister to refer a trade dispute to the Industrial Court under certain circumstances but, if the dispute relates to any Government Service, it can only be referred to the Court with the consent of His Majesty the Yang di-Pertuan Agong, if it is in the service of the Federal Government, or the Ruler or Governor of the State, if it is in any State Government Service. The amend-

ment in Clause 2 now extends this requirement to obtain the consent of His Majesty or the Ruler of a State, as the case may be, to a dispute in the service of any statutory authority also.

The Government feels that statutory bodies, since they are direct agencies of the Government and are established and often financed by the Government, should be governed by similar provisions as far as trade disputes are concerned.

The control over trade disputes occurring in such services is especially important as public funds are involved and terms and conditions of employment in any statutory body have far reaching implications and repercussions not only on the Government Services but also on other statutory bodies.

The amendment contained in Clause 3 of the Bill removes the requirement for the Industrial Court to stipulate in any award the actual parties to be bound by the award, as section 29 of the Act already spells out the parties on whom an award shall be binding.

The amendment to section 29 contained Clause 4 of the Bill is consequential upon the amendment in Clause 3. It is felt that it would be impractical, in a number of cases, for the Court to name all the parties to be bound by a particular award. Section 29, as amended, should be sufficiently explanatory as to this matter.

Clause 5 of the Bill is consequential upon Clause 2. This Amendment stipulates that there shall be no strike or lock-out where His Majesty or a State Authority has withheld his consent to the reference of trade dispute in any Government Service or the service of a statutory authority to the Industrial Court.

In bringing the amendments to sections 23 and 41 of the Act to this House, I should repeat the statement that I made in the House, when the main Industrial Relations Bill was debated. These provisions will only be invoked in exceptional circumstances but are nevertheless necessary as a vital safeguard.

Clause 6 of the Bill amends section 49 of the Act to include a new sub-section to ensure mainly that the Industrial Court would possess all the powers and be bound by the requirements specified in the body of the Act. There are a number of matters referable to the Court under the Act which cannot be deemed to be covered by the definition of "trade dispute" as it now stands in section 2. For example, many of the matters provided for in Part II of the Act relating to the Rights of Workmen and Employers and their Trade Unions cannot come under the classification of "trade dispute"; neither could be procedures of the Court in the case of collective agreements brought to its notice under section 14 of the Act be deemed to come within that definition. It is essential, however, that the constitution of the Court, the powers provided for it and the consequences of the Court's award on these matters, just as in the case in trade disputes proper, should be as provided for in the Act. The amendment proposed in Clause 6 seeks to ensure this.

Sub-section 2 of section 23 and sub-section 4 of section 27 are excluded from the operation of the provisions in Clause 6 of the Bill. Section 23 (2) of the Act defines the powers of the Minister to refer a trade dispute, under certain circumstances to the Industrial Court. It is intended that the provisions in Clause 6 should not apply in this case. The powers of the Minister to refer so-called "non-trade dispute matters", as I specified earlier, are contained in other portions of the Industrial Relations Act. Sir, this Clause in the Bill merely seeks to ensure that once these matters have been referred to the Court under the various provisions, the Court will be constituted under section 19 and that the remaining requirements of the Act are adhered to thereafter. The provisions of Clause 6 are also not to apply to section 27 (4) as the requirements of this section are only to be followed by the Court in the case of trade disputes proper.

The amendment proposed in Clause 7 merely rectifies an omission in drafting the original Bill.

Clause 8 of the Bill corrects another omission in the original Bill, as modification of law orders, under which the relevant industrial relations legislation of West Malaysia was extended to the East Malaysian States, were overlooked in drawing up the list of laws to be repealed on the coming into force of the new Act. It has now been brought to our notice that Article 74 of the Malaysia Act requires the repeal of these modification orders as well and not merely the repeal of the present laws that were extended under this Article.

Sir, I beg to move.

Tuan Haji Abdul-Rahman bin Ya'kub: Sir, I beg to second the motion.

Dr Tan Chee Khoon: Mr Speaker, Sir, the Minister in his introduction has explained to us why it is necessary now to extend sub-section (2) of section 23 of the Industrial Relations Act, 1967 to cover statutory bodies as well. When we debated the Industrial Relations Bill, I pointed out how the Industrial Relations Bill, and now the Industrial Relations Act, is again heavily loaded against the Government servants, be it Federal or State. Now, this Bill seeks to extend the provisions of that Act much further. If I may reiterate what I stated during the debate on 22nd June, 1967, if you have a dispute between Government servants and the Government, then if you have the Yang di-Pertuan Agong to intervene and he says "No", but the Yang di-Pertuan Agong is after all a constitutional Head, he must, of necessity, abide by the advice of his Government—in this case the Minister of Labour, or the Prime Minister of the country—and if the Government decides that the thing should not be referred to the Court, what is going to happen? You will have a very unsatisfactory state of affairs when the workers cannot go on strike, they cannot get their case referred to the Industrial Arbitration Court, and the workers then will have to remain hanging in the air in inanimated suspense. I submit that this is a thoroughly unsatisfactory state of affairs, and I do hope the Government will think again on

this provision of the Industrial Relations Act, if it wants to have industrial peace in the Government sector. Now the "Government sector" virtually means the N.E.B., the University, and other statutory bodies in this country.

