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PENYATA RASMI

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DEWAN NEGARA
Senate

PARLIMEN KETIGA
Third Parliament

PENGGAL PARLIMEN PERTAMA
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KANDONGAN-NYA

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MALAYSIA
DEWAN NEGARA YANG KETIGA

Penyata Rasmi

PENGGAL YANG PERTAMA

Hari Rabu, 11hb Ogos, 1971

Meshuarat di-mulakan pada pukul 2.30 petang

YANG HADHIR:

- Yang Berhormat Yang di-Pertua, Yang Berbahagia TAN SRI HAJI ABDUL HAMID KHAN
BIN HAJI SAKHAWAT ALI KHAN, P.M.N., J.P. (Di-lantek).
- „ Menteri Ta' Berpotfolio, Yang Berbahagia TAN SRI ONG YOKE LIN,
P.M.N. (Di-lantek).
- „ Peguam Negara, Yang Berbahagia TAN SRI ABDUL KADIR BIN
YUSOF, P.M.N., P.J.K. (Di-lantek).
- „ TUAN ABDULLAH BIN DATO' HAJI ABDUL RAHMAN (Johor).
- „ TUAN ABDUL RAHIM BIN ABDUL MANAN, A.M.N., P.J.K. (Negeri Sembilan).
- „ TUAN ABDUL SAMAD BIN OSMAN (Di-lantek).
- „ TUAN ABU BAKAR BIN AHMAD, S.M.T., P.J.K. (Trengganu).
- „ PUAN AISHAH BINTI HAJI ABDUL GHANI (Di-lantek).
- „ TUAN AMALUDDIN BIN DARUS, J.P. (Kelantan).
- „ TUAN A. ARUNASALAM, A.M.N. (Di-lantek).
- „ DATO' CHAN KWONG HON, J.M.N., D.P.M.S., S.M.S., J.P. (Selangor).
- „ DATO' DR CHEAH TOON LOK, D.P.M.K., D.M.K., J.M.N., J.P. (Di-lantek).
- „ TUAN CHONG FOO KHIN, P.J.K., J.P. (Negeri Sembilan).
- „ TUAN CHUA CHIN CHENG, P.J.K. (Melaka).
- „ DATO' J. E. S. CRAWFORD, D.P.M.P., J.M.N., S.P.M.P., J.P., DATO' KURNIA
INDERA (Di-lantek).
- „ TUAN SYED DARUS BIN SYED HASHIM (Perlis).
- „ PUAN DASIMAH DASIR, A.M.N., J.P. (Di-lantek).
- „ DATO' FOO SEE MOI, D.P.M.K., J.P. (Di-lantek).
- Yang Berbahagia TAN SRI GAN TECK YEOW, P.S.M., J.M.N. (Di-lantek).
- Yang Berhormat TUAN GOH CHEK KIN, P.J.K. (Trengganu).
- „ TUAN HAJI HASSAN BIN HAJI YAAKUB, J.P. (Melaka).
- „ DATO' NIK HASSAN BIN HAJI NIK YAHYA, J.M.N., D.J.M.K. (Di-lantek).
- „ TUAN SYED HASSAN AIDID, J.M.N., P.J.K., J.P. (Pulau Pinang).
- „ DR SYED HUSSEIN ALATAS (Pulau Pinang).
- „ TUAN IBRAHIM BIN HAJI YAACOB, P.J.K. (Selangor).
- „ DATO' WAN IBRAHIM BIN WAN TANJONG, J.M.N., P.J.K., ORANG KAYA
INDERA MAHARAJA PURBA JELAI (Pahang).
- „ TUAN HAJI C. D. ISMAIL, J.M.N., J.P. (Di-lantek).

- Yang Berhormat TUAN ANDREW JIKA LANDAU (Di-lantek).
- „ DATO' Y. T. LEE, D.P.M.S., J.M.N., P.J.K., J.P. (Di-lantek).
- „ DR LIM AH SITT, P.I.S., (Johor).
- „ TUAN LIM HEE HONG, J.M.N., J.P. (Di-lantek).
- „ TUAN G. LOUIS (Di-lantek).
- „ AWANG DAUD MATUSIN (Di-lantek).
- „ DATO' HAJI PENGIRAN MOHAMED DIGADONG GALPAM, P.D.K. (Sabah).
- „ TUAN HAJI MOHD. SAAID BIN HAJI ABU BAKAR (Di-lantek).
- „ DATO' ATHI NAHAPPAN, D.P.M.S. (Di-lantek).
- „ DATO' NGAU KEN LOCK, J.M.N., P.J.K., J.P., DATO' KURNIA PANGLIMA RAJA (Pahang).
- „ TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Di-lantek).
- „ TUAN SHAARI BIN JUSOH (Perlis).
- „ TUAN K. R. SOMASUNDRAM, A.M.N. (Kedah).
- „ WAN SULAIMAN BIN WAN TAM, P.J.K. (Di-lantek).
- „ TUAN TING MING HIA (Sarawak).
- „ DATO' S. O. K. UBaidULLA, D.P.M.S., J.M.N., (Di-lantek).
- „ TUAN WONG SWEE SOON, A.M.N., P.J.K. (Di-lantek).
- „ TUAN YAHYA BIN HAJI AHMAD (Perak).
- „ TUAN YEAP KHENG YAM (Perak).
- „ TUAN ZAINUDDIN BIN HAJI MOHD. SIDIN, P.J.K. (Di-lantek).

YANG TIDAK HADHIR:

- Yang Berhormat Menteri Dengan Tugas² Khas dan Menteri Penerangan, Yang Berbahagia TAN SRI MUHAMMAD GHAZALI BIN SHAFIE, P.M.N., D.I.M.P., P.D.K. (Di-lantek).
- „ DATO' JOSEPH AUGUSTINE ANGIAN ANDULAG, P.D.K. (Sabah).
- „ TUAN HONG KIM SUI, A.D.K. (Di-lantek).
- „ TUAN KAMARUL ARIFFIN BIN MOHD. YASSIN (Di-lantek).
- „ TUAN S. T. MANI, P.J.K. (Di-lantek).
- „ TUAN MOHD. HANIPAH BIN S. ALAUDIN, A.M.N., J.P. (Di-lantek).
- „ DATO' TEMENGGONG OYONG LAWAI JAU, P.N.B.S., M.B.E. (Sarawak).
- „ TUAN WILLIAM TAN, J.M.N., C.B.E. (Di-lantek).
- Yang Berbahagia TAN SRI T. H. TAN, P.M.N. (Di-lantek).
- Yang Berhormat DATO' E. E. C. THURASINGHAM, D.P.M.J., J.P. (Di-lantek).

YANG HADHIR BERSAMA:

- Yang Berhormat Menteri Pelajaran, TUAN HUSSEIN BIN DATO' ONN, P.I.S., M.B.E. (Johor Bahru Timor).
- „ Menteri Teknologi, Penyelidikan dan Kerajaan Tempatan, DATO' ONG KEE HUI, P.N.B.S. (Bandar Kuching).
- Yang Berhormat Timbalan Menteri Kewangan, TUAN ALI BIN HAJI AHMAD (Pontian Selatan).
- „ Timbalan Menteri Buroh dan Tenaga Ra'ayat, TUAN LEE SAN CHOON, K.M.N. (Segamat Selatan).
- „ Timbalan Menteri Hal Ehwal Dalam Negeri, TUAN HAJI MOHAMED BIN YA'ACOB, P.M.K., S.M.T. (Tanah Merah).

DO'A

(Tuan Yang di-Pertua *mempengerusikan Meshuarat*)

RANG UNDANG²RANG UNDANG² PERHUBONGAN
PERUSAHAAN (PINDAAN)

Bacaan Kali Yang Kedua dan Ketiga

Timbalan Menteri Buroh dan Tenaga Ra'ayat (Tuan Lee San Choon): Tuan Yang di-Pertua, saya mohon meniadakan supaya Rang Undang² Perhubungan Perusahaan (Pindaan) 1971 di-baca pada kali yang kedua.

Tujuan Rang Undang² Perhubungan Perusahaan (Pindaan) yang di-bentangkan di-Dewan ini sekarang ia-lah untuk menegohkan dengan pindaan² tertentu perbekalan² yang ada dalam Peratoran² Perlu (Perhubungan Perusahaan) 1969 dan Peratoran² Perlu (Perhubungan Perusahaan) 1971, kedua²-nya di-buat di-bawah Ordinan (Kuasa² Perlu) Dharurat No. 1, 1969 dan yang telah di-dapati perlu dari pengalaman semenjak Oktober 1969 supaya pindaan² ini menjadi undang² buroh yang tetap bagi Malaysia.

Dengan rengkas-nya, perbekalan² yang di-nyatakan dalam Rang Undang² ini ada-lah berkaitan dengan perkara² berikut:

- (i) Melindungi hak² sa-saorang pekerja bagi memasoki atau tidak memasoki sa-suatu Kesatuan Sekerja dan mengenalkan sa-tengah daripada hak² majikan supaya mengadakan perhubungan perusahaan yang berasas lebeh ma'abul atau rational lagi.
- (ii) Memberi chuti kepada pekerja untuk menjalankan tugas² sa-bagai Pegawai Kesatuan Sekerja dalam perkara yang berhubung dengan tempat pekerjaannya sendiri.
- (iii) Menghadkan ahli² yang dalam pangkat pengurusan dan exekutif dan mereka yang bekerja dalam tugas keselamatan dari di-wakili oleh kesatuan sekerja yang tidak mengandongi ahli²-nya chuma dari kumpulan pekerja² yang tersebut sahaja.
- (iv) Melarang pembuangan kerja sa-saorang pekerja sa-lain daripada alasan salah-laku (misconduct) dalam tempoh tuntutan pengiktirafan Kesatuan Sekerja maseh di-buat, dan menahan tindakan perusahaan dari berlaku dalam apa chara pun, dalam tempoh ini.

(v) Memberi Menteri kuasa² mendengar ia-itu membicharakan dan membuat keputusan dalam kes² buang kerja. Chara ini ada-lah lebeh chepat daripada peratoran dahulu yang memerlukan rujukan kepada Mahkamah Perusahaan.

(vi) Menghadkan "picketing" kepada sa-suatu tempat pekerjaan di-mana pertikaian perusahaan sedang ada.

(vii) Membenarkan rujukan kepada Peguam Negara masaalah undang².

(viii) Membenarkan perkara² am berkenaan dengan peratoran kenaikan pangkat di-binchangkan di-antara majikan dan Kesatuan Sekerja.

Perbekalan² yang ada di-dalam Rang Undang² Perhubungan Perusahaan (Pindaan) 1971 ia-lah untuk meninggikan taraf perjalanan Perhubungan Perusahaan dengan memberi perlindungan lagi di-mana perlu, memendekkan peratoran² di-mana yang panjang dan lama dengan memberi susunan kaedah yang baharu di-tempat² yang berkurangan. Semua-nya ini di-dapati perlu memandangkan kepada kehendak dan faedah negara.

Tuan Yang di-Pertua, saya mohon meniadakan.

Peguam Negara (Tan Sri Abdul Kadir bin Yusof): Tuan Yang di-Pertua, saya mohon menyokong.

Dato' Y. T. Lee: (*Dengan izin*) Mr President, Sir, the proposed amendment to the Industrial Relations Act which provides for questions of a general character relating to the procedures of promotion to be raised by employees with employers and for such matters, in the event of disagreement, to be referred to the Minister for his direction, which shall be final and conclusive, has been considered by many quarters concerned.

The private sector which comprises the industrialists, the manufacturers, employers, bankers and the various Chambers of Commerce is not happy over this amendment. The bodies mentioned earlier maintained that the amendment is an erosion of the fundamental responsibility of management and could lead to difficulties which would inhibit the investment climate. The Minister of Labour, however, has assured the various bodies concerned that this state of affairs is unlikely to happen and that he will exercise his powers under the Act in a dispute in an equitable manner.

Mr President, Sir, we are aware of difficult labour-employer relations all over the world. Take, for instance, the industrial dispute in the United States of America, such as the Longshoremen's strike, General Motors strike and the Steel Workers strike. These disputes between workers and employers have more or less paralysed the respective organisations with the result that both the parties suffered losses. Again, let us take a look at the worker-employer dispute in Great Britain; the position is no better. The Great Postal Strike is still fresh in our memory. The loss suffered by Great Britain is incalculable and the damage done is irreparable. Fortunately worker-employer relationship in this country is reasonably good, and they have always acted to the dictates of reason and it is to be hoped, Sir, that this relationship will be continued and maintained for a long time to come. Both workers and employers should consolidate this happy relationship to enable the Second Malaysia Plan to be successfully accomplished. Mr President, Sir, I support the Bill in this context.

Dato' S. O. K. Ubaidulla: (*Dengan izin*) Sir, as one who belongs to the employers' organisation, I think it is only fair that I should take this opportunity to express the view that is found in the country.

Sir, this has been a very controversial Bill. Both employers and workers have viewed this Bill with mixed feelings, but I should compliment and congratulate the Honourable Minister, Tan Sri Manickavasagam and his able lieutenant the Honourable Mr Lee San Choon, for their earnestness and sincerity and the time and trouble they had taken to explain this Bill to the Members of Parliament, in particular, and others elsewhere in the country. There were many deputations from both sides to the Ministry and they had explained to the workers and employers that there is no intention of disrupting the very good relation that is existing and being enjoyed between the employers and the employees in this country.

Sir, the concerns that were expressed by the employers were very justified. They were looking at this question from the angle of the Government and the welfare of the country. Here, Sir, last week we gave such a warm and rousing welcome to the Second Malaysia Plan. The Second Malaysia Plan has set the mood. We are in a development decade, the whole country is poised for a big take-off. Under these circumstances, it is only natural that

everyone looks forward for industrial peace, so that we can promote production and increase our export to make our country richer, stabler and one of the advanced countries in this part of the world.

Sir, the Minister has assured everyone concerned, and they have great faith in his assurance. He has assured that he will see that no abuse takes place, especially on the question of promotion procedures, about which the employers were most concerned. Sir, it is only fair that an assurance from such a sincere heart should be accepted with the same sincerity, and though I know there are still a good portion of the employers who are still sceptical about this promotion procedures, but I accept the assurance of the Ministry and look forward for industrial peace during the Second Malaysia Plan and ever after. Thank you.

