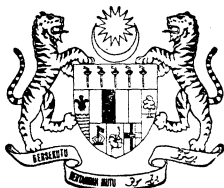


Jilid I
Bil. 17



Hari Khamis
12hb Ogos, 1971

PENYATA RASMI

OFFICIAL REPORT

DEWAN NEGARA
Senate

PARLIMEN KETIGA
Third Parliament

PENGGAL PARLIMEN PERTAMA
First Session

KANDONGAN-NYA

RANG UNDANG²:

- Rang Undang² Keselamatan Dalam Negeri (Pindaan) [Ruangan 1159]
- Rang Undang² Imigresen (Pindaan) [Ruangan 1194]
- Rang Undang² Galakan Pelaburan (Pindaan) [Ruangan 1197]
- Rang Undang² Timbang dan Sukat Meter [Ruangan 1232]
- Rang Undang² Universiti dan Kolej Universiti (Pindaan) [Ruangan 1236]

USUL:

- Waktu Meshuarat dan Urusan Yang di-Bebaskan daripada Peratoran Meshuarat [Ruangan 1194]

MALAYSIA

DEWAN NEGARA YANG KETIGA

Penyata Rasmi

PENGGAL YANG PERTAMA

Hari Khamis, 12hb 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.
(Negri 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. (Negri Sembilan).
- „ TUAN CHUA CHING 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 KAMARUL ARIFFIN BIN MOHD. YASSIN (Di-lantek).
- „ 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 MOHD. HANIPAH BIN S. ALAUDIN, A.M.N., J.P. (Kedah).
- „ 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 WILLIAM TAN, J.M.N., C.B.E. (Di-lantek).
- „ 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 TIADA 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 S. T. MANI, P.J.K. (Di-lantek).
- „ DATO' TEMENGGONG OYONG LAWAI JAU, P.N.B.S., M.B.E. (Sarawak).
- 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).
- „ TUAN TING MING HIA (Sarawak).

YANG HADHIR BERSAMA:

- Yang Berhormat Menteri Pelajaran, TUAN HUSSEIN BIN DATO' ONN, P.I.S., M.B.E.
(Johor Bahru Timor).
- „ Timbalan Menteri Kewangan, TUAN ALI BIN HAJI AHMAD
(Pontian Selatan).
- „ Timbalan Menteri Hal Ehwal Dalam Negeri, TUAN MOHAMED BIN
YAACOB, P.M.K., S.M.T. (Tanah Merah).

DO'A

(Tuan Yang di-Pertua *mempengerusikan meshuarat*)

RANG UNDANG²RANG UNDANG² KESELAMATAN
DALAM NEGERI (PINDAAN)

Bachaaan 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 Keselamatan Dalam Negeri (Pindaan), 1971, di-bachakan kali yang kedua sekarang.

Tuan Yang di-Pertua, tujuan Rang Undang² ini ia-lah untuk mengekal beberapa peruntokan² yang di-buat berikutan dengan perishtiharan Dharurat pada 3hb September, 1964 dan 13hb Mei, 1969, melalui Emergency (Internal Security and Detention Orders) Regulations 1964, Emergency (Internal Security and Detention Orders) (Amendment) Regulations 1965 and Emergency (Internal Security) (Modification of Laws) Ordinance No. 4/1969 yang akan di-mansokhkan kuat-kuasa-nya. Pindaan ini juga bertujuan memperkemas Akta tersebut serta menjelaskan beberapa perkataan tertentu yang di-pakai.

Pindaan yang mustahak ada-lah saperti berikut:

- (i) Sa-saorang yang di-kenakan perintah tahanan di-bawah Akta Keselamatan Dalam Negeri berhak membuat rayuan terhadap perintah tahanan itu kepada Lembaga Penasehat dan hadir sendiri atau pun diwakili oleh Peguam-nya, apabila Lembaga Penasehat menimbang rayuan-nya itu.

Ordinan Dharurat 4/69 telah membatalkan untuk sementara waktu peruntokan bagi orang² tahanan hadir sendiri atau di-wakili oleh Peguam-nya pada meshuarat Lembaga Penasehat pada masa menimbangkan rayuan-nya. Fasal 3 Rang Undang² ini akan memberi balek hak itu. Untuk memberi peluang kepada pehak Lembaga Penasehat menyelesaikan rayuan² orang tahanan yang di-tahan sa-lepas Mei, 1969 yang menuntut hadir sendiri pada masa rayuan mereka di-pertimbangkan, maka ada-lah di-chadangkan supaya kuat-kuasa pemberian balek hak ini bermula sa-lepas 1hb September, 1972.

- (ii) Mengikut Sekshen 8 Akta Keselamatan Dalam Negeri, 1960, kuasa mengeluarkan perintah tahanan ia-lah Yang di-Pertuan

Agong. Ordinan Dharurat 4/69 telah memindahkan kuasa itu daripada Yang di-Pertuan Agong kepada Menteri. Ada-lah jelas mengikut Perkara 151 (1) (a) (b) Perlembagaan, kuasa tersebut tidak sah-nya di-keluarkan oleh Yang di-Pertuan Agong oleh kerana orang tahanan di-beri hak di-bawah Perkara 151 (b) Perlembagaan mengemukakan rayuan kepada Yang di-Pertuan Agong terhadap perintah tahanan yang di-kenakan kepada mereka. Oleh yang demikian tidak-lah menasabah jika perintah tahanan itu di-keluarkan oleh Yang di-Pertuan Agong dan pehak yang memutuskan rayuan terhadap perintah tahanan itu ia-lah Yang di-Pertuan Agong juga. Rang Undang² ini akan mengekalkan pindaan yang di-buat oleh Ordinan Dharurat 4/69.

- (iii) *Sekshen 8 (1):* Ada-lah juga di-pinda untuk memasukkan perkataan "essential services" atau "the economic life thereof" sa-bagai sebab² membolehkan sa-saorang itu di-kenakan perintah tahanan. Perkataan² ini telah di-masokkan ka-dalam Akta tersebut sa-chara sementara mengikut pindaan² Dharurat 1964 dan Ordinan Dharurat 4/69. Rang Undang² ini akan mengekalkan pindaan² sementara tersebut. Untuk perhatian Ahli² Yang Berhormat pindaan ini ada-lah selaras dengan perkara 149 Perlembagaan yang membolehkan di-buat peruntokan menghadapi "organised violence against persons or property".
- (iv) *Sekshen 8 (7):* Akta tersebut tidak ada peruntokan bagi Menteri menyambong Perintah Tahanan atau pun Perintah Terhad sa-telah tempoh sa-suatu perintah itu tamat. Oleh kerana itu tiap² perintah sambongan ada-lah di-anggap sa-bagai perintah baharu dan atoran menyediakan perintah baharu di-ikuti sa-mula. Pindaan Dharurat 1964 dan juga 4/69 mengadakan peruntokan untuk menyambong sa-suatu perintah tersebut dan tujuan pindaan dalam Rang Undang² ini ia-lah untuk mengekalkan pindaan² sementara tersebut.
- (v) *Sekshen 8 (8):* Dalam Akta yang ada sekarang tidak ada peruntokan bagi Menteri meminda, membetul atau menambah syarat² sa-suatu perintah terhad yang telah di-keluarkan. Dengan demikian Rang Undang² ini mengadakan di-sekshen 8 (8) peruntokan tersebut.
- (vi) *Sekshen 13 (1):* Sa-belum Dharurat 1969 tiap² perintah ada-lah di-ulangkaji sa-kurang²nya dalam masa 6 bulan sa-kali, oleh Lembaga Penasehat di-bawah Sekshen 13 Akta tersebut. Ordinan Dharurat 4/69 telah menarek hak ini. Rang Undang² ini bertujuan mengembalikan sa-mula hak itu. Mengikut Sekshen 12, Lembaga Penasehat di-kehendaki menimbang rayuan daripada sa-orang tahanan dalam masa 3 bulan daripada tarikh ia mula di-tangkap. Oleh kerana Sekshen 13 (1) memberi hak bagi sa-suatu perintah di-ulangkaji tiap² 6 bulan, maka dalam tempoh 6 bulan pertama sa-saorang tahanan itu akan meng-

hadapi Lembaga Penasehat dua kali. Untuk mengelak perkara ini berlaku, maka Rang Undang² ini memasukkan satu peruntukan di-Sekshen 13 (1) yang menyatakan ulang-kaji pertama tahanan hendak-lah di-buat dalam tempoh 6 bulan sa-lepas penim-bangan rayuan yang pertama.

- (vii) *Sekshen 73*: Tiap² Perintah Tahanan atau pun Terhad di-bawah Akta itu hendak-lah di-tandatangani dalam tempoh 30 hari sa-saorang itu di-tangkap. Tempoh ini sangat-lah suntok bagi fail kes orang² tahanan itu untuk di-kemukakan daripada Polis di-perengkat kontinjen ka-Ibu Pejabat dan daripada Ibu Pejabat ka-Kementerian ini. Ordinan Dharurat 4/69 telah menambah tempoh ini kepada 60 hari. Rang Undang² ini bertujuan mengekalkan pindaan sementara tersebut.

Untuk ma'aluman, pindaan ini tidak-lah bertentangan dengan Perkara 151 (1) (b) Perlembagaan yang memberi kebenaran bagi tahanan tidak lebeh tempoh-nya 3 bulan sa-belum Lembaga Penasehat di-kehendaki menimbang apa² rayuan kapada-nya.

Emergency (Detained Non-Citizens) Regulations, 1965 membenarkan sa-saorang tahanan bukan warganegara membuat rayuan kapada Menteri. Dengan pembatalan Peratoran tersebut di-Jadual Kedua Rang Undang² ini, orang tahanan bukan warganegara akan di-beri hak sama saperti warganegara ia-itu mereka boleh membuat rayuan terus kapada Lembaga Penasehat.

Tuan Yang di-Pertua, saya mohon menchadangkan.

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

Tuan Yeap Kheng Yam: Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² bernama suatu Akta bagi meminda Akta Keselamatan Dalam Negeri tahun 1960 yang di-bawa oleh Yang Berhormat Menteri Kerajaan ka-Dewan ini untuk mendapat nasihat dan persetujuan serta di-luluskan nanti.

Tuan Yang di-Pertua, terlebih dahulu saya suka menguchapkan sa-tinggi² tahniah kapada pehak Kementerian yang berkenaan kerana pemimpin² Kerajaan kita dengan beberapa susah payah membawa Rang Undang² Keselamatan Dalam Negeri kita. Maksud tujuan besar bagi Rang Undang² ini ia-lah untuk menjaga keselamatan negeri kita sa-chara bagini amat-lah baik dan patut-lah kita menyokong dengan sa-penoh² kapada-nya.

Tuan Yang di-Pertua, saya rasa kalau tiada Rang Undang² Keselamatan Dalam Negeri ini barangkali negeri kita telah di-jatuhkan

ka-dalam keadaan kachau-bilau, maka kemajuan negeri kita, ekonomi baharu kita serta keamanan negeri kita telah pun akan di-hapuskan oleh anasir² jahat dengan sia².