Now, Mr Speaker, Sir, I wish to draw this to the attention of this House and also in particular the Minister of Labour, not that he does not know of the unsatisfactory state of affairs, particularly *vis-a-vis* the question of recognition of trade unions. Before the advent of the Industrial Relations Act this, of course, was a matter of great vexation to the workers of this country. The Minister knows full well that whenever a group of workers want, or even think in terms of setting up a trade union in the factory or place of work, if the employer comes to know about it, he immediately sacks the whole lot of the would-be trade unionists and there was no redress. Fortunately, under the Industrial Relations Act, the act of recognition of a trade union is clearly laid down. But, unfortunately, there are many employers in this country, who not only do not want to read what has been written very clearly on the wall as laid down in the Industrial Relations Act, but who now want to defy the law even. The law says that there is a set procedure, and if the workers comply with the set procedure as laid down in the Industrial Relations Act, then the employer should not refuse recognition of the trade union. Unfortunately, as the Minister knows full well, there are a number of cases now pending before the Industrial Arbitration Court, or the Arbitration Court, which hinge on this simple question of recognition of trade union. I think it was the Member for Kampar yesterday who brought to the attention of the Minister of Labour the unsatisfactory state of affairs as regards the Dolomite Industries strike; and the Minister knows full well that this is a matter that started long before the Industrial Relations Bill was brought before this House. Long before this Industrial Relations Bill was brought before this House, the question of the recognition of the Dolomite branch of the National Union of Mining Workers was drawn to his attention,

and I myself on many occasions have contacted not only the Minister of Labour but also the officials of his Ministry, and I myself have gone to see one of the major partners of the Dolomite Industries concerned. But all of us have wasted much of our time because the employer was adamant, despite the passage of the Industrial Relations Bill into law; he was adamant and he said, "I do not want to recognise the Union; I do not want to employ the workers directly; I will only employ the workers through another party. I will only employ contract labour and if the workers want to work in this factory, they must work as contract workers". Of course, this makes a hollow mockery of the whole system of industrial relations in this country. If the workers of Dolomite Industries give in to the management of Dolomite Industries, then the M.T.U.C. might just as well pack up, because Dolomites will say, "well I do not want direct workers; I only want contract workers; all of you can buzz off; I will call the contractor in and I will engage contract workers".

Sir, I do hope that this applies not only to the Dolomite Industries but also to the South Pacific Textile Factory in Batu Pahat. There the history dates back to six months, and I am told that this particular factory emigrated from Singapore and that they also exploited the workers there and when naturally the P.A.P. Government down there would not tolerate such exploitation, they hopped across the Causeway and settled down in Batu Pahat. And again it was a question of the recognition of the trade union and in that particular factory, the South Pacific Textile Factory, the workers have been victimised, in that a number of would-be trade unionists have been sacked by the Management.

Undoubtedly, the Minister knows that there are a number of other trade unions awaiting recognition. They only seek recognition of their unions—nothing more. They have not put in a whole heap of unreasonable demands. They merely want recognition by their employer of their trade union, and I do hope that the Ministry of Labour, in

particular the Minister of Labour—I do know that he has given his attention to the Dolomite Industries, because I have been contacting him a number of times—I do hope that he will attend not only to the Dolomite Industries and to the South Pacific Textile factories but also to the other workers, who have applied for recognition of their trade unions. I do hope that he will take an urgent attention on this, so as to prevent an outbreak of further strikes in the industrial sector in this country. Thank you.

Tuan V. Manickavasagam: Mr Speaker, Sir, in my opening remarks I have already explained in detail the need for the provisions asked for in this Bill. Sir, as I have stated that since statutory bodies are direct agencies of Government and are established and often financed by Government, similar provisions should be there for such bodies. Sir, I do not, I think, need to dwell further in this respect. Sir, I have also mentioned here that these safeguard provisions would be used only in exceptional circumstances.

Mr Speaker, Sir, the Honourable Member brought up the question of the recognition of Trade Unions. I am aware Sir, that there are a number of employers, a number of firms, who would not want to give recognition to trade unions and I had assured, in this House sometime ago that if necessary we would bring in some form of legislation. It is with that view that we brought in certain sections in this Industrial Act for recognition of trade unions. And I also did assure the Honourable Member that if he did not ask the Bill to be referred to a Select Committee, I would refer the recognition question of the Dolomite Industries, as a first case; and I can

say, Sir, that that is the first case that has been referred to the Industrial Court. I have also referred the question of recognition in respect of the South Pacific Textile to the Court too, and I am sure that the Court would give its findings soon.

I can assure the Honourable Member and this House that the Ministry would do everything possible for the workers to get themselves organised in responsible trade unions—I emphasize, Sir, in responsible and proper trade unions.

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 8 inclusive ordered to stand part of the Bill.

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

ADJOURNMENT

(Motion)

Tan Sri Haji Sardon bin Haji Jubir:
Mr Speaker, Sir, I beg to move—

That notwithstanding the motion agreed to by the House this morning, the House shall now stand adjourned until 10.00 a.m. tomorrow, 26th August, 1967.

Question put and agreed to.

Resolved,

That notwithstanding the motion agreed to by the House this morning, the House shall now stand adjourned until 10.00 a.m. tomorrow, 26th August, 1967.

Adjourned at 7.55 p.m.