Tuan Abdullah bin Dato' Abdul Rahman: Tuan Yang di-Pertua, saya menyokong Akta ini tetapi saya minta sedikit keterangan, boleh jadi daripada Yang Berhormat Peguam Negara berkenaan dengan Sekshen 18 (b) yang mengatakan sa-suatu perkara berkenaan dengan masalah undang² yang boleh dirojokkan kepada Peguam Negara. Sa-tahu saya Industrial Court ini ia-lah—izinkan saya berucap dalam bahasa Inggeris.

(*Dengan izin*) Sir, as far as I know, the Industrial Court is presided over by a legally qualified person and, if I am not mistaken, today an ex-Judge is the President of the Industrial Court—I am, of course, open to correction on this. It seems peculiar to me that on a point of law the President of the Industrial Court should refer to the Attorney-General. I would have thought that the President himself should be sufficiently qualified to make up his mind on any legal points that may arise during the proceedings and he should give his judgment on the issues and the law. That, I believe, is the normal procedure in Industrial Courts, but this seems to be an innovation and I would like to have some clarification as to the purpose of this reference to the Attorney-General. As the Attorney-General's post is a political one, i.e. he is in the Cabinet, it may give the impression to the trade unions, when the President should refer the matter to the Attorney-General, although it is on a point of law, that there might be some politics involved in this. This is my impression and I would like some clarification as to the reason for this particular Section.

Dr Syed Hussein Alatas (*Dengan izin*) Mr President, Sir, I am tempted to support the enquiry made by the Honourable Member on why reference should be made by the Court to the Attorney-General. I would like to add here a request to the Attorney-General to furnish us with an example of such an enquiry. I am quite convinced that the Government, in drawing up this particular part of the amendment to the Bill, has some cases in mind, at least some potential cases in mind, where reference to the Attorney-General by the Court is necessary and, as the Honourable Member has earlier stated, which is rather out of the ordinary procedure. Now, I would be very happy if the Attorney-General could give us a few instances.

Sir, talking about the spirit of the Bill, at the moment it is difficult to question the intentions. It is very easy to place intentions on paper in the form of laws and rules. But I think the more important thing is, we are looking for industrial peace, to make the workers satisfied and happy. So far, until now, industrial legislations have been more and more on the side of the owners of industries and the Government rather than on the side of the workers. For instance, the Explanatory Note to the Bill, clause (v) says that one of the purposes of the Bill is:

"To protect pioneer industries against undue claims on wage rates and conditions of employment which might adversely affect the economy of such an industry."

Now, I do not think, Sir, that the workers of this country would deliberately ruin the prospect of industrial development, but it would be necessary for the Government to convince them that the intention of the Government is genuine and that there is also the need to inquire into the affairs of pioneer industry. The definition of "undue claims on wage rates" depends on the legitimate profits of the pioneer industry. We can only define what is an undue claim after we have decided what is a just profit and I am afraid, Sir, the question of a just profit for the industries of this country has not been sufficiently looked into by the Government as much as the Government has looked into the question of what is the "proper wages". The impression is given, Sir, rightly or wrongly, that the Government's sympathy has always been more to the side of the owners of capital and the owners of industry. I hope, Sir, that the Government—and here in this Senate, the Minister—would explain to us that in future

such an attempt would be made by the Government and that we would be in the position to know more about the internal workings and the profit-makings for these industries. Thank you, Sir.

Dato' Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, saya menyokong Rang Undang² Akta Perhubungan Perusahaan ini dengan sa-penoh-nya dan saya tidak berchadang hendak membuat apa² kritik, tegoran kepada mana² bab bagaimana sa-tengah² Ahli yang telah menyokong dan memberi tegoran itu kerana daripada Huraian yang telah di-beri kepada Rang Undang² ini yang telah di-buat dan di-susun sesuai dengan pengalaman Kerajaan semenjak beberapa tahun yang lalu, terutama-nya pengalaman sa-telah bulan Oktober, 1969. Berma'ana pada faham saya sa-belum pada tarikh itu Kerajaan menempoh berbagai² kesulitan, berbagai² masalah berkenaan dengan perhubungan di-antara majikan dan pekerja² dalam negara kita ini.

Kerajaan pernah menempoh pemogokan keretapi yang begitu besar sa-hingga merosakkan chara hidup dan ekonomi ra'ayat di-luar bandar. Kerajaan pernah menempoh berbagai² ugutan pemogokan yang mana timbul daripada perasaan tidak puas hati dan perasaan salah faham di-antara majikan² dan pekerja². Daripada semenjak tarikh yang disebut di-dalam Huraian ini, saya faham kita telah mengalami keamanan ketenteraman dan perasaan baik sangka di-antara majikan² dan pekerja² yang mana telah lama kita tidak dengar perselisihan faham yang menimbulkan ugutan pemogokan dan sa-bagai-nya.

Saya faham ini ada-lah daripada usaha Kerajaan mengadakan satu Undang² yang baik sa-masa negara kita berada dalam keadaan dharurat dan Undang² itu-lah barangkali memberi kesan yang menyebabkan ketenteraman timbul di-dalam masalah perhubungan majikan² dan pekerja² ini.

Saya pernah dan saya sedang mempunyai beberapa orang pekerja yang bekerja di-bawah saya dan saya sa-bagai majikan kecil. Saya tahu bagaimana susah-nya hendak menjaga pekerja ini, bagaimana pahit dan maung-nya kita hendak berkira, hendak berunding dan hendak menentukan mereka ini bekerja dengan mengikut apa kemahuan yang boleh membaiki kedudukan perniagaan dan perusahaan kita. Sa-balek-nya barangkali

pekerja mempunyai pengalaman bagaimana susah-nya hendak berunding dengan majikan² yang sombong, majikan² yang tamak yang mahu kepada wang yang lebih dan yang mahu memerahkan pekerja². Jadi, ini-lah sebab-nya timbul satu salah faham yang begitu hebat antara dua golongan manusia. Dan pada saya kalau kita hendak serahkan masalah ini kepada Mahkamah sa-mata² untuk menyelesaikan perkara ini, ini ada-lah satu pengalaman yang kita telah tempoh yang mana merugikan dua² pihak; pekerja² hendak tunggu keputusan Mahkamah itu bukan main lagi menderita, majikan² hendak tunggu keputusan Mahkamah itu pun bukan main susah. Jadi, kedua² susah dan saya menyokong bagaimana Undang² ini, kalau timbul satu² perselisihan, maka Menteri itu patut lebih dahulu menjadi orang-tengah, menjadi orang yang boleh menyelesaikan pada peringkat permulaan. Sebab Menteri ini orang yang bertanggung-jawab, sa-orang daripada Jema'ah Kabinet Kerajaan yang bertanggung-jawab dalam keamanan negeri, ketenteraman perusahaan dan sa-bagai.

Pada masa dahulu kita lihat apabila timbul perselisihan di-antara pekerja dan majikan, maka Menteri itu tidak boleh hendak buat apa², terpaksa chari orang-tengah yang lain daripada Menteri. Saya pernah ingat lagi waktu kita menempoh pemogokan keretapi. Kita chukup terima kaseh kepada Ungku Aziz daripada Universiti Malaya yang mana tampil kahadapan untuk menyelesaikan masalah itu. Tetapi bukan senang sa-orang yang tidak ada tanggung-jawab, yang tidak ada kuasa untuk meletakkan sa-suatu dalam tempat-nya yang baik—bukan senang, Tuan Yang di-Pertua. Barangkali dengan kerana terlampau bijak-sana Ungku Aziz yang boleh pengaruhi dua pihak golongan manusia yang berbalah ini, maka boleh-lah dia menchari jalan keluar, tetapi berapa lama masa-nya dia mesti ambil. Pihak majikan barangkali hormat sedikit sahaja kepada orang yang sa-umpama itu untuk menyelesaikan masalah ini, pekerja barangkali hormat sedikit sahaja kepada orang ini untuk menyelamatkan keadaan. Tetapi kalau Menteri di-beri tugas itu harapan penoh daripada pekerja kepada Menteri itu tentu-lah ada dan harapan penoh oleh pihak majikan kepada Menteri itu tentu-lah ada. Kerana kalau Menteri mengambil tanggung-jawab, kalau dia gagal daripada usaha-nya itu, maka tentu dia kena memikirkan antara dua, dia mesti letak jawatan atau pun dia dudok

dalam Jema'ah Menteri itu lagi. Kalau saya jadi Menteri, kalau saya gagal dalam menyelesaikan usaha yang begitu besar, saya resign daripada Menteri, tidak jadi Menteri, kerana saya telah fail dalam usaha saya. Jadi, ma'ana-nya Menteri yang kita tugaskan dalam Undang² ini ada-lah sa-baik² tempat untuk menjamin kedua² pihak bagi menyelesaikan masalah mereka. Ini saya sokong.

Yang satu lagi berkenaan dengan fasal yang menyatakan Mahkamah kena rojokkan perkara itu kepada Attorney-General. Saya hendak setuju dengan pendapat Yang Berhormat Tuan Abdullah kita ia-itu Attorney-General itu ia-lah political post, jawatan politik dan sa-orang Menteri dalam Jema'ah Kerajaan, dan saya bersetuju supaya di-rojokkan kepada Attorney-General supaya dia lebih mengetahui tentang apa yang patut di-buat, pandangan dan pemikiran daripada Kerajaan tentang kedudukan yang sa-benar. Sebab kalau kita serahkan perkara ini kepada satu Hakim, Maha Hakim atau pun Hakim Besar bagi memutuskan-nya, barangkali Hakim itu tidak-lah begitu penoh dengan pengalaman, begitu penoh dengan problem yang berkaitan dengan perselisihan antara majikan dengan pekerja, barangkali Hakim itu tidak mempunyai penoh pengertian dalam hal kedudukan ekonomi yang terancam dengan kedudukan pemogokan dan sa-bagai-nya.

Jadi, kalau sa-kira-nya di-rujokkan kepada Attorney-General yang mempunyai jawatan politik dan sa-orang Menteri yang di-dalam Jema'ah Kerajaan tentu-lah dia boleh memberi pandangan atau pun nasihat yang boleh membaiki atau boleh menyelamatkan perselisihan yang timbul itu daripada apa yang ada di-dalam pandangan Kerajaan. Sebab kalau sa-kira-nya di-putuskan satu² perkara itu boleh Mahkamah, tetapi Kerajaan juga yang akan melaksanakan keputusan itu, bukan Mahkamah itu sahaja, Kerajaan juga. Kalau pekerja itu tidak boleh terima juga keputusan Mahkamah itu maseh timbul lagi problem tentang perselisihan itu. Dan perkara perselisihan itu bukan boleh buat satu jalan sahaja hendak berselisih, banyak jalan boleh buat, dia tidak buat jalan ini, banyak jalan boleh buat. Kalau dia terlambat pun satu penyakit juga, atau pun dia bergaduh sedikit, dia tinggal file itu bertambun di-atas meja itu pun mogok juga, tetapi tidak mogok, tidak di-panggilkan mogok, tetapi satu

gerakan sa-chara senyap² yang boleh merbahayakan kedudukan susunan kerja, itu salah²-nya macham mogok juga, tetapi bukan di-katakan mogok.

Jadi kalau perasaan tidak puas hati itu ada walau pun keputusan Mahkamah kata bagini², tetapi perasaan hati yang tidak puas itu maseh ada, maka masalaah akar umbi daripada problem itu tidak dapat di-selesaikan. Itu daripada pandangan saya.

Sa-orang Ahli Yang Berhormat tadi, rakan kita ada berchakap Kerajaan itu banyak menyebelah kapada majikan, kapada pemodal dan Kerajaan tidak dapat hendak menentukan tangag-gaji atau pun bayaran gaji yang berpatutan bahkan masalaah just profit atau pun keuntungan yang betul, yang adil itu tidak di-kaji oleh Kerajaan dengan betul. Ini saya susah sadikit hendak faham, hendak kaji untong ini satu penyakit yang berat. Kalau saya buat satu perusahaan, saya buka satu kilang, siapa hendak tahu saya untong yang betul. Saya dapat pioneer industry, saya di-kechualikan chukai dalam masa lima tahun, tiga tahun umpama-nya saya menjalankan perusahaan itu dalam masa tiga tahun saya tidak kena bayar chukai—tentulah saya ada keuntungan daripada tiga tahun tidak bayar chukai. Tetapi modal permulaan; ini patut di-kaji, modal permulaan untuk membuka kilang, untuk membuat perusahaan, untuk menyediakan perusahaan yang saya hendak tubuhkan itu bukan sadikit dan bukan masa tiga tahun untuk mengembalikan keuntungan itu dan boleh memenohi kehendak² modal permulaan dalam kilang itu. Jadi kalau sa-kira-nya kita hendak kajikan, tetapkan keuntungan yang menasabah supaya dapat di-bahagi untong itu kapada pekerja, ini tidak pernah orang buat. Kalau saya untong \$10.00 kena bahagi dua dengan pekerja: \$5.00 saya, \$5.00 pekerja. Terok-lah saya, tidak buka kilang-lah, tidak ada siapa hendak buka kilang. Saya buka kilang kerana saya boleh dapat memberi gaji yang menasabah kapada pekerja. Saya buka kilang kerana saya boleh dapat keuntungan bagi mengembangkan kilang itu. Kalau sa-kira-nya kilang yang saya buka itu tidak boleh di-kembangkan dengan kerana untong yang saya ada itu mesti di-bahagi adil dengan pekerja yang tidak bermodal, chuma memberi tenaga; ini pun satu penyakit. Saya rasa patut Ahli Yang Berhormat itu meneliti dalam tangga-gaji yang murah. Kalau hendak di-telitikan, kalau hendak di-criticisekan, ada

kilang² yang ada di-sini belum dapat di-ketahui oleh Kerajaan memberi gaji kapada pekerja \$1.00 sa-hari, \$1.50 sa-hari, ini yang kita patut chari; mana kilang yang memberi \$30.00 sa-bulan pada pekerja, kurang daripada \$60.00 sa-bulan kapada pekerja. Ini kilang yang patut di-chari yang patut pekerja-nya mesti beri laporan kapada Kerajaan, ini patut. Tetapi kalau kita hendak menetapkan bayaran gaji yang menasabah daripada keuntungan ini mustahil dapat di-buat pada pendapat saya. Tetapi kita adakan tangga-gaji yang menasabah, katakan-lah buroh kasar tidak kurang daripada \$60.00 atau pun \$70.00 baik mana kilang yang beri \$30.00 ini kilang mesti di-laporkan kapada Kerajaan supaya Kerajaan dapat menyiasat kenapa diberi gaji \$30.00. Dengan keuntungan yang dia dapat fasal apa dia beri pekerja itu \$30.00.