Tuan Yang di-Pertua, sa-saorang ra'ayat yang jujur ta'at setia kapada negeri kita akan mesti menyokong kapada Rang Undang² ini di-dapati pindaan yang sesuai dengan 100%. Tuan Yang di-Pertua, 10 tahun sa-sudah negeri kita berada Rang Undang² ini untuk keselamatan ra'ayat dan negara. Kerana pada masa sekarang Rang Undang² ini di-sampai-kan pula hendak meminda, tetapi saya tidak faham, kenapa orang² atau Ahli² dari Parti Pembangkang di-Dewan Ra'ayat tidak ber-setuju dengan Rang Undang² ini, nampak-nya mereka amat-lah takut kapada Rang Undang² ini. Saya rasa kalau sa-saorang tidak buat apa² kesalahan pada siang hari patut-lah mereka tidak terkejut apabila sa-siapa mengetok pintu-nya pada malam hari.

Tuan Yang di-Pertua, mengenai merojok-kan kapada Lembaga Penasihat di-bawah Kaedah² Keselamatan Dalam Negeri (Lem-baga Penasihat Orang Tahanan), 1964 bahawa Ahli² bagi Lembaga Penasihat itu kalau tidak termasuk Ahli² Dewan Negara, maka saya berchadangkan patut-lah Ahli² Dewan Negara kita di-lantekkan menjadi sa-bagai Ahli² Lembaga Penasihat supaya akan mengetahui lebeh terang dengan keadaan bagaimana dengan chara² orang tahanan. Bilangan Ahli² dari Dewan Negara ter-pulang-lah kapada pehak yang berkuasa.

Tuan Yang di-Pertua, pada akhir-nya apabila Rang Undang² ini telah mendapat pindaan dan akan mula berkuat-kuasa kelak, maka saya di-sini suka menasihatkan pehak yang berkuasa bila menjalankan kewajipan² mereka mesti-lah di-jalankan dengan adil dan sa-baik²-nya supaya Rang Undang² ini tidak akan di-salah gunakan. Sekian, terima kaseh.

Dr Syed Hussein Alatas: (Dengan izin) Mr President, Sir, I wish to restrict my comments only to some sections of the amendment of the Internal Security Act. Mr President, Sir, ever since we achieved our independence in 1957, our thinking on many fundamental issues facing our country has been somewhat cursory and it has been characterised by a remarkable lack of seriousness. This lack of seriousness exhibits itself in the inability to place oneself in the position of others who disagree, in the inability to appraise problems in its right perspective, and in the inability to go deeper into what is apparent.

authority for judgment. We are not a group of children. We are all matured people, we can think, we have been to universities, we know the processes of law, of independence, of survival. I think this Government should be supported in its effort to root out subversion in this country, so that this little tree of fourteen years old would grow up bigger, taller and bear fruits for the whole people of our country to enjoy. Thank you.

Dato' J. E. S. Crawford: (*Dengan izin*) Mr President, Sir, I rise to fully support this Bill. Sir, we went through twelve years of Emergency before. I lived through that on a rubber estate, and I really know what is subversion and what Emergency means, Sir. Unless the Government is empowered by such an Act as this, you cannot put a stop to terrorism and subversion.

People mentioned the liberty of the subject, Sir, but the liberty of the subject must be curbed sometimes when they take liberty with firearms, murder, terrorism and subversion, Sir. I mentioned, Sir, in this Honourable House the day before yesterday that a country in the Western Hemisphere—I shall not mention whether it is civilised because I believe certain doubt was cast—found it necessary to introduce legislation, as I mentioned before, Sir, for detention without trial because of terrorism. I fully support this Bill for those reasons. Thank you.

Tuan Andrew Jika Landau: (*Dengan izin*) Mr President, Sir, I rise to give my full support to the Internal Security (Amendment) Bill, 1971, to amend the Internal Security Act of 1960. Sir, after having studied the preamble to the Amendment, it was crystal clear that our beloved Malaysia has been threatened by a substantial body of persons both inside and outside Malaysia and every Honourable Member here present in this august House would have studied the Preamble (1) and (2), and the last part of which says:

“And whereas Parliament considers it necessary to stop or prevent that action.”

Sir, almost in every country today there exist a similar body of persons who overtly or covertly act to procure the alteration of the government by an unlawful means. We have heard very recently of the *coup d'etat* in the State of Sudan in the continent of Africa by a body of persons and a couple of days later retaliatory action was meted out

and returned to the *status quo* of democratic government carried out by another person. Sir, we have heard news also to the effect of the return to the law of the jungle by the same government of that country, and that is the instant trial with a death sentence without the rights of appeal. This is one of the latest examples of how cruel some section of our human beings can be at times. But I do agree to the particular soldier-politician's method of eliminating the menace of some of the subversive elements in his country; and if we could do it here not to the full extent but to half of that extent I think we can at least manage to eliminate the subversive elements that threaten our very survival and security. Nevertheless, Sir, I am in no position to suggest that it should be carried out by our Government. Of course, that method is the only solution to wipe out completely the action and all further actions which threaten us by that substantial body of persons to our security.

Honourable Members, we are here in this august House to debate on this important issue, that is the security of our country, Malaysia, our home, the security of our children and their children after them, our property, our social system of merry-making, golfing, dancing, swimming, basking in the sun, in the Genting Heights, frolicking in the casinos or wherever we are. We do require security; we must have security. Otherwise, our freedom of movement is limited to an extent that we have to suffer the consequences of it. The ideals that all Malaysians must protect and defend against is this evil element which we have known for many years past since the Emergency in Malaya before forming the Federation of Malaysia. These subversive elements try to procure the alteration otherwise than by lawful means of the lawful Government of Malaysia by law established.

It is not enough, Sir, and to this extent not compatible if any Malaysians were to use or to apply the term, to encourage, to urge or to appeal to all Malaysians from all walks of life; to be aware of this inalienable threat to our survival and existence other than by our own active support to help the Government to eliminate the subversive activities or threat to our survival. Sir, if I may, I would like to use the term “Communism” for once. As I have seen it here in the Internal Security Act, the Government is very very cautious

to detain a person and just keep him *incommunicado* for the maximum period and then let him go. Now, this is possible; this can be abused. So I would appeal that the Ministry should inform all Police Officers that they must be careful in the use of these powers, because under these powers a person is detained under some extraordinary law, not under the normal law. I am rather concerned about this, and there is nothing to stop a Police officer detaining a person and keeping him *incommunicado* for no reason at all. Under another Act which is to come before us, i.e., the Immigration (Amendment) Act, also there will be an extension of the period when a person is detained. I think this is an unhealthy practice. I cannot understand why during the period of fourteen days, if they really get down to work, they cannot do all the interrogation that they want to do. But what I have a feeling is this: that after they have detained a man, they just forget about him for some time and attend to other activities. Suddenly they remember that the man had been detained and then they just let him go. (*Ketawa*). This is a very serious matter where it concerns the freedom of a subject—this is a very serious matter.

In this country which I believe—and I am a firm believer in democratic process—has a democratic system of Government, I am very concerned about the liberties of the subject; I hope the Minister will take note and will do whatever he thinks is best to get the officers concerned not to abuse this particular power of detention; and I hope there will no longer be a time when this sort of amendment will come for another extension to 90 days and finally to six months. I think the period of sixty days is very, very long for a person to be detained when he has a family to maintain, and I have had a whole family coming to my office saying that they did not know what had happened to the person detained. Thirty days itself is bad enough, but now it is sixty days, and I hope it won't be six months. Thank you, Sir.

Dato' Dr Cheah Toon Lok: (*Dengan izin*) Mr President, Sir, I have heard Professor Dr Syed Hussein Alatas speak about democracy. I have heard him say that the democratic processes of our nation have been imperilled by this legislation brought in to save our State. He said that the democratic process had been so long, for over a thousand years, been preached and practised and yet no one can explain what democracy is and

if we were to contest with the Communists, I do not think, he said, any of our Ministers could write ten pages to convince the Communists or ten pages to explain what Communism is. Democracy is something which had begun in a City State—in a city—by a mob, a majority of a mob and controlled by a mob. It has gone far—over thousands of years it has gone so far. We are no longer a City State where we can control 10,000 or 15,000 people but now we have got millions of people and we have got to get certain instructions to protect the safety of the State, which concerns not 10,000 people but millions of people who must be protected.

I think this legislation is good in certain respect but the period of detention for sixty days is too long. I think it conflicts with the Habeas Corpus Act to bring him to show that the man still exists. I think that it is high time that we think in terms of this nation. This nation is a new nation, 14 years old. We are just a growing tree, just growing up, and if anybody cuts the root of the tree, it will collapse and the tree dies, it cannot bear fruit, no more fruits, nobody can enjoy the fruits of democracy in our country. We must protect the country by any means, even though the means is so bad that it involves the liberty of a person in the State. The country must be protected, and I agree that this legislation should come in to protect our nation.

A certain section in the Bill says that the detainee must be represented. Formerly he was not represented. Even if a lawyer were sent, the lawyer was there just to see that he was brought to the Advisory Committee. The lawyer could not intervene for him. Now under this broadened law, he could do so; and it is a step forward for democracy.

It is very good, Sir, for the theory of democracy, but we have got to know that democracy means respecting our new country. Even in America today, is there democracy? In any part of the world, even in Russia, is there democracy? There is no democracy. Democracy is a term to delude the mind of people only to say that we have liberty, and I do not agree with what has been said about democracy because after all the democratic process is a process which we are having now. We have a Parliament, we have got Legislatures, we have a Lower House, an Upper House, anything can be debated, anything can be brought before the highest

economic life which cannot be met by the existing security regulations, by the existing Internal Security Act? What are those cases? If all the cases can be met by the existing Internal Security Act, where is then the need to include this amendment? I am quite convinced that the Government is considering this in all seriousness, and in all seriousness I ask to be given the example of such cases. Could it be, Mr President, Sir, a strike? Is the Government going to consider a strike or talk about a strike or attempts to organise strikes in some essential services as coming under this Internal Security Act? What is the limit between a genuine strike and a non-genuine strike and a subversive strike? Apparently, Sir, the Government specially wanted to include this to prevent workers from using their union position for bargaining, because the presence of such an Act can have a psychological effect. If a friend of mine comes to visit me bringing with him his bodyguard displaying an impressive dagger stuck around his waist and as we happen to have a certain dispute, the very presence of a dagger itself can act as an intimidation, even if it is unintended. Therefore, for the interest of industrial peace in this country, let us try to cut down as much as possible any legislation which can be interpreted or read as intimidation.

Mr President, Sir, in the last fourteen years our Government has been in the habit of fighting Communism and fighting violence purely from the legalistic and militaristic points of view. They have paid very little attention on the battle of the mind. Mr President, Sir, no government has ever succeeded in stopping the progress of Communism by force alone. If Communism has been stopped in certain areas, it has been more because of the power of conviction of the population in those areas and not because of any legislation. So enacting too many legislations develops the habit of not paying enough attention on the battle of the mind. As a proof of that, Mr President, Sir, I may perhaps furnish an instance. I do not think any of our Cabinet Ministers here can have a battle of the mind on Communism, can argue and debate on Communism and win a debate with the Communists. I do not think any of them is capable of writing ten pages on Communism accurately, describing it without refuting it—the first simple stage of describing it! They are not in that position. All they want to do is to legislate, legislate,

and legislate without considering the consequences of these legislations *vis-a-vis* the spread of the very thing they are trying to combat. More and more of such legislations, Sir, would create more discontent, more suspicion. It will undermine more goodwill towards the Government, whatever goodwill is left towards the Government.