Ada kilang yang chuba mempermainkan pekerja, dengan chara di-ambil pekerja itu menjadi pemodal. Dia buka share kapada pekerja. Pekerja itu menjadi ahli share, dia ahli saham. Kemudian beri gaji yang murah. Kata-nya, "Awak sudah menjadi ahli saham, awak dapat gaji murah sadikit ta' apa kerana ada untong nanti. Bila kilang untong awak dapat untong. Jadi, bila Menteri pergi pereksa kilang yang sa-umpama itu, dia tunjok: "Ini saya punya company. Ini sudah jadi Public Company, yang pekerja² menjadi ahli saham." Ada juga kilang yang membuat bagitu, saya tahu. Ada kilang yang memberi gaji harian sa-ringgit sa-tengah, sa-ringgit atau memberi upahan mengikut kerja. Dan kalau di-hitong kerja chuma satu ringgit sahaja dia boleh dapat satu hari. Dan orang² ini bekerja dengan kerana isteri-nya bekerja dengan gaji \$30.00, laki-nya bekerja dengan \$60.00. Dia boleh dapat \$90.00. Ma'ana pada kelamin yang sa-umpama itu dia rasa sudah chukop untuk hidup dengan \$90.00, tetapi bagi Kerajaan kita hendak meneliti. Kalau bagi gaji dia dengan upahan walau pun upahan. Kalau dapat sa-ringgit sa-hari, itu aniaya, patut di-ambil berat, patut di-halusi.

Ini-lah masalaah yang timbul, tetapi hendak halusi ini bukan senang, sebab pekerja itu dia takut hendak memberitahu berapa pendapatan dia, kadang² pekerja itu kalau bersuara dia takut dia di-berhentikan kerja dan sa-bagai-nya. Ini problem yang berbangkit daripada chara tadbir dalam perusahaan², tetapi kalau Kerajaan hendak menetapkan, mesti gaji sekian, mesti untong sekian, mesti di-beri gaji sekian. Ini saya

rasa mustahil boleh di-buat oleh Kerajaan. Apa yang boleh di-buat oleh Kerajaan ia-lah mengumpul ma'lumat² daripada orang ramai daripada pekerja di-atas kebolehan pekerja² yang bekerja dalam kilang² itu, yang bekerja dalam perusahaan² itu. Saya rasa dengan undang² ini sedikit sa-banyak akan dapat kita berjalan kepada keamanan dalam perusahaan ini dan kita dapat menjayakan matlamat Kerajaan untuk menambahkan perusahaan² dalam negeri, pelaburan modal dan sa-bagainya. Jadi saya menyokong penoh Rang Undang² ini. Sekian, terima kaseh.

Dato' J. E. S. Crawford: (*Dengan izin*) Mr President, Sir, I rise to fully support the Bill not as an employer's representative but as somebody who has for nearly the past 50 years worked with employers and employees, and also as an employee myself, Sir, I consider that this Bill is beneficial both to the employer and the employee, particularly on the question of reserving certain rights which the employer always claims to have, which are now clearly defined. The one that worries the employers as far as I can see, Sir, is the question of promotion. The Unions only ask that the employer should have some form of scheme for promotion, not just promote because you like his face or something like that. I think that is very fair, Sir.

On the question raised by Senator Tuan Abdullah bin Dato' Abdul Rahman, I can assure him from personal experience that the Industrial Court has always been headed by somebody with legal qualifications; and I consider that the question of the Attorney-General giving interpretation on points of law is very necessary, Sir, because I have personal experience of knowing a case—which has nothing to do with the present constitution of the present Industrial Court—where a case had to be referred to the Federal Court, and I think the Honourable Attorney-General will explain more fully. But I fully support this reference to the Attorney-General on points of law. Thank you, Sir.

Tuan Yang di-Pertua: Ada lagi yang hendak berchakap? Ahli² Yang Berhormat, ada lagi 20 Rang Undang² di-hadapan Majlis ini dan saya harap kepada Ahli² Yang Berhormat yang hendak berchakap supaya merengskakan ucapan Ahli² Yang Berhormat itu dan tidak mengulang²kan apa² perkara yang telah di-bangkitkan, sama ada

oleh Ahli Yang Berhormat itu sendiri atau pun Ahli² Yang Berhormat yang telah berchakap terlebih dahulu daripada-nya.

Dato' Dr Cheah Toon Lok: (*Dengan izin*) Mr President, Sir, from my observation of this Industrial Relations Bill, there is one point that is left out—a very important point. This the individual concerned in our country—the man who creates, the man who invents, the man who sets in motion an industry—is the man who benefits everyone. Always in the history of human relationships, the individual and the group always come to conflict. The individual wants to get his rights because of his good brains, his intelligence and his industry and the group wants their rights because it helps him to realise his intention and to promote his industry. So there is a clash. In this case, I think the individual has been left out completely in our Bill. I support this Bill because it is for the good of the workers—they help in the building of industries. However the individual must be taken care of. I have known of a case in which the employer wants to promote a person who is not a member of the Union, a man whom he believes has intelligence, a man whom he has sent abroad for training to take charge of a certain section of his office; because the Union does not approve of the promotion, they say that they have got another man who can take the place, they strike and they paralysed the industry. Now, it is important that this should not happen in our country, it should not happen to interfere with our Second Malaysia Plan, because if the industries are paralysed what is going to become of Malaysia. The power of the Union is so great, whatever you do in paper you cannot put it into practice. When they want to sit down and strike, they strike and you cannot put all thousands of them into jail. This has been done in America, in Great Britain and the other countries of the world. You give a man a share in the industry too—like Ford—look at what has become to Ford now. They have given shares to every employee—every man has got a share inside the plant. It belongs to the workers themselves. Yet they strike. Why? Because human greed, Sir, cannot be gauged. If he has a car, he wants to have another car; if he has a house, he wants to have a bigger house; if he has a fridge, he wants a bigger fridge; we cannot control the desire to get more and more of what we

already have. We cannot control it. This is only theoretical in paper, but can you control the practical effect of all this? I do not think you can, Sir, whatever you do. It is for us to train our people to think in the proper way not to grab at the profits of the industry. After all, the industry exists for all of us. It is not for the employees alone, but for the proprietors also. So I hope that this will be done properly. According to this Bill, workers are grouped into various categories—management, non-management, secretarial, non-secretarial, confidential, non-confidential—and all these groups come in. With this type of law, how are you going to pacify these people? You have got so conflicting laws. That is the reason why you want the Attorney-General to be inside to interpret the law.

Then there is the right of dismissals, disciplinary cases. In your section you say the employer has got the right to dismiss a person because of discipline. But what about inefficiency; you never say it in the law that a person who is inefficient can be dismissed. Because he belongs to the Union, the Union says, "Why, he is efficient?" and the management says, "he is inefficient"; and then you go to the Industrial Court and then you have a dispute and it carries on and on till there are disputes all over the country, affecting everyone of us. So I hope that this Bill will be carefully looked into. After all, this is a matter of human relationship. If the employees treat their employer well, the employer will treat the employees well; if the employees treat the employer badly, the employer will close his shop and the employees will be out of work and their wives and children and everyone will suffer in this country. Most of these people who want to strike never think of their homes, never think of their families, they think of the Union and they strike, barricade the estate while their wives and children are suffering, crying at home, without food. They do not care. They say "our Union is very strong, we must go to the end." What about the stomach of the children? So I hope the Government will try to look into this matter carefully. You can do it in paper but in practice, I think it is not so easy. Thank you, Sir.

Tan Sri Abdul Kadir bin Yusof: Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² ini. Izinkan saya berucap dalam

bahasa Inggeris kerana ramai Ahli² Yang Berhormat yang berucap dalam bahasa Inggeris.

(Dengan izin) Tuan Yang di-Pertua, as you are all aware, industrial peace is the key to the development and prosperity of this country and one of the methods to get industrial peace for the purpose of development, especially the national development, is to have a fair law on trade disputes, a law which, as far as possible, is acceptable both to the employers and the employees. The Government, Sir, is placed in a position like that of a tailor who is asked to make a suit to be acceptable and to suit two persons. It is not easy to make one suit where it will be accepted by both because both have to wear the same clothe. This is the problem. So the amendment of this law, which has been brought up here, is really to adjust the clothe a little here and there to suit both sides in order to get, as I said earlier, "industrial peace".

We are all aware that it is the Government policy to encourage development, to encourage investment, especially from abroad because you have a problem here, a tremendous problem of unemployment, but at the same time we are all aware that the avowed policy of the present Government is to give social justice to all including, of course, the workers. Here is a piece of legislation, an amendment, if you read through it, it is for the benefit of both sides, not only giving a little power here and there to the employers but more to the employees also—the protection of all is there.

But my main purpose of standing up here is to reply to my old close friend, the Honourable Tuan Abdullah bin Dato' Abdul Rahman, who brought this matter up, but I think it is because he has not got a complete Bill before him; otherwise he would have known the reasons behind this. Sir, as Attorney-General, I would not like to have extra burdens to be imposed on me. After all, there are other burdens which I already have to bear. In fact, it is almost imposed on me, not that I want it, by the Ministry, the Government, the employers and the employees. They have no objection and they want this to be so. The main reason is this: President of the Industrial Court, as provided under the law, under Section 18 (1) need not

necessarily be qualified in law. May I read Section 18 (1), Sir,

"For the purposes of this Act, there shall be an Industrial Court which shall consist of—

(a) a President who shall be appointed by the Yang di-Pertuan Agong";—invariably we try our best to get a qualified man for the post, a judge, a lawyer or somebody like that—

"(b) a panel of independent persons, a panel of persons representing employers and a panel of persons representing workmen all of whom shall be appointed by the Minister:

Provided that before appointing the panels the Minister may consult such organisations representing employers and workmen respectively as he may think fit."

So, this is the composition of the Industrial Court. It is all right if we have an ex-judge, an experienced man, as President of the Industrial Court. So up to now I have never had any matter of law referred to me. But, Sir, even then it is a judge alone; the decision of the Industrial Court is final, and a judge sitting alone is not infallible.

Even in a court, there is a judge, but we appeal to three judges and then if we are not satisfied, again we appeal to the Privy Council, but here the decision of the Industrial Court is final. Suppose the President has made a mistake on a point of law and he gives an award, how can we remedy it when the agreement is there. So if he finds difficulty on a point of law, he may try to refer it to me, but I won't touch it and won't help him, because there is no provision in the law. But this is the provision where it is provided where it is necessary, on a point of law alone, not on fact, that he can refer it to the Attorney-General.

Tuan Abdullah bin Dato' Haji Abdul Rahman: Tuan Yang di-Pertua, untuk penjelasan. Di-sini di-katakan "shall". Dan lagi satu yang saya minta keterangan sedikit bukan-kah molek reference ini di-perbuat atau di-rujukkan kepada Lord President atau pun Chief Justice. Saya bukan-lah hendak mengatakan personal kepada Peguam Negara, tetapi jawatan Peguam Negara ia-lah political. Jadi kalau hendak a more impartial opinion, without any disrespect to the Peguam Negara, of course, I would have thought that the best reference would be to the Lord President, or to the Chief Justice or to any Judges.

Tan Sri Abdul Kadir bin Yusof: Well, we wished to, but they don't want it: it takes a

long time. The Government did not want this to go to the High Court or the Federal Court, because these are mostly administrative matters: firstly the Court is appointed by the Minister, and another thing, it is purely administrative. So they want to prevent this from going to the Court. That is the main reason.

Tuan Abdullah bin Abdul Rahman: With due respect, not to the Court; but reference to the Lord President or to the Chief Justice on a matter of law without any reference to the Court as such.

Tuan Yang di-Pertua: Order, order!

Tan Sri Abdul Kadir bin Yusof: I understand what you mean, but that is the very reason why they do not want to get the Lord President involved in administrative matters on a point of law where it was set up by the Minister. In fact, we mooted that suggestion first. So all three of them did not agree on that at all however good is the idea which the Honourable Member, and I also, suggested. I would have been only too willing, not only me but all future Attorney General's want to get rid of this. They say this is an administrative matter, they prefer to leave it to the Attorney-General.

As for politics, that is out of the question—the fact of the Attorney-General being a political post; this is nothing compared to the powers which I have to arrest anybody here under the law, from the Prime Minister right down to the lowest man. (*Ketawa*) Sir, another one is this. All the powers here, the decision here, are given to the Minister of Labour. He is more political than me, in fact. Here, there is no such objection either by the employers or by the employees. Once only they refer to the Attorney General; the Attorney General can always be two creatures—I hope I can—one, a political man; two, a purely judicial officer. This I always have to keep in mind; otherwise it is not an easy job to hold. I quite agree with my learned friend. I agree with him that as far as possible, it must not appear as if politics has a part in it. But at present, I have the confidence both of the employers and the employees, but should any side wish that this should not be referred to me, we can easily amend it even at the next sitting. Thank you.

Tuan Yang di-Pertua: Ahli² Yang Berhormat, saya suka menarek perhatian Ahli² yang Berhormat kepada Peratoran Meshuarat 34 (1) yang berbunyi:

"Sa-orang Ahli yang hendak berchakap hendaklah bangun di-tempat-nya dan apabila di-panggil oleh Pengerusi maka hendaklah ia berdiri mengarahkan ucapan-nya kepada Pengerusi. Sa-saorang Ahli itu tidak boleh berchakap melainkan sa-telah di-panggil oleh Pengerusi."

Jadi saya harap segala perbahatan dalam Majlis ini hendaklah mengikut Peratoran ini.

Tuan Lee San Choon: Tuan Yang di-Pertua, saya menguchapkan sa-tinggi² terima kaseh kepada Ahli² Yang Berhormat Senator yang telah beruchap, yang telah memberikan sokongan yang penoh kepada Rang Undang² ini, dan point² yang di-nyatakan itu, Kementerian saya akan mengambil perhatian.

Dengan izin Tuan Yang di-Pertua, saya hendak menjawab dua tiga points sahaja yang di-bawa oleh Ahli² Yang Berhormat Senator dan dengan izin juga Tuan Yang di-Pertua, saya ingin beruchap menjawab dalam bahasa Inggeris.