Mr President, Sir, I am speaking here as what the old Romans called the “Owl of Minerva”. I am not hooting the doom of the Roman Empire; I am not hooting the doom of the Government; but I am hooting the doom of serious, careful and deliberate thinking into the fundamental issues of our lives. Thank you, Sir.

Tuan Abdullah bin Dato' Haji Abdul

Rahman: Tuan Yang di-Pertua, saya chuma hendak berchakap dengan pendek sahaja. Izinkan saya berchakap dalam Bahasa Inggeris. (*Dengan izin*) Mr President, Sir, I am rather concerned only in this particular instance where the Police is given a longer period to detain a person. Section 73 now allows the Police to detain a person for a period of sixty days, and if I may remark in passing, in another legislation which will be coming before us, the Immigration (Amendment) Act, the period of detention is also extended. Now I am concerned in this respect: where the liberty of the subject is concerned, it is a principle that he should not be detained for an unnecessary long time, especially in a democratic country as ours. As far as my experience goes, and it is admittedly limited, and I cannot be specific in my reference because this happened in my practice and there is the question of confidence; but I have had experience where a person had been detained up to the maximum period and I have heard that after he had been released, nothing happened to him. He was just detained for the maximum period. The brother of the detained person who had consulted me came running to me one day while this person was being detained and he told me that the Police Officer had told him, “Now, look here, there is no point in your going to a lawyer. Nothing can be done. No one can help this man.” Now, this sort of attitude on the part of the Police rather surprised me, and I would ask the Honourable Minister, who is present here today, to please inform the Police that the detention of a person under this Act is a very serious matter and it is not to be taken lightly. They could on the spur of the moment decide

An instance of this lack of seriousness, Mr President, Sir, is this present amendment to the Act. Before I come to the point of this present amendment, Sir, I wish to relate it to the context of reasoning. For more than 2,000 years, people have been discoursing on democracy, people have been trying to define what is democracy, and it is still going on, and we are still going on discussing on democracy this very minute.

Now, one thing is certain, Mr President, Sir—what democracy is not. Democracy is not only the rule of the majority. There is a system of electing people into government; the government had to be there with the consent of the governed; there is a procedure for electing those who are in power—we call it election in our context—there is the principle of majority rule, but not majority rule without any limitation. We ourselves have recently realised it and have entrenched it into our Constitution. There are certain things above majority rule; there are certain fundamental values, Sir, above majority rules. Now, democracy essentially is not merely majority rule; democracy is the rule of the majority based on certain fundamental principles. Without those fundamental principles, it is impossible for us to call the rule of a majority a democracy. To give you an instance, Sir, if this august House were—God forbid—to recommend to the Government that we approve of cannibalism, that is not democracy, Sir, although it is the decision of the majority. Similarly if we suggest that we wipe out the institution of marriage, anybody can just have a liaison with anyone without any responsibility of looking after the offspring, this, Sir, is not democracy; it is anarchy.

So, genuine democracy is not only based on majority rule, but it is the rule of the majority based on certain values. Now, we have been taught about these problems by sages thousands of years ago. If we talk in terms of the Malay community, the Islamic religion, which the Malays cherish very dearly in their hearts, teaches that the rule of the majority is not democracy unless it is based on fundamental principles.

Sir, we do recognise the need of a democratic government to defend itself against organised violence; we do recognise the need of a democratic government to defend itself against subversive activities. But the method of defending itself against subversive activities

should be formulated in such a way that it does not give rise to a counter-subversion, that is, the subversion of democracy itself.

Now, if we all the time give more and more power to the Government, in this instance, to individuals, to Ministers who are over-worked in some instances and under-worked in some instances, if we give more and more power to such individuals, to Government officials to assess very important issues, the result is we increase the abuses. In this instance, Sir, I am only trying to make the best out of a bad bargain. It is impossible for us to do anything with this Bill as the Bill will be approved; all I can do is to point out the inconsistency. I have in mind particularly Section 8 regarding essential services and the economic life.

Mr President, Sir, it looks as though this particular Section is redundant. Is not our existing Internal Security Act sufficient to cover organised violence anywhere, whether it is in the factory, in the living room, or in the office, or even in the Cabinet? Theoretically, it is possible that we can have subversion even at the top level. Now, is not our present existing Internal Security Act sufficient to cover that? Where is the need to put it down in black and white, in writing, that this should be included? Under the Section essential services is mentioned—the threat to the maintenance of the economic life of the country. Mr President, Sir, by including this, it makes a great deal of difference towards the corrosion of democracy. I am not questioning the ability of the Government to act against organised violence. The power is there, but why should we have to spell it out with an additional paragraph like this if it is not intended to frighten our workers? Is it not intended as an intimidation towards the workers? I do not accuse anyone of anything, Sir, but I am just analysing the consequences of including this into this Act. Now, would it not be sufficient not to have it at all?

Another thing, Sir, when we are introducing legislation, it is necessary to prove our seriousness, to show us the cases we have in mind. Usually we do not legislate in expectation of something which has never occurred or which is unlikely to occur. I am sure that the Government has some cases in mind. Now I would like to ask, Mr President, Sir, what are the cases which the Government has in mind? What are the so-called threats to the essential services, to the maintenance of

and careful not to apply the word "Communism", but since the previous speakers have made use of the term "Communism" I would like also to make use of the term itself as it is a very complicated word to use. Sometimes we are not aware or knowingly or unknowingly use that particular word, in our sentiment to express hatred over the substantial body of persons as expressed in the Preamble to this Bill.

Sir, I think that there is some misunderstanding by those who like to use the word "Communism" in this issue. Of course, I do appreciate and admire all sorts of amendment to the Act, and the cautiousness and brilliance in providing a total absence of the usage of "Communism" therein. One simple example, Sir, is the deletion of the whole Section 8 and the substitution to it is a far-reaching power by a Minister to cause a person to be placed under detention if the Minister is satisfied that the detention of a person is necessary with a view to preventing him from acting in any manner prejudicial to the security of Malaysia. So if the Minister is vested with that power to prevent any person from acting in any manner prejudicial to the security of Malaysia, then there is no point in raising the question of the person being detained for a period not exceeding 60 days. If he is not detained for a period of 60 days or less, Sir, he would create more trouble. Sir, I think the other way round, also our Malaysian Government is too lenient altogether at this very stage of our survival and development. I am inclined to suggest that we must go back to the rule of the jungle, if that is possible, for the law of the terrorist is to kill or to be killed.

What I do detest here, Sir, is Section 8 (4), where it says, Sir, "The Minister may by rule provide for the maintenance and management of places of detention" etc., etc. Sir, this particular section gives rise to uncertainty by the ordinary man-in-the-street and the taxpayer. The detainees I have known and seen live in luxury. They do not have to pay for their lighting, they do not have to pay for their water, they do not have to pay for food, they live there almost better than anyone of us in this House and we have to pay for their maintenance. If we are too lenient to them, Sir, the more determined they become and there is the Honourable speaker who has stated just now of the battle of the mind. With this type of people, we do not have to fight for the battle of the mind. Their

game is different from our game. We play the soft ball game while they play no game at all.

As I have said just now, Sir, they ask many things from the Government; they may ask from a needle to elephant's foot. They will create strike, hunger strike, creating trouble in the camp and we have to bow to their demands. I envy these detainees, Sir. When they do decide to turn over to a new leaf they will tell the Government, "I will go out and change my way of life". But then, they have enjoyed the better part of their life. They did not have to toil, they did not have to tap their rubber gardens. They always take the attitude, "Well, if the Government detains me, let the Government feed me". This has happened, Sir. Sir, there is something that I know about the Communist mind. It is not necessary for a battle of the mind; it is a battle of the wits, and the way how we must treat them back. They have no mercy on us.

If the law would sentence a man to death because he is carrying a pistol, why do we have to be lenient to these people when they are committing treason to the country whose very survival depends on its security. So, my answer to that, Sir, is that they will adapt themselves to the same principle of Communism. A communist can never be turned into a non-communist. They will always die as a communist, and this is their way of life and their belief. In communist countries, they have a sort of concentration camps where they have this dialectical materialism which they believe in; they believe that a man could be indoctrinated. But here we only put them into a detention camp. I should say, Sir, the detention camp is far better than the hotel where I live in tonight.

I would not dwell long on this subject, Sir, but we have provisions for our security and shall I say the secret fund.

If it is feasible, Sir, we should have to conscript most of our boys who have passed their higher institution of learning for a common type of training, a secretive training, that is not known to many as to where they are being trained, and how they are being trained. There should be hundreds of them in this particular job, to fight against the ideals of these irresponsible persons, this substantial body of persons who have acted to procure the alteration of our Government. By doing so, Sir, we feel we are secure in our democratic way of life.

Rather than for anyone of us, Members of the Dewan Ra'ayat or Members of this House, to go out and tell the people to support the Government not knowing to tell them the means and ways how to support the Government. This battle of the wits we have to tell the people the means and ways how to support the Government.

I can tell a lot of the methods how to help the Police, the security boys, but then a person has to be trained in the ways and means of how to find out those belonging to the communist world. If we study the communist movement, Sir, actually it started . . .

Tuan Yang di-Pertua: Ada-kah Ahli Yang Berhormat itu hendak memberikan satu sharahan berkenaan dengan communism? Kalau tidak, saya harap Ahli Yang Berhormat itu jika ada perkara² yang hendak di-ucapkan berkenaan dengan Bill dan kandungan dalam Bill itu, jemput.

Tuan Andrew Jika Landau: I wish to conclude, Sir, because I am aware that to talk more on the way of how to stop Communism the more one is carried away to bitter hatred. I only hope to help the machinery of the Government. The Bill as it is, Sir, I support fully, but I appeal to the Government to find ways and means to tell the people the measures to stop these elements who might impair our security.

Tan Sri Abdul Kadir bin Yusof: Tuan Yang di-Pertua, saya bangun untuk membantu rakan saya menjawab lebih dahulu sa-berapa yang boleh atas perkara ini.

Yang Berhormat Tuan Andrew Jika Landau tadi berchakap dengan panjang lebar dalam perkara ini, kerana kita sekalian, Tuan Yang di-Pertua, dalam Dewan ini lebih ma'alum, dia datang dari Sarawak, satu kawasan yang mana boleh di-katakan very hot on activities of communism and subversion di-sana.

Tuan Yang di-Pertua, izinkan saya menjawab dalam bahasa Inggeris kepada Yang Berhormat Tuan Syed Hussein Alatas kerana perkara ini ada bersangkutan dengan Perlembagaan dan Undang².