(*Dengan izin*) Mr President, both Senator Dato' Y. T. Lee and Senator Dato' S. O. K. Ubaidulla have brought up the point that the employers are not quite happy on the Clause which enables the Union to discuss with Management on a general nature of promotion. Sir, we are aware of this concern expressed by the many employers and as such, my Minister has openly assured, both in the Dewan Ra'ayat and in public places, that we will see that no abuse is made of this law and that if there is any party who abuses this law, we would not hesitate to bring it to this Dewan again. I think this assurance should be good enough.

Yang Berhormat Dato' Y. T. Lee has rightly said when he says that the industrial relationship between Management and workers in this country are, by and large, good, and that both parties, by and large, have acted to the dictate of reasons. With this, all the more I see no reason why employers should be worried about the particular provision that they mentioned. In fact, this enabling clause for the Union to discuss promotion, general aspects of promotion, I do not think, is erosion of employers' prerogative or right. In practice, to maintain good relationship between Management and Union, this point will have to be discussed

and that is what happened in practice. I do not see that we should be unduly worried over this.

As for the point brought up by Yang Berhormat Senator Abdullah, our Attorney-General has ably answered that. Perhaps I should add here that this provision is more for a situation where a non-legal man is put as President of the Court. Since this is a social piece of legislation, perhaps there are times when it is more beneficial to have a non-legal man to be President, and in such a case, a point of law will have to be referred to the Attorney-General. There is nothing political about it.

Senator Professor Syed Hussein Alatas has said that the Government has not looked into and has not paid proper attention to what is the proper wages of workers. I disagree with that, I am afraid. While we are saying that our workers should be paid fair wages, we also have to put our priority right. As you know, Sir, we have a tremendous unemployment problem and I believe you would agree with me that this is our first priority.

Sir, Yang Berhormat Senator Dato' Dr Cheah Toon Lok brought up a case of an individual whose promotion was not allowed because of union interference because he was not a union member. We are not aware of this case. Could I humbly suggest to Dato' Cheah, that if there are such cases, why not make use of our humble service; we are always available if there are cases of this nature. As Dato' Cheah has rightly pointed out, in human relationship, we are dealing with human beings. Therefore, a human touch is necessary in matters of industrial relations.

Apart from that, Sir, let me once again thank all the Senators who have given their support to this Bill. Thank you.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sabagai Jawatankuasa.

Dewan bersidang sa-bagai Jawatankuasa.

Rang Undang² di-timbangan dalam Jawatankuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² KERJA (PINDAAN)

Bachaa Kali Yang Kedua dan Ketiga

Tuan Lee San Choon: Tuan Yang di-Pertua, saya mohon menchadangkan supaya Rang Undang² (Pindaan) Ordinan Kerja, 1971 di-bacha bagi kali yang kedua.

Sa-bagaimana Ahli² Yang Berhormat maseh ingat Pengarah Gerakan, melalui Ordinan Dharurat (Kuasa² Perlu) Bil. (21) 1969 bertarikh 9hb Oktober, 1969 telah membuat Peratoran yang di-namakan Peratoran² Perlu (Kerja) 1969. Pada 3hb Februari, 1971 beliau telah membuat satu lagi Peratoran Peratoran² Perlu (Kerja) 1967. Peratoran² ini meminda Ordinan Kerja, 1955 bagi menyesuaikan dengan kepentingan² dan kehendak² negara berikutan dengan Perishtihaan Dharurat.

Tujuan Rang Undang² (Pindaan) Ordinan Kerja, 1971 yang sekarang di-bentangkan dihadapan Majlis ada-lah menyatukan peruntokan² Peratoran² tersebut, supaya ia-nya akan menjadi sa-bahagian tetap kapada Undang² Buroh Malaysia Barat. Peruntokan² ini telah di-jalankan dengan memuaskan semenjak 22 bulan yang lampau dan ada-lah untuk kepentingan negara ia-nya terus di-jalankan.

Peruntokan² ini ada-lah bertujuan untuk menyediakan sharat² dan keadaan² pekerjaan yang lebeh realistik, menentukan faedah² yang minima patut di-berikan kapada pekerja² dan menolong menambah peluang² pekerjaan. Pada keselurohan-nya tujuan-nya ada-lah untuk menolong mewujudkan satu tenaga buroh yang lebeh berpuas-hati, tenteram dan boleh di-uruskan yang mana akan dapat memainkan peranan-nya sa-chara efektif serta dapat pula menikmati faedah yang sama hasil daripada perkembangan ekonomi negeri ini yang pesat.

Sekatan Kerja lebeh masa ada-lah bertujuan untuk menggalakkan majikan² supaya mengambil lebeh ramai lagi pekerja daripada

membenarkan tenaga kerja mereka yang sedia ada itu bekerja lebeh masa dengan ber-lebeh²an. Penguat-kuasaan sekatan ini yang ketat telah menyebabkan pengambilan lebeh ramai pekerja² tambahan. Ada-lah di-ketahu² bahawa sa-kurang²-nya 12,147 pekerja tambahan telah di-ambil, kebanyakan-nya di-dalam perusahaan yang memproses dan perusahaan² pembuatan. Bilangan ini menunjukkan kenaikan atau tambahan lebeh kurang 11% dalam tenaga kerja di-tempat² pekerjaan yang berkenaan.

Perjanjian² bersama yang ada sa-belum 10hb Oktober, 1969 ada-lah di-benarkan untuk terus di-jalankan, dan majikan² ada-lah bebas untuk mengambil pekerja² mengikut sharat² perkhidmatan yang lebeh menarek daripada apa yang terdapat di-dalam Ordinan di-mana majikan² itu sanggup mengakui-nya. Sa-saorang majikan yang mengambil sa-saorang pekerja bersalahan dengan undang², dengan lain perkataan, tidak mematuhi sharat² yang sedia ada atau untuk memberi kemudahan² yang di-sediakan ada-lah salah di-sisi undang².

Oleh itu ada-lah di-perhatikan bahawa peruntokan² baharu dalam Ordinan Kerja ini ada-lah pada keselurohan-nya bagi kepentingan pekerja² sambil dalam pada itu juga mengadakan sharat² dan keadaan² pekerjaan atas dasar yang sama demi kepentingan pengurusan yang baik. Pekerja² ada-lah di-beri jaminan atau taraf keselamatan dan faedah yang minima sementara majikan² akan di-beri keperchayaan yang lebeh dengan ada-nya tenaga kerja yang dapat di-uruskan dan lebeh berpuashati. Ini dengan sendiri-nya akan dapat membantu menarek lebeh banyak lagi penanaman modal, yang mana sa-terus-nya akan dapat mewujudkan lebeh banyak peluang pekerjaan.

Tuan Yang di-Pertua, saya mohon menchadangkan.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya mohon menyokong.

Dr Lim Ah Sitt: (Dengan izin) Mr President, Sir, I rise to support this Bill, the Employment (Amendment) Bill, now in debate. I think I must say this is a piece of timely and progressive Enactment that is brought up here. This Bill provides a lot of benefits for the workers—in fact, it looks after the interests, the welfare and social

security of the workers. I think if we look thoroughly into the Bill, we see that this Bill provides for the hours of work, holidays, vacation leave, sick leave, retrenchment benefits, and many other things. I understand from the Honourable Deputy Minister of Labour that this Bill has actually been in force for some time. We are here today to make it a permanent Act. My only wish is that this Bill should be enforced strictly.

I understand that a number of workers in the town I am living in, especially the factory workers and the shopkeepers, are really over-worked. Their work may not be hard, but their duration of work is too long: they work from 8 o'clock or 9 o'clock in the morning till night time with short interval for meals, no proper holidays, no proper sick leave, or proper vacation leave and this occurs also to many sections of workers. I think when this Bill is put into force it will give the workers an incentive to work harder. The Bill also in a way corrects the imbalance between the haves and have-nots.

We have passed the 5-Year Plan for the New Economic Policy and once we pass this Bill, I am sure the workmen will be provided with all the requirements, their interests looked after and their standard of living raised. This Bill will provide them with better incentives to work harder, to co-operate and to raise our industrial activity. Sir, I do not wish to talk very much as I realise that the time is short and I will end here by saying once again that I support fully the Bill that we are going to pass. Thank you.

Dato' Chan Kwong Hon: (*Dengan izin*) Mr President, Sir, I consider the Employment (Amendment) Bill, 1971, a very important piece of legislation because it will serve to remove misinterpretations about the correct position of employers in relation to their employees. A clear understanding on this point will eliminate many disputes and avoid the loss of man-hours in our industries.

In this connection I refer to Section 60A, sub-section (4) (a) which specifies that a labourer shall not be permitted to work overtime for more than 32 hours a month, provided that the Minister may declare that this sub-section shall not apply to labourers in certain particular industries or undertakings.

Mr President, Sir, in the mining industry, the Minister has found to his satisfaction that the strict enforcement of this overtime

restriction would be very harmful to our national economy. He has therefore declared an exemption for labourers employed in Gravel Pump mines from the provisions of this section.

However, as such exemption is made only for a certain period, the position of the miners becomes unsure towards the end of the period unless they receive the Minister's assurance of an extension.

I would therefore suggest that a clause should be added to Section 60A (4) (a) as follows:

"This declaration shall continue to be effective until it is withdrawn by the Minister."

In this way, miners will be enabled to plan their operations ahead without any fear of dislocation on the question of labour.

As this Bill will have an important role to play in the implementation of the Second Malaysia Plan which envisages employment growth at the rate of 120,000 jobs per year, I give my full support to the Employment (Amendment) Act, 1971.

Tuan Yeap Kheng Yam: (*Dengan izin*) Mr President, Sir, I rise to support the Bill to make amendments to the Employment Ordinance, 1955 which it is hoped will be passed by this House. I fully agree and welcome the Bill tabled in this House.

Referring to the provisions on the rest days, hours of work, holidays and other conditions of service by labourers, they are entirely good for the welfare of the labourers, but I feel, Mr President, Sir, there is a point left out in this Bill. Although the welfare provisions are good enough for labourers, but it means that the labourers can only enjoy them during their employment. However, once they retire, there is no security for them to pass their old age days.

Mr President, Sir, may I propose to add an amendment to the Bill, if agreed by the Government, that the employers should provide a pension system for their labourers. As we know, Sir, labourers work for the employers, and the employers are making money through the work of labourers. Sir, even though there is a provision for the payment of retirement benefits for the labourers, which is stated in the Bill, but I feel it may only be a payment of \$50 or \$100 only, once and for all, when they retire.

Sir, we know that the Judges, Government servants and even teachers are enjoying pensionable status, but why cannot the labourers, who provide the man-power for the country, enjoy the same facilities as are enjoyed by the above-mentioned category of people?

Mr President, Sir, I hereby appeal for the labourers to be provided with pension, which is not provided in this Bill. Thank you, Sir.

Tuan Lee San Choon: (*Dengan izin*) Sir, I would like to thank the Honourable Members concerned who have spoken on this Bill. Senator Dr Lim Ah Sitt talked of stricter enforcement of this Bill. I can assure him that we will definitely do whatever possible to enforce this Bill strictly and if there should be any case of abuse, I welcome any report from the Senator.

Senator Dato' Chan Kwong Hon says that with the provision of the overtime restriction, most miners feel insecure. Sir, it is not our intention to "kill" all the miners and we would not be difficult with them. Indeed, why should we? We like to see the miners prosper so that they can provide more employment opportunities for our workers. What we like to see is that all these miners make a genuine effort to engage more workers so as to avoid giving excessive overtime to their present workers. This is our objective to create more employment. If, in the process, miners encounter difficulties and if they will be kind enough to discuss with us, we will certainly find ways and means to sort out their problem.

The Honourable Senator Tuan Yeap Kheng Yam from Perak mentioned pensionable scheme for labourers. It is, I believe, not the intention of this Bill. This Bill sets out the general standard of working conditions of labour. As a matter of fact, the Government is looking into the welfare of those workers who have nothing to depend on. As a first step, we have started a Social Security Scheme which is meant for that very purpose. In addition to that, of course we have the Employees' Provident Fund which has been in force for a long time. We hope this Social Security Scheme will be able to cover all our workers in the very near future. That is all, Sir.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatankuasa.

Dewan bersidang sa-bagai Jawatankuasa.

Rang Undang² di-timbangkan dalam Jawatankuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² KESATUAN SEKERJA (PINDAAN)

Bachaa Kali Yang Kedua dan Ketiga

Tuan Lee San Choon: Tuan Yang di-Pertua, saya mohon menchadangkan supaya satu Rang Undang² bernama "satu Akta bagi meminda Ordinan Kesatuan Sekerja 1959" di-bacha kali kedua-nya sekarang. Butir² keterangan yang di-lampirkan kepada Rang Undang², menyatakan tujuan² dan maksud² pindaan² yang di-chadangkan dalam Rang Undang² itu.

Majlis Gerakan Negara, sa-masa Parlimen tidak bersidang, telah mengadakan tiga peratoran², ia-itu Peratoran² Perlu (Kesatuan Sekerja) 1969, Peratoran² Perlu (Kesatuan Sekerja) 1970, dan Peratoran² Perlu (Kesatuan Sekerja) 1971, membuat pindaan² tertentu kepada Ordinan Kesatuan Sekerja. Rang Undang² ini bermaksud untuk mengubahsuai dan menjadikan sa-tengah² perbekalan dalam peratoran² itu satu undang² tetap dengan tujuan untuk menentukan Kesatuan² Sekerja berjalan dengan berkesan dan juga bagi menentukan bahawa kepentingan² ahli kesatuan dan negara ada-lah chukup terjamin.

Pindaan, yang di-chadangkan ini, sa-chara umum-nya, terbahagi kepada empat bahagian: bahagian pertama ada-lah mengenai Pendaftaran Kesatuan Sekerja, kedua mengenai penggantungan chawangan² bagi Kesatuan Sekerja yang berdaftar, ketiga mengenai kelayakan Pegawai² Kesatuan Sekerja dan keempat-nya mengenai Tabong Kewangan Kesatuan Sekerja.

Mengenai bahagian pertama, perbekalan bagi mengeluarkan sijil sementara ada-lah akan di-buang. Ini ada-lah untok menyekat orang² yang tidak bagitu faham dalam amalan Kesatuan Sekerja dari melakukan pertikaian perusahaan sa-belum kesatuan itu di-daftarkan sa-wajar-nya.

Beraleh kapada penggantungan chawangan²: Dalam masa² yang lalu, Pendaftar terpaksa mengambil tindakan terhadap satu² kesatuan itu kapada seluroh-nya apabila sa-suatu chawangan menchebor dalam gerakan² haram yang bertentangan dengan kehendak² ibu pertubohan. Dengan perbekalan baharu ini, Pendaftar boleh mengambil tindakan terhadap hanya satu chawangan jika dan apabila perlu.

Mengenai bahagian ketiga, saya suka hendak menyatakan bahawa pegawai² bagi parti politik ada-lah sekarang tidak di-benarkan memegang jawatan dalam satu² Kesatuan Sekerja. Ini ada-lah untok menentukan bahawa Kesatuan² Sekerja ada-lah bebas dari putar belit politik. Walau bagaimana pun tidak-lah ada sekatan sama sa-kali bagi Ahli² Kesatuan Sekerja memegang jawatan dalam parti² politik dengan syarat mereka bukan-lah Pegawai² Kesatuan Sekerja.

Satu perkara yang tertentu yang saya ingin mengulas ia-lah mengenai larangan bagi mengadakan tabong wang simpanan politik dalam Kesatuan Sekerja. Ada-lah satu perkara yang di-ketahui ramai bahawa tidak ada Kesatuan Sekerja di-negeri ini pernah mengadakan tabong wang simpanan politik walau pun undang² membenarkan-nya pada masa yang lampau.

Telah pun di-nyatakan berulang kali didalam Dewan ini bahawa ada-lah menjadi dasar Kerajaan Perikatan bagi menggalakkan perkembangan pergerakan Kesatuan Sekerja yang bertanggungjawab dan demokratik. Telah berulang kali juga di-nyatakan didalam Dewan ini bahawa ada-lah menjadi tujuan Kerajaan bagi memperbaiki taraf hidup tiap² orang warganegara negeri ini dengan tidak mengira fahaman dan suku kaum. Bagi menchapai tujuan ini, antara lain kita perlu menggalakkan pelaburan modal didalam negeri ini, dan seberang laut. Untok tujuan ini kita hendak-lah mengekalkan ketenteraman perusahaan yang tinggi darjah-nya—ketenteraman perusahaan bukan-lah dengan kira merugikan pehak buruh, bukan-lah dengan kira merugikan pehak majikan,

tetapi ketenteraman perusahaan dengan keadilan dan saya perchaya bahawa Rang Undang² ini akan memberikan sumbangannya dengan kerjasama dari pehak pekerja dan majikan untok terus mengekalkan ketenteraman perusahaan yang kita dapati di-negeri ini.

Tuan Yang di-Pertua, saya mohon menchadangkan.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya mohon menyokong.

Puan Dasimah Dasir: Tuan Yang di-Pertua, saya suka mengambil bahagian pendek sahaja. Saya ucapkan terima kaseh kapada Kerajaan dan juga kapada Kementerian Buruh yang mana telah sampai masa-nya di-buat undang², tetapi patut-lah sudah lama kita menerangkan kapada ahli² politik ini mengambil bahagian di-dalam Kesatuan Sekerja. Ini satu tindakan sangat sesuai yang di-buat oleh Kerajaan. Kita memandang Kesatuan Sekerja ini melampau² lebeh batasan yang mana telah berlaku sa-hingga boleh jadi menyebabkan Kesatuan² itu telah melanggar undang² peratoran Kerajaan. Biasa juga pekerja² itu telah membuat kelakuan yang tidak baik di-negara kita ini. Saya menyokong dengan sa-penoh-nya Rang Undang² yang di-buat oleh Kerajaan kita pada hari ini.

Tuan Yang di-Pertua: Menteri hendak menjawab?

Tuan Lee San Choon: Saya tiada apa² hendak jawab.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatankuasa.

Dewan bersidang sa-bagai Jawatankuasa.

Rang Undang² di-timbangkan dalam Jawatankuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² (PERBADANAN) INSTITIUT NEGARA BAGI PENYE- LIDEKAN SAINS DAN PERUSAHAAN

Bachaaan Kali Yang Kedua dan Ketiga

Menteri Teknologi, Penyelidikan dan Kerajaan Tempatan (Dato' Ong Kee Hui): Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu suatu Akta bagi menubuh Institiut Negara bagi Penyelidikan Sains dan Perusahaan dan bagi membuat peruntukan berkenaan dengan perkara² yang bersangkutan dengan-nya di-bachakan kali yang kedua sekarang.

Undang² Institiut Negara bagi Penyelidikan Sains dan Perusahaan telah di-kemukakan di-bawah Undang² Dharurat (Kuasa² Perlu) No. 44 tahun 1970. Menteri yang bertanggungjawab bagi Institiut ini pada mula-nya ada-lah Menteri Perdagangan dan Perusahaan. Di-masa rombakan kechil Kementerian² pada 2hb Februari, 1971, Institiut ini telah di-letakkan di-bawah Kementerian Teknologi, Penyelidikan dan Kerajaan Tempatan, maka dengan itu beberapa pindaan ada-lah diperlukan untuk menyesuaikan undang² itu dengan keadaan yang ada sekarang.

Tujuan utama ia-lah untuk menjadikan Undang² Dharurat (Kuasa² Perlu) ini sa-bagai satu Akta yang kekal. Pindaan² juga perlu di-buat untuk menyesuaikan undang² ini dengan keadaan yang ada sekarang ia-itu meletakkan Menteri Teknologi, Penyelidikan dan Kerajaan Tempatan sa-bagai Menteri yang bertanggungjawab bagi Institiut ini. Di-dalam Undang² Dharurat (Kuasa² Perlu) No. 44 tahun 1970, wakil Kementerian Teknologi, Penyelidikan dan Kerajaan Tempatan tidak menjadi Anggota Majlis Institiut ini. Dengan pemindahan Institiut ini ka-bawah jagaan Kementerian Teknologi, Penyelidikan dan Kerajaan Tempatan, maka perlu-lah sa-orang wakil Kementerian ini menjadi anggota Majlis Institiut itu.

Tuan Yang di-Pertua, saya mohon menchadangkan supaya di-luluskan usul ini bagi bachaaan kali yang kedua.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya mohon menyokong usul ini.

Dr Syed Hussein Alatas: *(Dengan izin)* Mr President, Sir, this is one Bill which we all wholeheartedly, without any hesitation, can support and can congratulate the Government for its foresight in establishing it.

The National Institute for Scientific and Industrial Research, Sir, is not an institute which has come in time. It is an Institute which is thirteen years late in its birth. The Government itself has recognised that this Institute is a long-felt need.

Mr President, Sir, the significance of this Institute lies not only in the fact that we are paying more attention to industrial research but more than that, Sir: the significance of this Institute is that the Government is paying more attention and more respect to scientific learning. Only last week, an Honourable Member of this House has made history. He has made history in the sense that he spoke about scholars and professors in a way which can belittle their potential contribution to this country. So, the establishment of this Institute, I hope, will open the eyes of more people to the need for scientific research and to the recognition as to how scientific research can influence the growth and development of this country.

Despite my enthusiasm, Sir, there is, however, one minor hesitation, and I am sure, with sufficient generosity from the side of the Government, it would be possible for the Government to consider one aspect of this Bill, that is on Clause 6 (1) (i). In the Governing Council of this Institute, it is suggested that there should be in total eighteen members, but sad to say, Sir, out of these eighteen members, only four are scientists. Why could not we increase the number of scientists, to make it six or eight, or even more? After all, the function, the growth, the development, the nature of this Institute, is eventually not decided by this Bill alone but by those sitting in the Governing Council. Now, if we put too few scientists in the Governing Council, it will be difficult for the Institute to appraise problems in its widest perspective.

Another thing, Sir. Out of these four scientists suggested to sit in the Council, only two are suggested from the institutions of higher learning. Here, Sir, I sense an insufficient appreciation of the contribution which our institutions of higher learning can make to the development of this country. I do not see any reason why more scholars from the

institutions of higher learning should not be included into the governing Council of this Institute.

Another point, Sir. In the selection of these four scholars, I hope that the Government would include a sociologist, a statistician and an economist. Without the sociologist, the statistician and the economist, it would be difficult to appraise the overall problems centring around our industrial development.

Another point which I should like to suggest to be considered by the Government Sir, is this that the Institute should not be used purely or predominantly for the interest of big business. It is quite easy for an Institute of this kind to lapse into the interest of big business. What we need is scientific and industrial research more on the smaller scales to benefit most people. We should not assist with Government funds in research, the kind of subjects dealt by big business concerns. Big business concerns are in a position to carry out their own research. Those who are not in a position to carry out their own research like smaller industries, these are the categories of industries that should benefit most from this Institute of Scientific and Industrial Research.

It is also necessary to map out the area—what type of industries we should give most attention to, where they are located and also the size and the scale of these industries. I would suggest to the Government, Sir, that this aim of the proper mapping out and the proper focusing of interests in research could be best accomplished by choosing the right scientists and the right scholars and increasing their numbers. If we compare it, Sir, to an Institute, for instance, of Military Science, surely, we should not have four military men out of a Council of eighteen. Similarly in an Institute of this nature, I think it would be very ungenerous to limit the number of scientists to four while the total composition of the Council is eighteen.

On the rest, Sir, I have nothing to say heeding to your advice that we should make our speeches brief. I have nothing more to say except my hope that the Government would really develop this Institute without any political bias and without hesitation to increase the number of scientists from the higher institutions of learning to sit in the Governing Council. Thank you.

Dato' Dr Cheah Toon Lok: (*Dengan izin*)

Mr President, Sir, I wish to support very strongly the formation of this body, the National Institute for Scientific and Industrial Research. This is a body that the people of this country have been looking forward to for a very long time, because we are entering into a new age, a new age of human endeavour, and human skill, an age in which man has gone to the moon. In order to enter into this scientific and technological age, we have got to have an institute to get the best brains of our country to do research, so that we can equip ourselves with the necessary knowledge to compete in this highly scientific world. I know that there are many scientists of Malaysian birth who are abroad, who are doing scientific research, very high scientific research, in America, in Canada, in England, in Australia and in many other countries, because they have no opportunities in this country, because for the high scientific knowledge that they have, there are no openings in this country for them to do those researches. So, I think it is high time that the Government should look around, see and invite our scientists abroad to come back to help our country and, in order to do that, we must have a proper salary scheme attractive enough to bring all our scientific people home, people who really belong to this country and who should not be abroad to contribute to the advancement and progress of other countries abroad.

In this respect I want to say that in this Enactment, the Government is thinking of royalty or the Council is thinking of royalty for itself. In clause 16 (2) (b), it is stated "paying to any officer or employee of the Institute a bonus in respect of any useful discoveries or inventions made by such an officer or employee." But the invention belongs to the Council, and is handed over to the firm or the person who asked the Council to make certain researches, and then these persons have got to pay a royalty to this Council; and in turn the Council will make a bonus to the special scientist who has invented this apparatus. I think the word "bonus" is not quite appropriate. I should say "an appropriate bonus", so that we could pay a bonus that is commensurate with the work, the difficulty he has undergone to do this research and to find the solution to this research; and I hope that the Government will be generous to this Council and give it

appropriate funds to those who do the research. I agree with Professor Syed Hussein Alatas that we must have more than four scientists in this Council. There are many types of human researches that we can go into. I could say that even some researches that are done in some countries are so far advanced that you do not know that they could even know what you are thinking of. I wish to say that the thing is very highly scientific, and very few countries know it—the study of parapsychology, the knowing of the future, of telepathy, of hypnotism and extra-sensory perceptions, things which are outside our knowledge of the physical body. Those are very highly competitive now in this scientific world and very highly important to the survival of a country. Russia is very highly developed in that; America is very highly-developed in that; also England and France—there are four nations in the world. I do not know about China, maybe she is very highly-developed in that because they could do the brain washing. So, I hope that more than four scientists should be included into this Institute as Directors or as Advisers or anything at all; and I wish to congratulate the Government for bringing in this very forward legislation and I give my support strongly to the Government, but I hope the Government will not be miserly in its contribution to this Institute. Thank you, Sir.

Tuan Yang di-Pertua: Meshuarat di-tangohkan sa-lama lima belas minit.

Persidangan di-tempohkan pada pukul 4.43 petang.

Persidangan di-sambong sa-mula pada pukul 4.45 petang.

(Tuan Yang di-Pertua *mempengerusikan meshuarat*)

Dato' Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² ini kerana bagaimana rakan² saya yang telah lalu berchakap, ini-lah Undang² yang sangat mustahak bagi negara kita yang membangun ini. Pada faham saya undang² ini terbahagi kepada dua penyelidikan ia-itu, pertama: penyelidikan sains yang boleh di-ma'anakan apa juga penyelidikan yang hendak di-jalankan sa-hingga-lah kepada penyelidikan untuk ka-angkasa lepas, dan satu lagi penyelidikan ia-lah penyelidikan dalam perusahaan supaya dapat benar² kita mengetahui kekayaan hasil bumi dan apa yang ada dalam negara kita ini.

Saya rasa apabila di-tubuhkan badan ini sangat-lah mustahak kita mengadakan satu peruntukan khas oleh badan ini untuk memberi galakan menyarakan penuntut² belajar dalam ilmu sains ini supaya ada satu tabong khas bagi membanyakkan bilangan saintis² bagi negara kita ini. Kita hendak-lah membelanjakan jumlah wang yang banyak untuk mengadakan saintis² dengan bilangan yang banyak.

Yang kedua, dalam penyelidikan di-bidang perusahaan ini, saya chuba hendak tunjok satu chontoh bagaimana mustahak-nya dibuat penyelidikan. Pada masa ini negara kita menempoh kesusahan kerana kejatoan harga getah. Hari ini dalam negara ini kita ada kilang membuat tayar dan kilang membuat tayar ini memakai bahan mentah, ia-itu daripada getah asli kita, dan di-bawa masuk getah² tiruan. Bagaimana yang saya telah mengetahui sangat sedikit sahaja peratus getah asli yang di-pakai dalam kilang tayar itu, kerana pada pengusaha kilang tayar ini lebih untong mereka menggunakan getah tiruan yang di-impot daripada luar negeri, daripada menggunakan getah asli dengan banyak-nya.