My Honourable friend Dr Syed Hussein Alatas mentioned the lack of seriousness, inability to go deeper, by the Government on this matter and mentioned the definition of democracy. I do not want to go back on that. People may have different views, Sir, on

democracy. When the people of Mexico, the rebels, fought for democracy to depose Emperor Maximilian, if I can remeber, the Emperor said: "What is democracy? The rule of the cattle, for the cattle, by the cattle". That is his definition, which is really the rule of the people, for the people, by the people.

Here we have a rule of majority, Sir. The Honourable Member has said that this is not in itself sufficient. We agree. That is democracy, but once there is democracy, rule of majority, elected by the people of the country, there is such thing called the rule of law. All laws must be passed based on certain principles—the right to be heard on the other side, and so forth.

Sir, this particular case is one of the exceptions in our Constitution under Article 149—Special Powers against Subversion and Emergency Powers—notwithstanding all other freedoms and other things. This provision, Article 149, enables this law to be passed. So the existing law and this Bill amending the law, The Internal Security Act, are perfectly constitutional.

Now, his next point I want to answer, Sir, is that the Government realises that as far as possible every man in this country must be brought to court. But in this particular case dealing with subversion, we cannot apply that rule of law to bring that man to court. We are trying our best to have almost a semblance of the court; where a man after being arrested and detained for some time, we give him a chance to be heard by a Committee of Review headed by an ex-judge and other Committees. At least we give him a chance to be heard, his counsel can appeal and after that, the findings are given to the Minister responsible for internal security who, on behalf of the Yang di-Pertuan Agong, decides whether he should be detained or not—after he has been given a chance to be heard. Now, there are many reasons, it is obvious, why these cases cannot go to court. Now people are asking why—he asked for an example. Here I am giving to this House a personal experience.

In 1956 I was Chairman of this Review Committee in Perak dealing with all these detainees and in one particular case, a lawyer appeared defending that man, and accused the police of giving a false reason—sakit hati. The main reason was that the detainee was accused of giving rice supplies to the terrorists while he was tapping rubber and

the supplier was detained. Someone had seen this and he informed the police. We refused to give the detail; he kept on asking, again accusing the police of inventing it. He asked me, Sir, "Where is it; you say in the State of Perak but where?" After all the insistence, in order to defend the good name of the police, I did say it—if I remember, in Tanjong Malim District. He asked for the month. I refused but I did give within two months and he appeared to be satisfied. It was my big mistake, Sir, that I gave those dates when the detainee was there and the lawyer was there. I never realised the consequences. Later on, 4 or 5 weeks later on, the news came out. That man must have known; when he gave the rice to the terrorists, he saw someone whom he recognised and four weeks later the whole family was wiped out. My conscience still pricks me up to now—that slight mistake. Imagine, if it were to go to court. I just mentioned which district and which month—and word went out. Even if that man went to Hong Kong or anywhere, they would trace the "running dog". I can never forget that experience up to now. My conscience still pricks me. That is why, Sir, in a case like this, this is the best we can do in order to protect our country and the young democracy.

Now I go to the points of law. Why is it that the words are there—he seemed to object to the words—"essential services, economic life", written in it. To quote the Constitution which the Bill recites, 1 and 2 at the top is really from Article 149 of the Constitution; it is merely a repetition of that Article.

Now, the word there, Sir, (1) it says "to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property". It mentions the word there "property". "Property" includes anything which is called property. Here, our Bill is going to define it in a more limited sense what are the properties which affect the security of the country, and that is why we mentioned the words "essential services" and "economic life". That is why you will find in the Schedule, Sir, that those are the essential services—it mentions 12 altogether—Radio and Television—it is very important if a group of persons want to take over and just announce that it has taken power; Prisons—if all of them are released; Transport; Dock, etc.—by having these 12, it is better for the law because it is specific, instead of saying "property" or "properties".

So this is the main reason we put property there—"essential services"—following the word "to restrict the limit", the meaning of the word "property" is as provided at the beginning of the Bill.

As for his allegation that no Ministers can debate or speak on communism, I must admit that I cannot give lectures on communism but I know, Sir, there are ways and means of how to get around that.

As regard Yang Berhormat Tuan Abdullah bin Dato' A. Rahman, I quite sympathise—I understand what he meant. But not every man is an angel and we on the Government side, I am sure will be able to see what he wants. But there may be a few cases where instead of really carrying out the work quickly the Police release the man within the maximum allowed time; they take their own sweet time, keeping him for a month or 60 days, the maximum. Here, Sir, the law clearly mentioned the different standards where a man can be kept. It is stated here that the Inspector can keep him up to 24 hours; the Assistant Superintendent, not exceeding 48 hours and for 30 days it must be the Deputy Superintendent and so on until the Inspector-General of Police. So officers with different status are given different powers. But the main reason, Sir, is that in certain cases, for example, in the last Emergency, although I was not in office then, you remember hundreds of them were arrested, say one thousand, and to clear them, either you have to release them within one month or to bring them before the Committee to decide. There may be cases of riots or a big Emergency where a large number have been detained and that is impossible, Sir, for the police to finish their cases for example, within one month. So in such cases only, it may be necessary to go beyond 30 days' detention and up to 60 days, but I can assure this House that provision will not be used unless absolutely necessary and this one extension is to meet, for example such a contingency, if it arises. But where possible, I am sure the Minister of Home Affairs will see to it that the police will carry out their duties according to their conscience and honestly.

That is all, Sir, which I can reply on this matter.

Tuan Amaluddin bin Darus: Tuan Yang di-Pertua, Rang Undang² yang ada dihadapan kita ini telah pun banyak diperkatakan dalam Dewan yang mulia ini,

sudah di-bahathkan dalam Dewan Ra'ayat dan menerima tentangan yang hebat daripada Pembangkang, dan ada Pembangkang yang tidak hadir langsung sa-bagai tanda membantah kerana yang merasa gerun, takut dan benchi terhadap kuasa Undang² ini ia-lah pehak Pembangkang, kerana pengalaman² telah menunjukkan bagitu.

Tuan Yang di-Pertua, sa-waktu keadaan dharurat, atau sebab² yang boleh di-katakan dharurat memerlukan kuasa² yang lebeh kapada Kerajaan bagi mengekalkan kekuasaan bagi kepentingan orang ramai, kepentingan ra'ayat dan negara. Tetapi kadang² ada perintah yang berkuasa yang membuat undang² bagi maksud khusus untuk mengekalkan kekuasaan yang memerintah itu sa-berapa lama yang boleh. Saya tidak-lah hendak menudoh Parti Perikatan, tetapi saya mengatakan memang ada keadaan yang seperti ini berlaku. Berdasarkan kapada petunjuk² dalam Perlembagaan kita dan untuk mempertahankan Perlembagaan kita yang menjadi satu perkara yang sangat mustahak apa-tah lagi kapada anggota Parlimen yang bersumpah dan berikrar akan menjunjung dan mempertahankan Perlembagaan, sudah tentu boleh memberi sokongan bagi sa-suatu usaha untuk mengekalkan Perlembagaan dengan semangat Perlembagaan itu.

Kita sedar seperti Kerajaan juga sedar bahawa ada yang menyebabkan kekerasan berlaku, di-ranchangkan bagi maksud² mengubah Kerajaan, mengubah bentuk pemerintahan, menggulingkan Kerajaan dan sa-bagai-nya. Di-dalam dunia moden ini berlaku hal² yang seperti itu, mahu pun oleh kerana usaha dari dalam atau pun oleh tangan² panjang dari luar, terutama bagi negara kita di-Semenanjung Tenggara Asia yang sedang bergolak, di-antara kepentingan² kuasa besar. Maka champor tangan kuasa² besar bagi maksud politik mereka menguasai dunia, termasuk negara kita boleh melakukan berbagai² dan kadang² tidak mustahil kuasa anti komunis boleh mendorongkan melalui intelijen mereka, kegiatan² komunis atau sabersif yang lain bagi menimbulkan satu keadaan yang rumit dalam negara di-mana mereka boleh mengambil kesempatan untuk mengeluarkan bantuan—bantuan yang membawa kita terikat di-bawah belunggu mereka sa-lama²-nya. Dan ini ada-lah tidak mustahil berlaku di-dalam kenchah politik international sekarang.

Apabila Kerajaan menyedari tentang hakikat yang membawa kekerasan dan sa-bagai-nya yang di-ranchangkan itu boleh datang dari dalam dan luar negeri, maka saya harap Kerajaan menginsafi bahawa dalam usaha untuk survive bagi bangsa dan negara kita dalam bentok dunia yang seperti sekarang ini, kadang² kawan memakan kawan sendiri. Mengikut laporan², kalau ta' salah ingatan saya, kejatoan Ngo Dinh Diem, President, Vietnam Selatan, ada-lah usaha dari kawan-nya sendiri bagi maksud politik kawan-nya jangka panjang.

Jadi ini semua-nya tidak mustahil, sebab itu bagi kepentingan kita, kalau kita mahu menunjukkan identiti kita sendiri dan kepentingan kita sendiri bagi daerah dunia sa-belah sini, pemerintah harus bersedia menghadapi masaalah dengan sa-checkap² dan sa-luas²-nya mengorek segala aktiviti² kawan dan lawan yang terpaksa kita bergaul kerana kita perlu kapada hubungan dagang bagi kepentingan ekonomi negara kita. Di-dalam hal Undang² Keselamatan Dalam Negeri, sejak dahulu PAS, pada mula² di-bawa di-dalam Dewan Ra'ayat telah memberi sokongan dengan peringatan jangan di-salah-gunakan. Hanya satu²-nya parti politik Pembangkang yang telah memberi sokongan kapada Rang Undang² yang sekarang telah menjadi Undang² dan sekarang di-kemukakan sa-bagai satu Rang Undang² Pindaan, apa yang di-katakan Undang² Keselamatan Dalam Negeri, ia-lah PAS. Tetapi kerana kita merupakan sa-buah parti politik yang bukan sa-barangan, kita ada-lah sa-buah parti politik yang gagah, dapat menguasai fikiran ra'ayat dan telah menjadi satu kuasa yang mengugut kekuatan parti pemerintah, khusus-nya di-kawasan Melayu

Dato' Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, untuk penerangan. Saya menarek pandangan, nampak-nya Ahli yang berchakap itu telah terlanjur lebeh daripada Undang² yang ada ini. Jadi semenjak beberapa hari yang lepas, Tuan Yang di-Pertua, selalu menjaga tata tertib. Saya harap tata tertib itu sama di-jaga kapada Ahli Pembangkang.

Tuan Amaluddin bin Darus: Saya rasa, saya maseh dalam lengkongan hendak menuju kapada matlamat.

Tuan Yang di-Pertua: Tujukan kapada Rang Undang².

Tuan Amaluddin bin Darus: Ya, Tuan Yang di-Pertua. Oleh kerana kebimbangan, kebimbangan kepada kuasa² yang terlebih, kuasa² yang di-beri kepada polis sa-hingga boleh menjadikan negara kita negara Polis, kuasa menahan. Ini bererti merampas hak asasi sa-kali pun Perlembagaan mengizinkan, sa-sudah mengikuti hak² asasi manusia, warganegara kita. Tetapi mengizinkan pemerintah dengan kelulusan Parlimen boleh membuat Undang² bagi menjaga keselamatan, hasil-nya ia-lah Rang Undang² ini di-kemukakan, tetapi jeritan batin manusia yang ingin kebebasan, kuasa Undang² ini kadang² boleh menchengkam mereka yang bukan benar² mengancam negara ini.