Saya pernah menemui sa-orang ahli dalam perusahaan, sa-orang pekerja dalam perusahaan yang sa-umpama ini, saya dapati perusahaan tayar ini boleh menambahkan peratus penggunaan getah asli ini di-dalam mengeluarkan tayar² itu. Tetapi mereka tidak mahu menggunakan getah asli ini dengan banyak-nya. Dengan kerana itu, kita menempoh kejatoan harga getah, kerana penggunaan getah dalam negeri kita sangat-lah kurang. Kita banyak eksepot dan kita berharap pada Amerika untuk membeli getah kita. Jadi kalau sa-kira-nya ada instituit yang sa-umpama ini, saya rasa perlu badan yang sa-umpama ini membuat satu kajian di-atas penggunaan bahan seperti getah, kelapa sawit dan berbagai² lagi hasil pertanian kita supaya dapat kita menekankan kilang² seperti kilang tayar ini supaya banyak menggunakan getah asli daripada getah tiruan. Kalau mereka tidak hendak menggunakan banyak getah asli berma'ana-lah mereka mencari keuntongan dengan tidak mengindahkan keperluan negara kita dan ini mustahak-lah Kerajaan bertindak.

Kalau mereka menthabitkan kerana beberapa perkara teknikal yang ta' dapat menggunakan banyak getah asli, maka instituit ini boleh menunjokkan jalan bagaimana getah

asli boleh di-gunakan dengan banyak di-dalam kilang² yang sa-umpama itu. Ini-lah saya kata perlu-nya instituit ini, bagi kepentingan negara kita, dan saya rasa apabila kita adakan instituit ini, kita dapat galakkan saintis kita dan barangkali kita boleh bertukar² saintis; saintis negara kita di-tukar dengan saintis Amerika umpama-nya, sebab apabila kita berchakap fasal sain, fasal saintis umpama-nya, mata kita, perhatian kita kapada Amerika, kapada Russia, kapada China, ini-lah negara² tempat yang kita tumpukan pandangan kita. Kita tidak pernah dengar pandangan² kapada negara lain. Jadi untok mengembangkan, untok meninggikan mutu ahli² sain kita, maka patut instituit ini menjemput saintis² daripada Amerika, umpama-nya, melawat atau pun memberi cheramah² atau membuat perhubungan, pertukaran pendapat di-antara pendapat saintis² yang ada di-negara kita ini atau pun universiti² kita ini dengan universiti² di-luar negeri. Ini ada-lah perlu dan patut di-adakan lawatan² yang di-anjorkan oleh instituit ini.

Saya menyokong Rang Undang² ini supaya dapat saya meyakinkan Ahli Yang Berhormat yang berchakap kemudian sa-kali tadi, ia-itu Tuan Syed Hussein Alatas yang menyatakan sa-orang Ahli Senate membuat sejarah memberi pendapat tentang tidak guna-nya Ahli² Pelajaran Tinggi. Ini saya rasa silap. Saya bukan buat sejarah tetapi beliau chuba hendak melepaskan bahathan dua tiga hari dahulu, hari ini beliau berpeluang melepaskan perasaan hati-nya itu.

Sa-benar-nya bukan buat sejarah, apa yang saya chakap pada tempoh hari ia-lah kenyataan, chuma banyak sudah orang yang tahu tetapi chuma ta' berchakap sahaja. Saya mengemukakan pendapat ramai, bukan mengemukakan pendapat saya sa-orang. Itu-lah sa-bagai jawapan kapada beliau dalam melepaskan perkataan-nya atas masaalah perbahathan beberapa hari dahulu. Sekian sahaja, terima kaseh.

Dato' Athi Nahappan: (*Dengan izin*) Mr President, Sir, this is another important Bill that has been tabled before us for consideration, and I am sure not only the Members of this House but the entire nation will welcome this. The purpose of it is to promote, as the Honourable Minister has said, the scientific and industrial research in the country, and I am glad that the institution to manage this is put on a decentralised

statutory body basis so that it would have the necessary autonomy to function on its own with the necessary independence that is required for an organisation of this nature. In fact, we should have had a body of this nature some years ago when we really got going with our industrial programme. After having "taken off" industrially, some ten years ago, we are now trying to catch up with the scientific research that has to fortify the progress of industries in this country in terms of corresponding research. We lack this awfully in our country, we lack the brain power here, and we have been lacking the institutions here. Now the institutional gap is being filled by this Bill, and I hope the Government in implementing it will do it with such dynamism so that it will tap the best brains available not merely within this country but also from abroad. In trying to get the brain for research, the only consideration should be merits and the best merits available within the four corners of our country and from abroad. Then only we will be able to get the necessary result in having an exercise of this nature.

As a matter of fact, Sir, there has been a brain-power drain throughout the world and the more advanced countries like the United States, even Russia, and other advanced countries, have been tapping the brains from less developed countries when they find such brains available. When a Malaysian is available, he must be tapped so that he does not leave the country elsewhere, because we know that attractive benefits are given in other countries and as a result there is a tendency to go wherever the best benefits and services and facilities are available. Especially there has been a tendency to go to the United States not merely for the benefits in the salaries that are available, but also for the research facilities that are available to keep going; and in developing countries the research facilities are lacking and when we get a highly qualified science graduate here, even though he may be getting a reasonably good salary, he finds that he is literally wasting his time in a vacuum and therefore he tries to find opportunities elsewhere to keep his knowledge abreast with international progress.

Therefore, this is very important and very relevant to our industrial takeoff, and at the rate that we are going we have to have more applied research science which will back up

the actual industries in the country. But, Sir, I just now looked into the Five-Year Plan and I find that, though this body as such has been recognised, it is lumped up with FIDA, MPC, and SIM and so on and it has been said that this is very necessary to carry out the feasibility studies, research on industrial technology and organising of training programmes and so on. My view, Sir, is that we should even give greater priority to research than what has been actually given in the Plan and the sum actually allocated for instance under this heading, NISIR, SIM, and MPC, is only \$5.5 million—all these three organisations put together. The Ministry is required to put up its estimates year after year, and the organisation is expected to function on a remunerative basis. It is enabled to fix its own fees for the service it renders and even so, Sir, it is important that the Government here should be very generous in making allocations for bodies such as this. Here, we should not be niggardly at all, because in the course of time we will certainly have the most rewarding results out of the organisation such as this and it will have such a beneficial result to the entire structure of our industry here.

This is a very general research centre and I hope, Sir, it will have different sections. In some other countries they have had divisions like research centres for different fields, not just one, an omnipotent sort of things, such as this. But I guess that under this broad umbrella, they will have different divisions, so that researches can be made not merely in the scientific and industrial fields of various categories, but also other types. For instance, we have got like pineapples; timber, oil palm, all these things require research. Though they are agricultural, there is a certain amount of industrial approach also connected with them. I do not know whether the agricultural research will be brought under this. The very name "National Institute for Scientific and Industrial Research" suggests that scientific research can be related to agricultural sector as well, not necessarily industrial sector. And there are various research bodies in other countries for various specified fields. But this is an overall body and I hope the Government will give the highest priority, so that this will function with the maximum effect by tapping the brain resources of the country and from elsewhere.

Sir, I have great pleasure in welcoming this Bill.

Dato' Ong Kee Hui: Tuan Yang di-Pertua, saya hendak mengucapkan ribuan terima kaseh kepada Yang Berhormat Senator² yang telah mengambil bahagian dalam perbahathan Rang Undang² ini dan supaya saya dapat menjawab dengan jelas atas tegoran² yang di-kemukakan oleh Yang Berhormat², saya minta izin berucap dalam bahasa Inggeris.

(Dengan izin) Mr President Sir, Honourable Senators have brought forward very constructive suggestions in the debate on this Bill, and I can assure them that points they have raised will receive the most careful consideration by the Government and by my Ministry.

Senator Professor Dr Syed Hussein Alatas has drawn attention to the constitution of the Governing Council of NISIR and suggests that the number of scientists should be increased from four to something greater. In fact, we are very much alive to the need for more representation of scientists on this body, and although the Bill as such only provides for four, in actual fact the number of scientists who are serving on the body are much more than four. For instance, the Chairman himself is a Professor from the University of Malaya—Professor Chin Fung Kee—who himself comes out from an institution of higher learning. Similarly, even amongst the Government representatives, the representative from the Agricultural Department himself is a top scientist in the Department; and also, similarly, of the other scientists, there is also the Head of the Standards Institute of Malaysia who himself is a scientist. So, that point, I think, is taken care of. Should the need ever arise for increasing the representation, we would certainly come to the House for the necessary amendments—when the need arises.

The other point which he made was that it could include sociologists and statisticians. There again, I am a little bit doubtful, because there are so many existing bodies which have been set up before, and for NISIR to come forward and do this bit, perhaps it will be treading on the toes of other existing organisations. But the need is already taken care of by existing organisations.

As far as catering for big business is concerned, NISIR was basically set up not to look after big business, because big business have their own research organisations which

are either there because of the fact that they are provided by the parent organisation whenever there are joint ventures with foreign interest; if not, they are sufficiently big to set up their own research organisations and would therefore not require the services of NISIR.

NISIR is specifically designed as an instrument of industrial development. It is to look after the needs of a large number of smaller or secondary industries which have sprung up and which are beginning to experience difficulties in maintaining standards, which have been set in order to protect the consumers. It is designed for that, and it is also designed to make research into the field of the utilisation of raw materials which have not been utilised hitherto and which could lead to a lot of secondary industries and, therefore, help our industrial development.

The other point is that NISIR is also entrusted with the task of research on substitutes so that local materials could be used in place of imported materials. The basis hitherto of our industrialisation effort has been partly based on the imports of materials which are not available in this country, and one of the tasks of NISIR would be to look into the possibilities of finding out what available materials in this country could be utilised to replace the imported materials on which the existing industries are now based.

Furthermore, NISIR would develop new products and new processes of manufacture based largely on indigenous raw materials. In this respect, I note the point which has been brought up by Senator Dato' Nik Hassan for the need of research on the manufacture of motor-car tyres. He pointed out, quite rightly, that quite a lot of synthetic rubber is now used in our local factories which are producing tyres. On this, I think, some work is already being done by the Rubber Research Institute. One of the things I am very concerned about is not to duplicate work already done by existing organisations, because we are not very rich in either human or scientific resources, nor are we very rich in money and we cannot afford to waste money or human resources in duplication of work already done by existing organisations. So our aim now is to co-ordinate more closely, and work more closely, with existing organisations, and my Ministry is now studying and putting forward proposals to the Government, so that we can co-ordinate our

research efforts much more closely, so that work which has already been done by existing organisations, such as the Rubber Research Institute of Malaya (which is already a very well-known and very well-established organisation) and MARDI (which has just been recently established) would not be duplicated by NISIR. This would be in the best interest of the country.

With regard to the training of scientists, this, I think, is something which the Government had already stated quite clearly in the Second Malaysia Plan. My colleague, the Minister of Education, will have more to say on this and he is now, I think, working on the orientation of our school system, so that in the end we will produce more scientists, more technicians and thereby help our industrial effort.

On the question of exchange of scientists with foreign countries, we have already had offers from various countries, but as we have not yet established a research organisation, we are not yet in the position to take up their offers; but when we are in the position to do so, I would assure the House that this will be done.

Finally, on the point raised by Senator Dato' Athi Nahappan on the need to tap the best brains for research, I am glad to be able to announce that we are in a very happy position for being able to fill most of the posts, which we have advertised, with Malaysians. There was my fear at one time that we might have to go abroad and import a few expatriates to help us in the first stage. There will be a team of research experts sent out by the United Nations under the UNDP programmes for a period of two years on assignment to us, but we will have to find our own people to take over before that time. We have already advertised for the posts of the Director, the Deputy Director, three top Research Scientists and six Junior Research Scientists and we have had very good response from people either in this country or people who have gone abroad for post-graduate studies. They are all interested in coming to serve the country (*Tepok*). This augurs well for the future, and scientists if they are any good and dedicated to their work, I think money to them is of secondary importance. It is essentially the interest in their work that matters. I think for young people interested in the advance of knowledge, our country offers a very wide and

open field, and I think anyone coming back to this country will find that he will be spending a life not only usefully-dedicated to the advancement of this country, but a life that will be satisfying for himself.

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

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangkan dalam Jawatan-kuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 hingga 21 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² ARKIB NEGARA (PINDAAN)

Bachaaan Kali Yang Kedua dan Ketiga

Dato' Ong Kee Hui: Tuan Yang di-Pertua, saya mohon menhadangkan ia-itu suatu Akta bagi meminda Akta Arkib Negara tahun 1966 di-bachakan bagi kali yang kedua sekarang.

Tuan Yang di-Pertua, Tujuan Rang Undang² ini sa-bagaimana yang tersebut didalam kenyataan penerangan ia-lah untuk meminda Sekshen 3 Sekshen-kecil (1), Sekshen 8 Sekshen-kecil (1) dan Sekshen 12 Akta Arkib Negara No: 44 tahun 1966. Semenjak berjalan-nya Undang² ini yang dikuatkuasakan daripada 31hb Ogos, 1966 pengalaman menggunakan Undang² ini selama empat tahun yang lalu menunjukkan bahawa ada beberapa perkara yang perlu diperkemas lagi:

- (a) Pertama ia-lah mengenai susunan Lembaga Penasehat Arkib Negara bagi menyelaraskan dengan amalan Lembaga² lain yang sa-umpama-nya. Adalah di-fikirkan perlu Lembaga itu

mempunyai sa-orang Pengerusi yang asing dalam mana Pengarah Arkib Negara duduk sa-bagai sa-orang ahli Ex-officio;

- (b) Kedua-nya, Undang² ini sekarang berkehendakkan semua rekod² Kerajaan di-pindahkan ka-Arkib Negara apabila rekod² ini berusia 25 tahun. Rekod² yang berusia 25 tahun ka-atas itu akan menjadi "Arkib Awam" dan bukan untuk kajian orang ramai. Adalah dirasakan perlu bahawa rekod² tersebut di-pindahkan ka-Arkib Negara pada masa usia-nya 20 tahun ia-itu 5 tahun sa-belum rekod² sampai usia untuk dibuka bagi perhatian orang ramai, supaya Arkib Negara dapat memperoses dan membuat persediaan yang perlu untuk membolehkan rekod² itu digunakan oleh penyelidik²;

- (c) Ketiga-nya, Undang² Arkib Negara tidak mengandongi peruntukan yang tegas bahawa rekod² yang berusia kurang daripada 25 tahun yang maseh berada di-Pejabat² Kerajaan tidak boleh di-berikan untuk kajian orang ramai. Bagi memastikan supaya semua pegawai mematohi betul² tempoh selama 25 tahun itu, maka mustahak-lah peruntukan ini di-adakan sa-chara khusus.