Oleh kerana saya akan berchakap tentang Undang² ini lebih jauh, saya tidak perlu membawa mithal²an, chontoh² bagaimana ada-nya salah guna yang telah berlaku pada masa yang lalu. Mangsa² yang terkena di-bawah Undang² ini ia-lah dari golongan politik. Kerajaan boleh menahan saperti yang di-chatet dalam Undang² ini bagi maksud pertama boleh di-tahan sampai 60 hari.

Yang Berhormat sahabat saya Tuan Abdullah telah menyampaikan pendapat-nya dalam hal ini berdasar dari pengalaman² bahawa tempoh 60 hari itu ada-lah terlalu lama dan sunggoh pun tidak ada siapa, apatah lagi saya akan berjaya untuk tidak meluluskan Undang² ini atau untuk meminda Undang² ini. Tetapi saya harap dalam meimplemantasi, Kerajaan hendak-lah berhati² supaya tidak menimbulkan rasa tidak senang dan tidak puas hati yang boleh membawa kepada kerugian hasil daripada usaha kita yang tujuan sa-benar-nya ia-lah untuk menjaga keamanan dan keselamatan.

Kita mempunyai detention camp untuk menahan tahanan² politik. Kita memberi hak mereka sama ada mereka sendiri akan menerusi peguam mereka untuk membuat rayuan.

Saya pernah mendapat tahu dari sa-orang peguam yang mewakili sa-orang tahanan menyatakan Pengerusi Jawatan-kuasa yang mendengar rayuan, sa-sudah mendengar keterangan² maka tidak ada sebab yang si-polan itu patut di-teruskan tetapi beliau hanya berkata kepada peguam itu, "saya tidak dapat berbuat apa² sa-lain daripada mengemukakan pandangan kepada pehak Kementerian"—pehak atasan. Hasil-nya sa-kali pun Pengerusi Majlis Rayuan itu sa-sudah mendengar

merasai tidak ada suatu sebab untuk di-tahan tetapi orang itu terus merengkok dalam tahanan.

Saya mengharapkan kejadian² saperti ini tidak berlaku pada masa hadapan dan orang² tahanan politik yang ada dalam negara kita ini di-Muar dan di-Batu Gajah. Kita ada-lah menghadapi satu masaalah yang besar. Kerajaan dan konsep yang di-dokong oleh Kerajaan sekarang ini, Kerajaan Perikatan, saya perchaya tidak dapat mengubah, tidak dapat melakukan brain washing terhadap mereka, kerana mereka mempunyai konsep politik yang mereka yakin lebih baik dari konsep yang di-dokong oleh Kerajaan Perikatan.

Sebab itu kalau mahu menghadapi gulongan kominis yang nyata mengancam bertentangan dengan falsafah kenegaraan kita, bertentangan dengan Rukunegara yang kita terima sa-bagai rukun asas keharmonian negara kita, lawan-lah kominis itu dengan hukum kominis sendiri. Sanggup-kah Kerajaan bertindak menentang kominis saperti kominis melakukan kepada musuh-nya? Hanya itu satu jalan kekerasan lawan kekerasan yang dapat menghancurkan kekerasan kominis. Ini ada-lah intisari dari pengajaran Islam sendiri dalam menghadapi musuh yang bagini yang mempunyai mentality dan keyakinan yang tegoh, melawan dengan undang² mereka sendiri. Menggunakan Undang² kita untuk menentang mereka, mereka pun main kepada itu untuk menunggu kepada kemenangan mereka bila tiba masa-nya.

Sementara itu, Tuan Yang di-Pertua, banyak manusia yang di-tahan dalam tahanan². Harus di-adakan penyelesaian sampai bila mahu di-tahan. Bagi sa-tengah gulongan mereka di-tahan merupakan sa-bagai satu kem untuk menerima kursus membentok kader² mereka dalam tempoh dua tahun, 4 tahun atau 6 tahun, yang muda² itu bertambah umur-nya menjadi bertambah matang untuk menjadi pemimpin yang chekap pada masa hadapan, maka kursus kader² di-jalankan di-dalam itu arti-nya kita memelihara kader² musuh bagi menghancurkan kita pada satu masa akan datang. Jadi, Tuan Yang di-Pertua, ini harus di-perhatikan.

Saya kira kalau pemerintah, kalau Kerajaan, boleh menunjukkan sikap lapang dada, beri peluang orang² untuk bercheramah di-dalam kem² tahanan, orang pemerintah

dan saya sendiri sanggup kalau di-beri peluang. Kita chuba brain washing, tentu saya akan berchakap tentang Islam, konsep Islam, liberal dan kominism. Mana tahu barangkali akan berjaya, chuma yang saya takut² pemerintah takut, berjaya Islam tidak jadi liberal—itu sahaja yang saya bimbangkan.

Soal-nya apa-kah kita mahu memelihara mereka sa-lama²-nya yang kemudian di-bebaskan, mereka tetap militant, tetap menjadi musuh utama pada negara kita ini bukan senang hendak di-tukarkan keyakinan mereka.

Kemudian masalaah lain, Tuan Yang di-Pertua, dari segi kemanusiaan. Tahanan² politik yang ringan atau yang berat, mereka itu di-tahan bertahun², boleh di-sambong oleh Menteri atau pun mengikut Rang Undang² ini satu sambongan hendak-lah di-buat di-bawah satu peratoran tahanan baharu. Walau bagaimana pun dia di-sambong bertahun² terpisah, kadang² dia tidak begitu merbahaya, tetapi dia tetap terpisah dari keluarga, terpisah dari nature dan tabi' manusia sendiri, maka ini memerlukan kalau Kerajaan mahu juga memikirkan soal memperbanyakkan kem tahanan, maka harus di-fikirkan soal bagaimana isteri² mereka boleh di-bawa bersama mereka. Ini ada-lah soal kemanusiaan, Tuan Yang di-Pertua, kalau tidak akan berlaku hal² lain, homosexual akan berlaku dalam kem² tahanan (*Ketawa*). Ada-kah Kerajaan kita bersedia untuk mengizinkan atau meluluskan satu Rang Undang² halal homosexual saperti mana di-Sweden dan di-United Kingdom dan saya fikir tidak-lah menjadi keterlaluan apabila saya memperkatakan hal ini untuk kepentingan negara kita.

Sa-lain daripada itu, Tuan Yang di-Pertua, sistem² mendapatkan kuat-kuasa yang lebeh, tangkapan² dan tahanan, seksaan dan brain washing dan sa-bagai-nya, kadang² tidak dapat menyelesaikan-nya. Kerana ada banyak negara² yang terlalu kuat kawalan tetapi akhir-nya tumbang, sebab itu terlan-jor dengan keadaan kita memikirkan dalam jangka panjang bagaimana perbentokan perpaduan dan muhibbah, saya suka mengshor-kan, sa-lain daripada kuasa² undang² dan tangkapan tahanan dan sa-bagai-nya, kita menggunakan perpaduan dan muhibbah ini dengan perektikel. Sa-kali gus kita dapat guna juga untuk mengikuti tiap² individu, sama ada jahat atau baik. Kita harus menga-dakan kawasan² muhibbah yang bukan sa-

haja mempunyai Jawatan-kuasa Muhibbah untuk memikirkan soal perpaduan muhibbah di-antara penduduk, tetapi sa-tiap orang, penduduk tiap² rumah di-dalam satu kawa-san muhibbah, sa-tiap keluarga itu harus di-daftarkan siapa-kah mereka itu dan apa-kah pekerjaan mereka? Dengan chara ini kita dapat mengikuti perkembangan mereka sa-lanjut-nya. Kemudian satu² kawasan muhibbah, bukan sa-mata² Jawatan-kuasa Muhibbah, harus sentiasa mengadakan per-temuan² perengkat orang dewasa dan perengkat muda-mudi.

Dato' Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, ucapan itu tidak kena-mengena dengan Undang² ini.

Tuan Amaluddin bin Darus: Tuan Yang di-Pertua, ini ada-lah untuk

Tuan Yang di-Pertua: Untok menjimatkan masa, tepatkan sedikit kepada Bill ini.

Tuan Amaluddin bin Darus: Ya. Saya membuat kesimpulan, Tuan Yang di-Pertua, daripada ucapan saya ini kerana saya sedar saya tidak boleh meminda, tidak berdaya hendak meminda dan tidak berdaya hendak menentang Undang² ini, kesimpulan-nya ini-lah saya mengshorkan kepada Kerajaan supaya di-gunakan usaha² muhibbah dan perpaduan dengan membentok kawasan² perpaduan dengan membanchi serta merekod-kan orang² di-dalam kawasan perpaduan itu dari keluarga demi keluarga, agak² barangkali sistem Jepun memerintah Malaya dahulu, akhir-nya ada tiap² keluarga itu di-ketahui oleh kepala dalam satu² kawasan dengan itu kita dapat mengawal tiap² gerak-geri yang akan timbul daripada kegiatan² yang mungkin menimbulkan sa-suatu keadaan sabersif kepada negara kita. Sekian.

Dato' Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, saya bangun menyokong Rang Undang² ini dan saya suka hendak memberi ucapan saya yang sa-habis² rengkas dan sa-habis tepat sa-kali dengan apa yang ada terkandung di-dalam Undang² ini. Sa-belum pada itu, saya suka, Tuan Yang di-Pertua, memberi pandangan kepada dua ucapan chara beruchap daripada dua orang Ahli Pembangkang dalam Dewan ini.

Ahli Pembangkang yang pertama berchakap membawa ucapan² itu berupa sa-orang ahli falsafah, kerana beliau berkata telah dua ribu tahun demokrasi ini telah di-binchangkan, tetapi tidak ada satu chorak

demokrasi yang benar² dapat di-ketahui oleh manusia. Ini satu perkataan falsafah dan Dewan ini berbath satu Undang² untuk memerintah. Kalau sa-kira-nya kita berbath dalam segi falsafah, benar-lah bagaimana Ahli Yang Berhormat Professor Syed Hussein berkata kalau panggil Menteri Perikatan atau Menteri Kerajaan hendak mengarang hal kominis, sa-puluh helai pun dia ta' boleh hendak mengarang—itu betul. Kalau panggil ahli falsafah mengarang, barangkali 10 buah buku dia boleh karang, tetapi bukan memerintah; itu mengarang. Dewan ini hendak memerintah, Parlimen ini ia-lah Badan yang meluluskan Undang² untuk memerintah negeri. Kalau sa-orang ahli falsafah hendak berchakap dari segi falsafah barangkali tiga jam boleh di-hurakan satu-persatu pada segi falsafah bagaimana kata-nya Undang² ini ada-lah satu Undang² yang sangat tidak baik untuk pekerja dan boleh di-salah-gunakan oleh Kerajaan. Jadi, kalau kita hendak berchakap dalam segi falsafah, kalau kita kata di-salah-gunakan oleh Kerajaan, boleh kita balekkan perkataan itu. Undang² ini di-buat ia-lah supaya tidak di-salah-langkahkan oleh ra'ayat; salah-guna atau salah langkah. Undang² ini di-ator sa-bagitu rupa supaya tiap² ra'ayat di-dalam negara ini berjalan mengikut landasan Undang² dan tidak akan tersalah-lah kepada tempat yang boleh merosakkan masharakat dan Kerajaan. Ini ada-lah perkataan yang boleh kita perbetulkan daripada salah-guna itu, kita boleh katakan Undang² ini di-buat supaya jangan ada manusia² yang menchuba melangkah pada tempat yang salah.

Sa-lain daripada itu, Tuan Yang di-Pertua, semua perkara bahaya. Di-dalam dunia ini semua perkara bahaya. Benda yang baik pun boleh jadi bahaya. Ahli sains buat rachun untuk membaikkkan manusia, tetapi rachun itu kalau di-gunakan untuk kebaikan, boleh mengubati manusia, tetapi kalau di-salah-gunakan, atau pun salah di-pakai oleh pehak yang hendak mengubat diri-nya itu, rachun itu menjadi rachun yang akan membunuh dia. Sa-orang yang ta' boleh tidor, doktor kata makan pil dua biji sahaja, dia makan satu botol—besok dia mati. Ini sudah perkara biasa. Undang² ini juga bagitu. Di-atorkan Undang² ini bagitu rupa supaya dapat Kerajaan memerintah ra'ayat dengan chara yang baik, aman dan sempurna. Kalau sa-kira-nya ada manusia² yang salah langkah melakukan pekerjaan² yang melebehi dari-

pada batasan Undang², maka tentu dia terpaksa di-tahan, dan di-tahan di-bawah Undang². Demokrasi ini banyak, orang Russia kata dia pun demokrasi, orang Amerika kata dia demokrasi, Singapura kata dia demokrasi, pemberita² akhbar, ahli² surat khabar Nan Yang Siang Pau yang kena tangkap, yang kena tangkap di-Singapura itu pun di-bawah Undang² demokrasi. Demokrasi ini chara kita main demokrasi, macham main football. Kalau kita hendak main chara kita, ini chara football yang kita main, hendak tendang orang, hendak siku orang, itu kita punya pandai. Kemudian referee ada yang menentukan ini tidak demokrasi, yang ini demokrasi, atau Kerajaan kita chara demokrasi—chara kita, bukan chara Amerika, bukan chara Russia, bukan chara China Komunis—chara Malaysia. Ini demokrasi ala-Malaysia. Siapa yang buat kachau—tangkap, tahan. Patut 30 hari, 30 hari; patut 60 hari, 60 hari—kita berkira. Patut di-siasat, siasat; pakai loyar; bawa loyar, banyak loyar—susah apa? Ini tidak ada masaalah, ini demokrasi chara Malaysia. Sa-rupa juga Ahli Pembangkang berchakap berjam² hendak tunjukkan chara ahli Pembangkang boleh berchakap—senang, tetapi, Tuan Yang di-Pertua, kita ini semua sudah tua, hidup sudah lama di-dalam dunia ini.

Dalam tahun 1948 dahulu bila pechah dharurat, kita tahu apa yang berlaku. Bagaimana kominis menghanchorkan ekonomi negara dalam tahun 1948. Datang 13 Mei, kita tahu siapa yang menangis—orang biasa, orang awam menangis anak mati, anak dipukul, anak di-kachau. Ini orang menangis, ahli falsafah tidak menangis, dia dudok di-dalam rumah batu dia. Ketua² Pembangkang dudok dalam rumah dia. Ada Ketua Pembangkang yang lari ka-Hong Kong—takut kena tahan di-bawah Undang² ini, tetapi yang menangis, yang sakit, yang kena peluru, yang kena kesusahan—ra'ayat biasa. Dan Undang² ini untuk mempertahankan, untuk melindungi ra'ayat biasa bagaimana yang telah berlaku pada 13 Mei itu. Ini satu pengalaman hidup, satu masharakat manusia yang berbilang bangsa yang berkehendakkan kapada satu chara Undang² yang boleh mengawal keselamatan kita.

Pendek kata, Tuan Yang di-Pertua, kalau-lah Ketua² Pembangkang, pemimpin² Parti Pembangkang yang ada di-dalam Dewan Ra'ayat, yang ada dalam Dewan Negara satu dua orang ini, kalau

hendak faham, sudah chukup faham dengan apa yang berlaku pada tahun 1948, apa yang berlaku pada 13 Mei, dan kalau kita tidak jaga betul² masa hadapan kita ini, apa pula yang akan berlaku, apa yang mungkin berlaku. Daripada benda yang timbul dengan kerana perbezaan ugama, perbezaan kaum, perbezaan fikiran dan sa-bagai-nya. Itu-lah sebab-nya kita buat Undang² sensitif hendak jaga jangan orang berchakap benda² sensitif ini. Jadi, apabila kita sudah ada Undang² sensitif, jaga manusia jangan chakap benda² sensitif; kalau awak chakap benda sensitif, badan awam pun sensitif, sebab Undang² ini boleh menahan mereka yang merupakan sensitif, bahaya kapada negara, bahaya kapada ekonomi.

Di-sini, Tuan Yang di-Pertua, apa yang pehak Pembangkang kata dia takut, fasal apa menyentoh ketenteraman ekonomi dan sa-bagai-nya, kenapa di-masokkan ayat itu. Yang hidup ini ia-lah manusia. Kalau manusia ta' boleh bekerja, kalau manusia ta' boleh keluar berjalan, kalau manusia ta' boleh makan, kalau manusia tidak ada wang, tentu timbul benda² yang kita tidak akan dapat jangka dan untuk menjaga ini-lah yang kita masokkan sa-siapa juga mereka yang mengachau ekonomi negara, mereka yang merosakkan ketenteraman negara, orang ini-lah yang mesti di-tahan. Kalau Ahli Pembangkang berkata berapa lama kita hendak tahan dia, kita tahan dia sampai mati, kalau dia ta' boleh ubahkan fikiran dia. Kenapa kita takut, ta' payah brain wash, ta' payah bersharah, kita tahan dia. Ini nampak-nya dia suroh hendak bawa isteri pula masok dalam tahanan sa-kali. Lagi senang dan sedap-lah dengan isteri-nya dudok bersama dan kita beri makan. Saya rasa ta' kena, chadangan itu ta' betul, biar dia dudok sa-orang di-situ, baharu dia tahu bagaimana pahit maung-nya hidup sa-orang dalam tahanan. Bagaima-nya betul, ta' betul-nya pemikiran itu. Ini bukan torture, ini beri pengajaran, kalau anak kita jahat pun, kita mesti ajar. Kita merupakan bapa kapada anak. Kalau kesalah-an sedikit, kita ajar chara sedikit, kalau ta' mahu sekolah, kita ajar chara ta' mahu sekolah, tetapi kalau dia bakar rumah, ajar chara bakar rumah. Kalau kita ta' boleh ajar dia chara bakar rumah, kita panggil Kerajaan mengajar dia. Anak sendiri pun bukan senang hendak di-ajar. Ini manusia ramai, bukan mudah, hendak chakap mudah, tetapi hendak buat satu pengajaran susah.

Ahli falsafah hendak atorkan perkataan senang, tetapi hendak memerintah negeri bukan senang. Itu-lah sebab-nya sedikit sangat ahli falsafah boleh memerintah negeri. Kebanyakan ahli falsafah dia dudok di-rumah buat filosofi-nya sahaja, keluar dan untuk orang berchakap. Tetapi pemerintah mesti mempunyai otak dan pemikiran pemerintah, tahu apa keputusan yang mesti buat dan tahu apa patut dia bertindak dalam masa yang masa mustahak. Ini kalau orang hendak memerintah negeri. Ini kenyataan. Bukan saya criticize atau pun menegor Ahli Tuan Professor Syed Hussein kita sa-bagai sa-orang professor, tidak. Saya bukan ada pengajian tinggi, tetapi ini kenyataan (fact).

Saya pernah menegor siapa pun walau pun berapa tinggi ilmu-nya kalau sudah ada kenyataan di-situ—ini benda. Jadi itu-lah saya rasa berkenaan dengan undang² ini tidak ada benda yang tidak baik. Tambahan pula Attorney-General, Tan Sri Abdul Kadir, telah terangkan Undang² ini merupakan satu Undang² yang di-salin daripada Perlembagaan untuk di-jalankan oleh Kerajaan. Kalau sa-kira-nya Pembangkang hendak bangkangkan undang² ini berma'ana dia bangkang Perlembagaan, sa-patut-nya dia bangkang isi Undang² ini daripada akar umbi-nya, ia-itu Perlembagaan. Kenapa waktu di-buat Perlembagaan di-luluskan tidak ada bangkangan dalam isi Perlembagaan, bila hendak menjalankan Perlembagaan, baharu hendak bangkang. Di-mana pendirian-nya, di-mana chara dia analisisan masaalah² yang sa-umpama ini, chara mana dia bertindak dalam menghadapi satu Undang² Kerajaan. Jadi pada saya, Tuan Yang di-Pertua, saya rasa sangat-lah baik kita luluskan satu Undang² yang sa-umpama ini untuk menjamin keselamatan umum supaya negara kita dalam menghadapi Rancangan Malaysia Kedua, ekonomi yang kedua ini kita dapat berjalan dengan keadaan yang aman dan semua ra'ayat boleh hidup untuk menchari makan, menguruskan kerja masing² dengan selamat. Dan saya harap Undang² ini bagaimana Professor Syed Hussein kata Undang² ini hendak menakutkan pekerja². Saya rasa tidak betul. Dia kata Undang² ini boleh menakutkan pekerja², ini tidak betul. Saya rasa Undang² ini boleh menunjukkan kapada pekerja² di-mana patut dia dudok dan chara mana patut dia bertindak sesuai dengan kemahuan negara, sesuai dengan Rukunegara. Itu-lah sahaja, terima kaseh.

Dato' Athi Nahappan: (*Bangun*).

Tuan Yang di-Pertua: Pendekkan, kita telah mengambil masa yang panjang. Biar ucapan itu pendek dan tepat jikalau boleh.

Dato' Athi Nahappan: (*Dengan izin*) Tan Sri Yang di-Pertua, as expected, this Bill has taken the Members of this House into the field of politics and the content of democracy and whether the provisions of the Internal Security Act are consistent with the concepts of democracy. Sir, since I have directions from you that I should try to be brief, I will try to make my speech as brief as I can. I also had the opportunity of going through the speeches in the Lower House, and I might say that the speeches there also were not in proper perspective and they were very sharply politically-oriented in assessing the value of the amendment to the Ordinance.

Sir, this law has been with us since 1960, it is nothing new and what has been really amended does not depart very dramatically or substantially from the existing provisions except that I find that the power is now shifted to the Honourable Minister in charge. Section 8 of the Act itself gives the power to the Yang di-Pertuan Agong and makes it a subjective test of the Agong, but in practice it is the Executive which has been exercising the power given to the Agong and therefore, substantially, whether it is in the name of the Agong or whether it is in the name of the Minister, it does not make all that difference in so far as the implementation is concerned.