Tuan Yang di-Pertua, saya mohon menhadangkan supaya di-luluskan usul ini bagi bachaaan kali kedua.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya mohon menyokong usul ini.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang² di-timbangkan dalam Jawatan-kuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 dan 2 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² KAWALAN SEWA (PINDAAN)

Bachaaan Kali Yang Kedua dan Ketiga

Dato Ong Kee Hui: Tuan Yang di-Pertua, saya mohon menchadangkan suatu Rang Undang² yang bergelar Undang² bagi Meminda Akta Kawalan Sewa tahun 1966 di-bachakan bagi kali yang kedua.

Tuan Yang di-Pertua, pada pertengahan tahun 1970, Kementerian saya telah mengkaji soal mengadakan galakan² pada bangunan² dalam kawasan Perbandaran Kuala Lumpur, terutama-nya dalam kalangan premis² terkawal oleh Akta Kawalan Sewa, 1966, kerana pembangunan² dalam kawasan Perbandaran Kuala Lumpur tidak-lah begitu memuaskan. Ada-lah di-dapati bahawa pembangunan premis² terkawal tidak begitu memuaskan ia-lah kerana sharat² yang terdapat dalam Akta Kawalan Sewa, 1966 bagi mengambil milek sa-mula premis² terkawal bagi maksud pembangunan bukan sahaja sukar di-patohi tetapi juga memakan masa yang lama.

Untuk mengatasi masalah² itu suatu pindaan kepada Akta itu telah di-buat melalui Ordinan No. 53 (Kuasa² Perlu) Dharurat, 1970, yang mengadakan suatu peruntukan baharu, ia-itu Sekshen 18 (A), kepada Akta itu yang bertujuan untuk mengadakan achara yang lebih mudah bagi mengambil milek sa-mula premis² terkawal dalam kawasan Perbandaran Kuala Lumpur bagi maksud pembangunan.

Sa-belum pindaan tersebut di-kuat-kuasakan pada 22hb Oktober, 1970, tuan tanah mana² premis terkawal yang hendak mengambil milek sa-mula premis itu bagi maksud pembangunan hendak-lah mematohi peruntukan Sekshen 18 Akta itu dan Tribunal Sewa yang di-tubuhkan di-bawah Sekshen 12 Akta itu, boleh, sa-telah menimbangkan permohonan itu membuat suatu perintah atau enggan membuat suatu perintah bagi membenarkan premis itu di-ambil milek sa-mula. Chara itu memakan masa yang lama dan oleh itu tuan tanah mana² premis terkawal enggan mengambil langkah² bagi mengambil milek sa-mula terkawal itu untuk maksud pembangunan dan akibat-nya pembangunan di-kawasan Perbandaran Kuala Lumpur tidak begitu pesat.

Tuan Yang di-Pertua, Rang Undang² ini hanya bertujuan untuk memasokkan pindaan² kepada Akta Kawalan Sewa, 1966 yang telah

di-ishtiharkan sa-bagai Ordinan No. 53 (Kuasa² Perlu) Dharurat, 1970 itu dalam Undang² yang kekal dengan satu pengubahsuaian kecil kepada perbahasaan "tenant" yang terdapat dalam Sekshen baharu 18 (A) itu supaya termasuk Penyewa Kecil dan Penyewa Bersama. Pengubahsuaian itu adalah perlu oleh kerana telah di-dapati bahawa apa² perintah yang di-buat oleh Pesuruhjaya Ibu Kota mengenai sa-suatu permohonan di-bawah Sekshen itu tidak mengikati penyewa² kecil dan penyewa² bersama itu dan dengan itu menjadikan sukar pada prektik-nya untuk menjalankan pembangunan.

Tuan Yang di-Pertua, saya mohon mengemukakan.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya mohon menyokong usul ini.

Dato' Athi Nahappan: (*Dengan izin*) Tan Sri Yang di-Pertua, this Bill is in particular relation to the Federal Capital. It, in fact, substantially gives the same powers that the Rent Tribunal had to the Commissioner of the Federal Capital in so far as the recovery of premises for development is concerned. This was introduced during the Emergency and now it is being made as a permanent law and it is being incorporated into the framework of the Control of Rent Act, 1966.

The purpose of this Act as has been stated by the Honourable Minister, Sir, is to expedite the proceedings for recovery of possession for development only, that is to say, if a landlord wants to recover his premises in order to develop the property, not just to make minor repairs but to demolish and re-construct, then he is entitled to get possession of the property and the Commissioner of the Federal Capital is given the power to hear the application and to consider it, to grant it or to reject it. The discretion is his and the powers are set out here. These are pretty much the same as those in Section 18 of the existing Act, except that there are some changes here and there which are an improvement. But, Sir, I was personally connected with the drafting of the Report for this Act in 1966 and at that time the Committee was given the terms of reference to do a tight rope walking. Our terms of reference were to find protection for the tenants and at the same time to give fair benefits to the landlords with a view to bringing about ultimate abolition of the rent control.

The rent control itself, Sir, is still a hang-over of a War time measure. As a matter of fact, rent control was introduced just in the wake of the War because it was feared that there would be, as a result of the War, housing shortage and people who had been in premises should be allowed to carry on without upheaval. The original Rent Control Act, Sir, of 1948, says that all houses built before January 31, 1948, are subject to control—this is a broad distinction—and all houses built thereafter are free from control. There the landlord is entitled to fix whatever rental he wants—it is a contractual arrangement—but houses built before January 31, 1948, came under rent control so far as the rental was concerned, and before 1966 it was based on the concept of “standard rent” as defined in the earlier 1948 Act, and the standard rent was carried on for a long time until 1966, almost 20 years after the War. The provisions were found to have outlived their usefulness and therefore the Government at one stage felt that the time had come to abolish the control wholesale swiftly and effectively. But then it was found that such a measure would be drastic, would bring about a major economic upheaval because the landlords might take undue advantage of the freedom given to them and might vacate their tenants especially from urban areas, in the business areas, and if the business tenants or commercial tenants are asked to vacate their houses or premises suddenly they would lose their business and that would affect the economy of the country and lots of people would get severely hurt, and because of that the Committee that was appointed by the Cabinet was given the responsibility to bring about a self-executing process of abolition, a gradual de-control, so that eventually the control will die off itself and there will be enough premises all over the people would not prefer old houses and they would go into new premises.

But, Sir, whatever housing development we may have, the importance of premises sometimes does not depend on the premises alone, it depends on the locality. An old house in the Market Square, and old house in Jalan Tuanku Abdul Rahman or Petaling Street, the importance of these premises depends not on the premises alone but also on the locality. Because these are business areas, they attract business and therefore these houses built there before the War, before 1948 January, would be subjected to control. The question

is how long do we want the control and should it be a permanent feature in our law, should this protection be given forever and ever so that the landlord will only get a controlled rental. Now the Committee that went into the whole thing, recommended what is known as “fair rental” based on mutual agreement but then that had been subsequently watered down by the Parliament and it is now as provided in the Act—the increase is much less than what was originally suggested. In so far as the rental is concerned, it is 100 per cent more than what was received, or it is based on the rate of assessment given. Now, Sir, the important thing here is, in so far as the Federal Capital is concerned—since this amendment relates only to the Federal Capital—we are very much concerned with the Federal Capital because it is the mirror of the nation. It is the most prestigious city of the country. It is the seat of the King, it is the seat of the Federal Government and it is where the tourists and the foreigners are going to come and in large numbers. So we look at it from very different angles. One of the main angles is tourists business and therefore many people said: Look, we must try to develop this town as fast as we can, preferably like Hong Kong, or at least like Singapore, but in order to do that, the law must give way. The law that stands now is not going to easily facilitate the growth of Kuala Lumpur City. My belief is that because I have been so intimately connected in writing the Report, and subsequently since then the Act itself is based on that Report and our recommendations, so my sincere assessment is that, if Kuala Lumpur City is to be developed, we cannot be having this nimbling attitude. Our attitude now, as it is, found in the Control of Rent Act, and in this the amendment is merely scratching the surface. We cannot bring about swift and major development. In fact, we can look into the laws of Hong Kong, how they go about in bringing down, tearing down old buildings and putting up new skyscrapers. It is a phenomenal, tremendous, most impressive picture that Hong Kong has presented and even Singapore is now breaking through in that way, but in Kuala Lumpur our law as it stands now, despite the 1966 Act, despite the power that is given to the Commissioner, I am afraid our rate of development would not help very much. Now, why do I say that?

Sir, under these amendments which have been incorporated into the Act now, if a

landlord wants to develop, say, his house in Jalan Tuanku Abdul Rahman or Market Square, Leboh Pasar, or anywhere there, he has to first apply to the Commissioner and he has got to show that he has got the plan approved and he has got to show that he has the necessary funds. In fact, that ran into difficulties in so far as interpretation was concerned in the Court; it says here "the landlord who wants to develop must produce evidence that funds are or will be available"; in fact, the earlier Act merely said "funds are available"; "will be" was left out from that Act. Well, this is on the earlier Act I am speaking of, or the Control of Rent Act, 1966, and under Section 18, it merely says "funds are available". Then the difficulty arose in a number of Rent Tribunals—what is the evidence of the availability of funds? A landlord, he gets a plan approved, and then he has to show that he has got the necessary funds available. Has he got to have hard cash if he is going to put up a building for \$1 million? Has he got to have hard cash or would it be enough if he produces a banker's letter that the bank will provide the necessary capital, that is, it will be available? Or is it enough that he is able to raise the capital? So some difficulties arose and in some applications, I think, they have been turned down because of inadequacy of evidence. Now here it says "will be available" in so far as the Commissioner's powers are concerned. This is a slight amendment from the power given to the Rent Tribunals throughout the rest of the country. So, the Commissioner can look at it, he can see whether the fund is available or will be available, if so, through what means, through the bank or through some other means and so on; and after that of course the landlord has to give a written undertaking that he will develop the property and commence development within six months of the date when possession of the premises is given—that is within six months he has to commence. This is, in short, the procedure he applies and the Commissioner exercises his mind and then he can either grant it or refuse it. Sir, my contention now is that even this is out of date. I think if Kuala Lumpur is to be developed all that a landlord should be required to do is to get the plan approved and so long as he shows that he has got the money and so long as he gives the undertaking to commence

the thing, then the Commissioner should automatically grant it. I do not see why he should be given the power to refuse or to grant and so on, because it is development and the plan in the first instance would not be approved if it is not consistent with the zoning requirements; it will not be approved if it is not inconsistent with the requirements of the architects. So having approved all these things, I don't see why the Commissioner should refuse it. On what grounds is he going to refuse it? After all, his own immediate subordinate officer, his architect has approved the plan. I mean, there is no point in giving that discretion, and sometimes for this sort of discretions, irrelevant considerations come in and then you find development gets bogged down and then you find parties going up to the Minister for some reasons or other, seeking appeal from the decision of the Commissioner. We have had instances like this in the past. Now, we should have a minimum requirements set in and automatic grant should be given.

Then the other thing I would like to say is that there are lots of landlords who have very valuable properties but which are very old and they simply do not have the funds to develop, and you will find, right in the heart of the town, a beautiful high-rise building with aluminium and glass frontage and then you find next door a little ramshackle of a building in rattling condition, which can even collapse any moment, and it is there next to this modern building. The landlord there sits on it. He may sit on it, because one reason is that he has no money to develop it. Now, if he has no money to develop it, are we going to let him sit on it until he gets his money? If he has not got any money and if he is not in a position to get any money, should we—the society, the Government—let that building remain in that condition, that eyesore sort of building? Now, here I think we might as well look into some of the provisions of urban development and urban rehabilitation of the United States. Actually, I visited some of the cities like New Havens in the State of New York where I visited and looked into their laws on this. If a landlord is unable to keep pace with development and if he is not able to develop the premises because of want of money, then I think the State should step in and buy the property up.

Now, we have got this U.D.A. which is coming in—Urban Development Authority. One hundred million dollars have been allocated in the Second Five-Year Plan. The U.D.A. can come in and buy the property. Let the landlord convert his property into liquidity, into money, and invest it in something else. That valuable property which has appreciated in value and to which he had contributed nothing except his ownership probably, which he had inherited from his father—why should that property remain there in that condition? So, here, I think the U.D.A.—later on the Bill is coming, we might consider that at that stage—should buy it and it might be profitably be used for the restructuring of society, which Tan Sri Ghazali Shafie has been enunciating and recommending. Premises such as these can be purchased and we have the doctrine of converting 30% of the rural folks into urban folks. They can come in and occupy these premises and set up businesses. This is one way of doing it. Either the landlord should do it himself and if he is unable to do it within a prescribed time—he must be given a time—“Look, you find the money to develop, this premises is not good, it will collapse. In the social interest, it must be developed. If you cannot develop, the Authority will develop and you will get your compensation.” The compensation can be given to him, let him take his money and invest it somewhere else. Now, this is done in advanced countries and I think we have a perfectly good rationale to do this here in this country.

Sir, the other thing is this—the user of the building itself. Some time ago, I met an American and he was rather surprised. He said he saw two things which he said in the town planning aspects and principle of the United States, is anachronistic. What he said was that “right in the heart of Kuala Lumpur City, I found, particularly in the Market Square, where you have big bank buildings and then next door you find shops selling dried fish.” Now, dried fish and bank business do not go hand in hand. (*Ketawa*) Absolutely not. That shop should not be there in that place. Of course, it was there twenty years ago, when the banks were not there, when the big buildings were not there. But now, the user of the place has changed. The land value has changed but the man selling dried fish, he still goes on with the smell around

(*Ketawa*) and people who come to the banks to deal with millions, both internal people and foreigners have to “enjoy” this smell and go in and out (*Ketawa*). Now, this is completely inconsonant with town planning concepts and user of property concepts. Now here again, we are lagging behind in modern thinking and the laws must catch up. We cannot simply allow buildings like these to be used; and then he also mentioned another thing. He said he was rather amused to see in a busy thoroughfare where business is very important, where the land value is going up, leaping, a billiard room on the ground floor—a billiard room on the ground floor of a building in Jalan Tuanku Abdul Rahman—this is ridiculous! How can we allow that when we have next door big business houses? Here again, they have become incompatible in the march of progress and growth. These incompatibilities can be seen in our urban manifestations and outlook. Here again our laws must change and either we must tell the people concerned: “Look, you cannot be running this sort of business in those places because this is the most valuable property and business of similar nature must grow up here.” If you cannot, either you convert yourself or let somebody else take over,” and he must be given some kind of compensation and asked to leave the place. You would never find in the City of London, where the banks and big business houses are, you would never find a billiard room next door on the ground floor, or a dried fish shop. They are simply not compatible at all. These are anomalies in our urban life and I think this is where the Honourable Minister has to look in. If Kuala Lumpur town is to be developed, and it is growing fast, it is a beautiful city, it needs some adjustments, particularly in the nerve centre, as the Americans would say, in the down-town area, we have to bring about a major concentrated effort so that old unsuitable buildings can be torn down in the interest of development so that society will get better benefits. Secondly, on the user of premises, there has got to be a new concept and new doctrine so as to present a better picture of the Kuala Lumpur City.