Sir, in regard to the Act itself—it was subsequently amended—and the original grounds were that a person may be subjected to preventive detention if his act was prejudicial to the security of Malaya at that time and subsequently it was amended so as to include “to the maintenance of public order or essential services” and so on. I find that in the Amendment here under section 8 (1), the “public order” has been left out. But on the other hand one of the new grounds is that “and the economic life of Malaysia”; that is to say, if the Minister is satisfied, he may make a detention order or a preventive detention, if it is on these grounds, i.e. if the act is prejudicial to the security of Malaysia or any part thereof or to the maintenance of essential services—and the essential services are mentioned in the Third Schedule—or to the economic life thereof. This is something new, that is to say, if the Minister concerned feels that a person's act is prejudicial to the

economic life of the country, then the Minister is empowered from a purely subjective test to make a preventive order.

There are two types of order here: one is the preventive order and the other is the restriction order. Sir, the Preventive Detention Act is not something new to this country. In fact, there have been other countries, and I have looked up the Constitutions of other countries. Recently, I had to present a paper on “Fundamental Liberties” and this was one of the topics I had to handle; and I find that similar powers are found in other democratic countries, notably India under the Preventive Detention Act of 1950, and they have one additional ground which we do not have—they say that if a person's act is prejudicial to the defence of India, then they can subject him to preventive detention or the security of the State or the maintenance of public order. Then this is something which is wider and that is the maintenance of supplies and services essential to the community. Now under this phraseology “maintenance of supplies”, black-marketeers have been brought under Preventive Detention Act. Those who hoarded things, prevented supplies to the community at large, they were found to be subversive to the interests of the community. Here the area gets extended. In our Amendment we say “the economic life”, and I think the phraseology “economic life” is quite broad enough even to bring in black-marketeers, hoarders, frauders and others into it, so long as it is dangerous to the security of the country.

Sir, preventive detention is aimed at preventing something from taking place. It is not something that comes in after it has taken place. In the ordinary civil crimes, the Police wait for a crime to be committed and then they step in and arrest the person and he is brought to the Court. In the case of a preventive detention, the Government's obligation is not to wait until the subversion is committed, but when the subversion is suspected on some *prima facie* evidence, then the Minister concerned has to satisfy himself that in the interest of the country, security of the country, economic life of the country, he has to prevent him from committing the act and then impose this detention. But, Sir, this power is very extensive, very big; it is a dangerous master but a useful servant, and the record of the Government has been that it has been utilising it as a useful servant whenever questions arose.

I think, on the whole, if one would objectively look into the record, one would say that the Government has not been reckless, indiscriminate and not objective as far as possible in giving effect to it. Of course, one may always disagree with the Government on political basis, one may disagree on the grounds of arrest of a person under this Act, because again of political differences. The speeches made elsewhere clearly showed it. But again here I would like to say that the power of the Minister is not absolute in this measure, because, though he may issue an order either preventive or restrictive, now in the case of preventive, for instance, it is under Section 11 and under Section 12, it is subject to review by an Advisory Board under the chairmanship of a person with the quality of a judge or who has been a judge with the assistance of two others. They can go into the grounds and they can make recommendations to the Yang di-Pertuan Agong. So the Minister's Act is subject to review by an Advisory Board. The Minister's Act is not absolute and therefore there is a safeguard there. If a Minister acts recklessly this quasi-judiciary has got the necessary power to review and recommend to the Yang di-Pertuan Agong and the Agong's decision is final. So this brake is there and this check is there, and in a democracy such as ours in its early teething troublesome days we are bound to have elements who are likely to scuttle the democracy and destroy the very basis of democracy. This is essentially a political weapon and it has been found to be necessary in most of the democratic countries. Even in Ireland, Sir, 2 or 3 days ago by reason of the fratricidal war that is going on between the Protestants and the Catholics, the Government has introduced an Act to impose preventive detention. Now, it is a democracy and it is within the United Kingdom framework of parliamentary system. Now they have introduced that during peace time; in England, a measure of this kind is always imposed during the war time, and in the United States too they have a measure like this which is called the Internal Security Act—it was introduced in 1950—otherwise called the MacCarrow Act where they have provisions of this nature and it was used during the days when they had witch-huntings against the communists, whoever were suspected as communists or fellow travellers and they had to appear under grilling tests; many of them were put under preventive detention and so on, and the Act is still there.

So even in the United States a similar provision is there. In this country there has been good sense in employing these provisions and I hope that it will continue. It has not been used, as I have said, against political opponents. The purpose here is not to use it against political opponents but to people whether they are in the same party or different party who are fundamentally opposed to the security of the country or economic life of the country or the essential services of the country. Here it is employed against them not merely for political opposition; otherwise the political opponents cannot be in this House and in the House elsewhere. It has got to be looked at in this angle. Then one would see the usefulness and the efficacy of it. Therefore, Sir, I welcome this useful servant, which can be a dangerous master, but nevertheless which has been shown by the Government here that it has been well used. Thank you, Sir.

Tuan Mohamed bin Yaacob: Tuan Yang di-Pertua, saya terlebih dahulu mengucapkan berbanyak terima kasih kepada Ahli² Yang Berhormat yang menyokong Rang Undang² Keselamatan Dalam Negeri (Pindaan) ini dan pekerjaan saya ringan sedikit oleh sebab ada sa-tengah² Ahli² Yang Berhormat, terutama sa-kali Ahli Yang Berhormat Senator Dato' Athi Nahappan telah menerangkan dengan jelas-nya perkara berkenaan dengan Undang² ini.

Saya chuma suka menyentuh sedikit berkenaan dengan ucapan yang di-buat oleh Yang Berhormat Tuan Yeap Kheng Yiam tadi, yang mengeshorkan supaya ahli² dalam Jema'ah atau pun Lembaga Penasehat itu di-masokkan juga Ahli² Dewan Negara. Bagi ma'aluman Ahli² Yang Berhormat sakalian, ia-itu Lembaga Penasehat ini mengandongi ahli² yang di-lantek oleh Seri Paduka Baginda Yang di-Pertuan Agong, sa-lepas bermeshuarat dengan Ketua Hakim Negara. Jadi, lantekan kepada Lembaga ini bukanlah di-atas dasar politik, tetapi di-atas dasar perundangan. Jadi, Seri Paduka Baginda Yang di-Pertuan Agong akan bermeshuarat dengan Ketua Hakim Negara, yang Ketua Hakim Negara biasa-nya mengeshorkan orang² yang lulus dalam undang² saperti ahli² sekarang. Pengerusi-nya ia-lah sa-orang bekas Hakim dan ahli yang kedua-nya pun ada-lah orang yang pandai dalam ilmu undang².

Berkenaan dengan tegoran yang di-buat oleh Yang Berhormat Dr Syed Hussein Alatas tadi, Yang Berhormat Peguam Negara telah pun menjawab, tetapi izinkan-lah saya menyentuh sedikit dan suka juga saya berchakap dalam bahasa Inggeris, kalau Tuan Yang di-Pertua mengizinkan saya.

(*Dengan izin*) The Honourable Member said in this House that if Ministers were asked to write 10 pages on Communism, they would not be able to do so. Well, maybe so, Sir. But I can also say that not all professors can write 10 pages on Communism without referring to any books of reference unless he is an expert in Communism and I am sure the Honourable Member may not be able to write a few pages on Communism unless he has done some studies on Communism without referring to any textbooks or any reference books. I can say with certainty that some Ministers may be able to write the same thing if we were given the time and we were given the books of reference to do so. The Honourable Member, Professor Syed Hussein Alatas was worried over the inclusion of the words "essential services and economic life thereof" in the Bill. He said that by introducing these words we are threatening or frightening the members of the trade unions. For the information of this House, Sir, this Section 8 has been in existence since 1964. The Internal Security Act was amended in 1964 and again, amended in 1969. But as we have seen, we had experienced a few strikes in the country but not a single trade union member who participated in the strikes was arrested or detained under this law, unless he acted against the security of this country. I would again emphasise that these provisions are not new in our law. They have been in existence since 1964. I can assure the Honourable Members that the Government will implement this Internal Security Act in fairness and in all justice.

As regards the remark made by the Honourable Tuan Abdullah—he is very concerned about the extension of the period of detention from 30 days to 60 days—this has also been replied to by the Honourable Attorney-General. In fact, the amending provision has clearly specified the powers of the various officers. If I may refer to page 7 of the Bill, under Section 73, a person shall not be detained for more than 24 hours except with the authority of a police officer of or

above the rank of an Inspector, and then it goes on, for 48 hours only with the authority of a police officer above the rank of Assistant Superintendent and above that up to 30 days with the authority of a Deputy Superintendent who must report to the Inspector-General and who in turn will report this to the Minister. In other words, a person cannot be detained for more than 30 days without the knowledge of the Minister. This is already a guarantee to see that justice is being done. Therefore, if Tuan Abdullah were to read this provision I am sure he will be satisfied that citizens are well safeguarded and will not be detained unnecessarily long. This is only to give time for an officer to investigate the case properly and also for the information of this House that before a person is detained, normally a paper has to be put to the Minister for approval before he can be arrested. Therefore a policeman cannot without any authority arrest a person whom he suspects to be acting against the security of this country unless he gets the green light from the Minister.

We are also grateful to the Honourable Member, Mr Andrew Jika Landau, who appreciates the importance of this Act and the amending Bill because the situation in Sarawak is a bit serious where a few innocent villagers have been murdered, or killed by the terrorists. Therefore it is necessary that we should have this Act. He suggested that we should rule according to the law of the jungle. But, of course, we are not in a position to do that because we are a democratic country and we have got to act according to the provisions of our Constitution.

Tuan Yang di-Pertua, Yang Berhormat Tuan Amaluddin Darus telah mengatakan kepada Dewan yang mulia ini ia-itu Undang² ini selalu-nya di-jalankan terhadap atau yang menjadi mangsa ia-lah ahli² pihak Parti Pembangkang. Sa-bagai yang telah diterangkan oleh Yang Berhormat Dato' Athi Nahappan dan Dato' Nik Hassan sa-kiranya sungguh Undang² ini di-gunakan untuk ahli² Parti Pembangkang sa-mesti-nya Ahli² Pembangkang dan Ketua² Parti Pembangkang tidak ada di-dalam Dewan ini dan juga di-dalam Dewan Ra'ayat. Ini menunjukkan Kerajaan menjalankan Undang² ini dengan adil dan saksama-nya dan sayugia di-ma'alumkan bahawa Undang² ini ada-lah di-gunakan sa-mata² untuk hendak menahankan ra'ayat biasa di-aniaya, dan

saperti di-lafadzkan oleh Dato' Nik Hassan tadi, untuk hendak mengawal mereka yang tidak berdosa saperti ra'ayat biasa. Jadi sa-kira-nya salah sa-orang parti lawan telah di-tangkap itu bukan kerana fahaman politik-nya, tetapi kerana perbuatan-nya dan perkataan-nya ada-lah membahayakan kapada keselamatan dalam negara kita, dengan sebab itu-lah mereka telah di-tangkap bukanlah dengan sebab mereka menjadi Ahli Pembangkang.