Sir, with these observations, I support the Bill (*Tepok*).

Dato' S. O. K. Ubaidulla: (*Dengan izin*) Sir, I had no intention of speaking on this Bill but, having heard my friend, Senator

Dato' Athi Nahappan, I am being forced to take the floor to defend the tenants of Kuala Lumpur and the tenants elsewhere in the country.

Sir, to my mind, the Rent Control Act is a benevolent one. It must be with us for some time to come. As advocated by Senator Dato' Athi Nahappan, our Parliament endeavoured to decontrol houses that were built before 1948.

Sir, what happened? The proof was very clear. The view expressed by my friend, Senator Dato' Athi Nahappan, was not the popular view. As a result, the Lower House had to bring an amendment to allow the landlords only to raise the rent up to 100% and not over and above that. This was the popular view expressed by Members of Parliament arising out of countrywide hue and cry and representations to the Members of Parliament. Sir, that goes to explain that we should not be in a great hurry to decontrol.

My friend, Dato' Athi Nahappan, gave two examples where because rent has been decontrolled, development is catching up like wild-fire. They are Hong Kong and Singapore. May I remind Honourable Dato' Athi Nahappan that Hong Kong and Singapore are island cities. (If they want to develop anymore beyond, they will have to go and fall into the sea.) (*Ketawa*). They have no other alternative but to raise their buildings skyward or underground. But we are rich, we have plenty of land and our progressive way is to decentralise this town—Kuala Lumpur—to spread far and wide so that we will have less traffic problems, less car parking problems, less other problems that are attendant with such crowding—overcrowding. If we follow the trends of thinking of Senator Dato' Athi Nahappan, we will have to crowd in Kuala Lumpur. Let us get wide to Damansara, let us get to Kepong and Cheras, let us get all round Kuala Lumpur, make the city wide, beautiful, with good thoroughfares everywhere. The tourists will be very happy to see a garden city, not a concrete jungle. The Honourable Member is appealing for a concrete jungle.

Sir, this Bill gives very wide powers to the Commissioner of the Federal Capital, indeed sweeping powers. I don't mind. Well, I follow the trend of my friend, Senator Dato' Athi Nahappan that where development must take place, nobody should do malin-gering and try to stop the natural course of

law, such building must be taken over for development, but, Sir, from what I see the Municipality, which is the authority that is running this Federal Capital, remains the same. You do not have much experts who have sufficient knowledge to tackle such problems fairly, effectively and judiciously. I do not think that we have increased such staff as to cope up with the problems which we face now. Probably, I may be wrong but I would like to be enlightened. In one or two matters where I had direct dealings on such matters, I found that the Municipality is not sufficiently staffed with people of expertise knowledge to cope up with the ever increasing problems of this town which is going to become a city very soon. This is a matter which should be looked into.

Sir, I beg to entirely disagree with my friend, Senator Dato' Athi Nahappan that once the plan is approved, the man must be given permission to rebuild and the availability of funds should not be a criterion. Sir, that will really cause hardship.

Dato' Athi Nahappan: (*Dengan izin*) I said clearly that once the developer gives evidence of approved plan, financial means and under-taking, then automatically the Commissioner should approve, not merely when he produces an approved plan the Commissioner should approve. I have also mentioned the other two requirements, Sir.

Dato' S. O. K. Ubaidulla: If that is so, that is what the Bill seeks to do.

Dato' Athi Nahappan: On a point of clarification. Sir, the Bill does not merely stop at that. The Bill goes on to say that even though a developer may produce these three evidences, still the Commissioner is given the power to grant or to refuse as he considers necessary. A discretion is given. My contention is that, Sir, as I said earlier on, it is not necessary because the plan is approved by his own officer, namely, the Architect of the Municipality.

Dato' S. O. K. Ubaidulla: I am afraid my friend, Senator Dato' Athi Nahappan wants a mathematical answer. Sir, the Commissioner can't give a mathematical answer. He should see whether the facts are appealing to his mind, use his discretion and if he is satisfied, he will give his permission. That is why the law is so worded, but the one he asks for is a mathematical answer.

Sir, I appeal again to the Honourable Minister that this discretion must remain with the Commissioner. It is because of this discretion we have not opposed this Bill. I would have opposed this Bill tooth and nail if this discretion was not given to the Commissioner. Sir, this is the place where compassion and circumstances will play a part. If he was asked to give a mathematical reply, surely the whole country would have opposed this Bill; because this means a very sweeping power to the Commissioner and people would not then rely in his sense of judgement and sense of fairness. Sir, thank you very much.

Dato' Dr Cheah Toon Lok: (*Dengan izin*) Mr President, Sir, after hearing Dato' Nahappan, I feel that he is also a landlord (*Ketawa*). I am also a landlord, but not a landlord in Kuala Lumpur. I feel this Bill if passed will go to other towns also because the States have been given the discretion to adopt this Bill. But in the implementation of this Bill, there is no sense of humanity at all, no sense of humanity, because there is no alternative accommodation given to the one you asked to vacate. And then you don't consider the private house, you only consider the business quarter. May I read to you, Sir, a part of the Enactment. Schedule 4, Section 18A—

- "(a) in the case of a controlled premises or part thereof occupied or used for trade purposes as defined in subsection (13) a total of four years' rental;
- (b) in the case of a controlled premises or any part thereof which when originally let consisted of vacant land but there has since been erected thereon a building or buildings of a temporary character, an amount equal to the total of four years' ground rental."

But in other cases a total of two years' rental only is paid. That means a poor man who has a private house in that quarter, he gets only 2 years rent payment as compensation, but there is no alternative accommodation given to him. Where is he going to? Unless the Municipality builds buildings, flats to accomodate these people, he will be dislodged. Then I have heard it stated that our representative has gone to America, to Europe, to see all those concrete jungles. He has gone there to see air polluted by narrow streets, by high buildings and people every-time run out of town to stay in the country and only come down to the capital, the metropolis for work. Do you want our country to be like Europe, America, New

York, Chicago and San Francisco? We have plenty of land here, and I agree with the Honourable Senator Dato' Ubaidulla that we should have satellite towns—so broad, so big areas—why not? You have Petaling Jaya developed into a nice garden city; other places—Damansara Heights and so on. Bring it out, but not only for the landlords. You want only the rich people to get richer and the poor, where are they going to if you dislodge them? You cant's do that. I don't agree to that kind of view.

Dato' Athi Nahappan: On a point of clarification, Sir. The Honourable Dato' Dr Cheah Toon Lok implies that I am against development outside—satellite towns. I never said all these. He has not understand me at all. What I said was that right in the heart of the town if there is a house standing dilapidated which has got to be developed, and if the landlord is unable to develop it, then some kind of authority must step in and buy it and develop it. I did not say development must go up. I said a dilapidated house, a rattling old house, if the landlord is unable to develop it, then the authority must step in, like the U.D.A., buy it up and develop it. This is what is being done in other countries. Now, this is quite different from saying I am against development all around and satellite towns and all that. I mean, it is not fair commentary on what I said. It shows lack of appreciation of what I said. As a matter of fact, I don't speak as a landlord. I have only one house, but I speak as a person who is interested in the development of the Federal Capital of Kuala Lumpur.

Dato' Dr Cheah Toon Lok: Dato' Athi Nahappan has misunderstood me. I said that we should go outside Kuala Lumpur for development, and I say that it is heartless and inhuman not to provide alternative accommodation for people who have been dislodged. I said that it was not right for us to develop a city just like a concrete jungle, like Chicago, San Francisco and New York, which our Honourable Senator had been to. (*Ketawa*). I say that if we want to do it, we must consider the poor people who are staying in Kuala Lumpur. After all, we are in an oriental town, not in a western town. We have got high buildings we have got small buildings; all these are not regimented and standardised. Do you want our people to be regimented and standardised, even our children—same height, and so on? No, I

think it is right that more compensation should be given for the people who dwell in private houses. Only two years' rental is not enough and then you say here, "You must vacate within six months or we will fine you so much", and then the planner must go into developing it within six months, or else he will be fined. Both sides are wrong: you have got to pay a fine to Government if you do not build within six months and you have got to pay a fine to Government because you have not vacated within six months. So, there must be an alternative as stated by Dato' Ubaidulla—that discretion be given to the Commissioner of the Kuala Lumpur Municipality,—it is his discretion to decide whether this should be done or not. But I agree that this town requires development, but it must not be developed in such a way that it becomes a western town, not an oriental town for our people to live in. I agree that progress must be maintained in this country, but not that type of progress where inhuman attitudes are being shown to the poor of this country. Thank you, Sir.

Dato' Ong Kee Hui: (*Dengan izin*) Mr President Sir, I must say it was most refreshing for me (*Ketawa*) to hear the debate on this Amendment to the Rent Control Act. When this Amendment Bill was presented to the Lower House, most of the criticisms were, in fact, in favour of the poor tenants, and one can easily understand it, because in this country there are more tenants than there are landlords (*Ketawa*). So, Government being what it is—it is the Government for the majority—we have taken this into account and that is why to this day the Rent Control Act is still on the Statute Book, because we are conscious of the great hardship which will be caused to a large number of people, many of them poor people, if we were to remove this protection altogether.

At the same time, we want to develop and in most cases the law has been weighed so heavily on the side of the tenants that it has led to so much abuse that in certain cases tenants have been known to hold practically not only the landlord but the community to ransom—you cannot move them however much you want to pay by way of compensation. It is in order to obviate cases like this that the amendment has been made to the Act to enable the removal of such tenants, so that they do not stand in the way of

development. We have found, from actual experience of the Act, that the provisions of the Act are so cumbersome and the interpretation of the Rent Tribunals which had been set up to exercise the Act is so—they interpret the Act on such precise terms, that it was well-nigh impossible for the landlords even with the machinery provided by the Act to recover the premises and it is for that reason that Section 18A had been enacted under the Emergency Ordinance. But since then, we have also found that, in actual fact, there is a bit snag there, because through an oversight we have only mentioned "tenant", the law does not cover sub-tenants, nor co-tenants, and therefore there had been cases where it had been found impossible even to get or recover the premises.

Now, in actual operation of the old Section 18, the Rent Tribunals interpreted the Act so rigidly that in the case of a landlord trying to recover his premises, he had to not only satisfy them that he had the plan approved and, in the case of a plan being approved, they would require even the engineering plan and the sanitation plan, which would take a long time for the Municipality to approve—it might take as long as six months even for those plans to be approved. Furthermore, in the interpretation of "means", ability to develop, they would actually want a certificate from the bank that so much money is available in the bank before the Rent Tribunal would allow the landlord to recover the premises. Now, with the new amendment to the Act, Section 18A, it is now possible for the landlord to recover his premises by merely submitting a plan which has been approved without having the details, without having the sanitation plan, which considerably expedites the whole process.

Furthermore, there is no need for the landlord even to have a bank certificate or lodge actual money in the bank in order to have that certificate of means of ability to carry on with the rebuilding of the recovered premises. All that he has to do is to satisfy the Commissioner, not through a banker's guarantee, which was what was required by the Rent Tribunal, but merely a certificate by the bank that in the bank's view he is a man of sufficient means to carry out the project, which of course considerably expedites the whole process.

The other important point is that criticism has been levelled at the fact that this Act gives too much power to the Commissioner. This is so, but as pointed out by Senator Dato' Ubaidulla, this is a discretion which is given to the Commissioner, and he would, of course, exercise his discretion in the light of the circumstances, in the light of other factors, so that while not obstructing development, we are not entirely unconscious of any hardship which might be caused to those who would be affected.

Now, as Honourable Senators are aware, the Government has already a Bill before this House on the establishment of the Urban Development Authority. When this comes into effect, the Urban Development Authority will be able to much more effectively bring about the urban renewal of Kuala Lumpur itself, because it will then have not only the necessary powers, but it will also have the necessary resources behind it, which the Federal Capital has not got; and as a result of this, I am sure the development of Kuala Lumpur will go ahead without causing undue hardship to the citizens of the town. With that, Sir, I move that this Bill be read a second time.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatankuasa.

Dewan bersidang sa-bagai Jawatankuasa.

Rang Undang² di-timbangan dalam Jawatankuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² PASPOT (PINDAAN)

Bachaan Kali Yang Kedua dan Ketiga

Timbalan Menteri Hal Ehwal Dalam Negeri (Tuan Mohamed bin Yaacob): Tuan Yang

di-Pertua, saya mohon menchadangkan ia-itu Rang Undang² Akta Paspot (Pindaan) tahun 1971 di-bachakan kali yang kedua sekarang.

Tuan Yang di-Pertua, di-bawah sekshen 12 Akta Paspot tahun 1966, sa-saorang yang di-dapati salah melanggar sa-barang peruntukan Akta tersebut akan di-kenakan hukuman penjara tidak lebeh daripada 12 bulan atau di-denda tidak lebeh daripada \$2,000 atau pun kedua²-nya sa-kali. Pengalaman yang sudah² menunjukkan bahawa hukuman² yang di-kenakan sekarang ini ada-lah terlalu ringan untuk menakutkan (deter) atau menghalang orang² daripada melakukan kesalahan² di-bawah Akta tersebut. Oleh yang demikian ada-lah di-dapati perlu supaya sekshen² kechil 12 (1) dan (2) Akta tersebut di-pinda supaya hukuman penjara di-tambah menjadi 5 tahun dan hukuman denda menjadi \$10,000.

Tuan Yang di-Pertua, saya mohon menchadangkan.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya mohon menyokong.

Usul di-kemuka bagi di-putuskan, dan di-setujukan.

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kepada Dewan sa-bagai Jawatankuasa.

Dewan bersidang sa-bagai Jawatankuasa.

Rang Undang² di-timbangan dalam Jawatankuasa.

(Tuan Yang di-Pertua *mempengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 dan 2 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Rang Undang² di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

Tuan Yang di-Pertua: Ahli² Yang Berhormat, meshuarat di-tanggohkan sa-hingga pukul 2.30 petang hari besok, 12hb Ogos, 1971.

Dewan di-tanggohkan pada pukul 6.30 petang.