Dan Yang Berhormat Tuan Amaluddin Darus tadi juga mengatakan Kerajaan menahankan orang² yang memahami komunis dalam penjara dan semasa dalam tahanan mereka berkursus. Perkara ini memang Kerajaan sedar yang sa-tengah² communist hard core dalam tahanan ini sentiasa ada perbincangan dan sa-bagai-nya dengan sebab itu Kerajaan berikhtiar dengan sa-berapa boleh untuk memberikan latehan pemulehan kapada mereka itu, saperti sekarang telah pun di-buat di-negeri Sarawak di-mana orang² tahanan ini di-beri latehan pemulehan supaya apabila mereka tukar sikap fikiran-nya mereka keluar dalam masyarakat yang ramai dan boleh menchari mata pencharian yang sempurna. Bagitu juga Kerajaan ada chadangan hendak buat Pusat Pemulehan di-Taiping dan tidak berapa lama lagi ini di-harapkan orang² tahanan dalam Negeri² Tanah Melayu ini akan di-pindahkan ka-tempat pemulehan ini supaya melateh mereka sa-kira-nya sikap fahaman-nya berubah pada masa akan datang bila keluar daripada Pusat Tahanan ini mereka dapat menchari makan dengan chara yang sempurna.

Buat akhir-nya saya suka-lah hendak memberi kesanggupan kapada Yang Berhormat Dato' Athi Nahappan that Government will always use this power fairly and justly.

Demikian-lah sahaja, Tuan Yang di-Pertua, penjelasan saya bagi pengeshoran dan tegoran² yang di-buat oleh Ahli² Yang Berhormat sakalian.

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

Rang Undang² di-bachakan kali yang kedua dan di-serahkan kapada 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 4 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual Pertama dan Kedua di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Pendahulu 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: Meshuarat di-tempohkan sa-lama 15 minit.

Persidangan di-tempohkan pada pukul 4.40 petang.

Persidangan di-sambong sa-mula pada pukul 4.57 petang.

(Tuan yang di-Pertua *mempengerusikan meshuarat*).

WAKTU MESHUARAT DAN URUSAN YANG DI-BEBASKAN DARIPADA PERATORAN MESHUARAT

(Usul)

Tan Sri Abdul Kadir bin Yusof: Tuan Yang di-Pertua, saya mohon menchadangkan:

Bahawa walau apa pun ketetapan yang di-buat pada 2hb Ogos, 1971, berkenaan dengan waktu persidangan, Majlis Dewan Negara tidak akan di-tanggohkan hari ini hingga pukul 7.30 malam.

Dato' S. O. K. Ubaidulla: Tuan Yang di-Pertua, saya mohon menyokong.

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

Di-putuskan,

Bahawa walau apa pun ketetapan yang di-buat pada 2hb Ogos, 1971, berkenaan dengan waktu persidangan, Majlis Dewan Negara tidak akan di-tanggohkan hari ini hingga pukul 7.30 malam.

RANG UNDANG² IMIGERESEN (PINDAAN)

Bachaaan Kali Yang Kedua dan Ketiga

Tuan Mohamed bin Yaacob: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang² Imigeresen (Pindaan) tahun 1971 di-bacha kali yang kedua sekarang.

perintis. Beza-nya ia-lah pemberian pengecualian di-dalam perusahaan ini ada-lah di-dasarkan kepada bilangan pekerja² sapenoh masa yang di-gaji yang di-gunakan di-dalam satu² projek itu dan tidak berdasar-kan kepada jumlah modal jangka panjang yang di-belanjakan saperti hal-nya di-dalam sharikat² bertaraf perintis. Ahli² Yang Berhormat juga akan mendapati bahawa Bantuan Penggunaan Tenaga Buroh ini hanya akan layak di-berikan kepada projek² baharu yang di-luluskan sa-lepas Rang Undang² ini di-terima.

Di-bawah Bantuan Penggunaan Tenaga Buroh ini, tempoh kelepasan chukai dan kelayakan²-nya ada-lah saperti berikut:

<i>Gunatenaga</i>	<i>Jangka Masa Kelepasan Chukai</i>
51 - 100 pekerja	2 tahun
101 - 200 pekerja	3 tahun
201 - 350 pekerja	4 tahun
351 dan lebih	5 tahun

Dengan di-adakan Bantuan Penggunaan Tenaga Buroh ini saya menaruh penoh keperchayaan bahawa pembangunan perusahaan akan dapat menyediakan lebih banyak lagi peluang² pekerjaan bagi mengatasi masalah penganggoran di-negara kita ini.

Ahli² Yang Berhormat akan mendapati bahawa Bab 1A kepada Rang Undang² ini ada-lah juga mengandongi galakan² yang di-berikan kepada perusahaan elektronik saperti yang terdapat di-dalam Jadual Kedua di-dalam Rang Undang² ini. Galakan² ini akan di-beri kepada perusahaan elektronik terhadap projek² yang ranchangan² pelaboran-nya mendapat kelulusan Kerajaan sa-belum 31hb Januari, 1973.

Tuan Yang di-Pertua, peruntukan kepada tambahan galakan² pelaburan kepada perusahaan elektronik merupakan satu langkah Kerajaan bagi menggalakkan aktiviti² yang menggunakan banyak tenaga buroh bagi mengatasi masalah penganggoran sekarang. Pindaan kepada Akta utama ini ada-lah bertujuan memberi kelepasan chukai yang lebih terhadap perusahaan ini daripada yang ada di-dalam undang² sekarang. Dalam hal sharikat² bertaraf perintis di-bawah undang² sekarang, jangka masa kelepasan chukai yang biasa ia-lah dari 2 hingga 5 tahun mengikut jumlah harta jangka panjang yang di-

belanjakan. Jangka masa kelepasan ini boleh di-lanjutkan dengan tambahan 3 tahun lagi, menjadikan jangka maxima-nya kepada 8 tahun sa-kira-nya: (a) sharikat² bertaraf perintis itu di-dirikan di-Kawasan Pembangunan, (b) mengeluarkan keluaran² yang di-utamakan, dan (c) menchapai peratus unсор Malaysia yang di-kehendaki. Di-dalam perusahaan elektronik, ada-lah di-chadangkan untok memberi kelepasan chukai dari 4 hingga 7 tahun supaya ini dapat memberi galakan yang lebih bagi perusahaan² saperti itu di-dirikan di-Malaysia. Sa-bagai tambahan, sharikat itu juga di-bolehkan melanjutkan masa kelepasan chukai sa-lama 1 tahun lagi tiap² satu kehendak² yang ada di-dalam undang² Galakan Pelaburan yang ada sekarang, saperti yang telah di-terangkan, ia-itu dengan mendirikan kilang² mereka di-Kawasan Pembangunan atau mengeluarkan barang² keluaran yang di-utamakan atau menchapai peratus unсор bahan Malaysia yang di-kehendaki. Oleh itu satu² sharikat dalam perusahaan elektronik itu boleh mendapat masa kelepasan chukai maxima sa-hingga 10 tahun berbanding dengan maxima 8 tahun yang di-berikan kepada lain² sharikat bertaraf perintis. Sa-bagaimana yang saya telah terangkan, galakan² ini ada-lah kuatkuasa tempoh-nya sa-hingga 31hb Januari, 1973 sahaja.

Tuan Yang di-Pertua, satu lagi galakan yang penting yang telah di-adakan ia-lah berhubung dengan hotel² dan motel² yang di-dirikan di-Malaysia. Ahli² Yang Berhormat kita tentu maseh ingat lagi bahawa Akta Galakan Pelaburan, 1968 telah pun dipinda untok menyediakan galakan kepada perusahaan hotel. Pindaan itu telah di-buat di-bawah Ordinan 89 (Kuasa² Perlu) Dharurat, 1971 Galakan² ini ada-lah berupa Taraf Perintis, Potongan Pendapatan Yang di-Kenakan atau pun abatement of chargeable income, Elaun Susutan di-Perchepat (accelerated depreciation allowance) dan Elaun Bangunan Perusahaan atau pun Industrial building allowance yang telah di-bentangkan di-dalam Jadual Pertama Rang Undang² ini. Dengan ini ada-lah di-chadangkan supaya peruntukan² berhubung dengan perusahaan hotel di-adakan sa-mula tanpa sa-barang pindaan dan menjadikan-nya sa-bagai sa-bahagian daripada undang² yang tetap.

Tuan Yang di-Pertua, penggalakan² kita pada masa² yang sudah telah menunjukkan bahawa di-bawah Akta Galakan Pelaburan,

1968, banyak projek² yang di-dapati perlu oleh Kerajaan bagi kepentingan negara tidak dapat di-beri kelepasan chukai kerana tidak termasuk di-bawah Taraf Perintis atau Kredit Chukai Pelaburan (Investment Tax Credit). Ini ada-lah projek² yang di-usahkan oleh perusahaan² yang telah maju di-negeri ini, tetapi mereka sedang menjalani permodenan. Supaya dapat di-beri galakan kepada kilang² yang sedia ada itu untuk memodenkan chara² pengeluaran mereka dan untuk mendirikan satu kilang moden yang baharu, Kerajaan ada-lah menhadangkan untuk mengemukakan satu galakan chukai yang baharu yang di-panggil Elaun Modal yang di-tambah atau pun Increased capital allowance. Peruntukan bagi galakan ini ada-lah seperti yang terdapat di-dalam Bahagian IIIB kepada Akta utama. Elaun Modal Yang Di-tambah itu ada-lah di-tujukan kepada perbelanjaan bangunan dan alat-alatan yang layak yang di-keluarkan untuk memodenkan chara² pengeluaran di-satu² kilang yang ada pada masa ini atau pun untuk mendirikan satu kilang moden yang baharu. Pada masa ini, elaun modal yang di-tambah bagi perbelanjaan bangunan yang layak di-belanjakan di-dalam pembinaan bangunan ia-lah 2 peratus. Maka ada-lah di-chadangkan di-sini bahawa di-bawah Elaun Modal Yang Di-tambah itu di-naikkan kepada 3 peratus. Berhubung dengan perbelanjaan yang terlibat dengan pembelian bangunan yang layak, kadar elaun modal yang di-tambah akan juga di-naikkan sa-jajar dengan-nya. Bagi perbelanjaan alat-alatan yang layak, kadar elaun modal yang di-tambah akan juga di-naikkan kepada 40 peratus. Ahli² Yang Berhormat Dewan ini akan dapati bahawa pemberian galakan tambahan ini tidak-lah terikat kepada keadaan ekseptor pemohon seperti mana hal-nya dengan Elaun Susutan di-percepat atau pun Accelerated depreciation allowance di-bawah Akta Galakan Pelaburan, 1968 sekarang ini.

Tuan Yang di-Pertua, ini-lah sa-chara ringkas-nya pindaan² yang Rang Undang² ini bertujuan untuk memaktubkan di-dalam Akta Galakan Pelaburan, 1968 itu. Kerajaan ada-lah senantiasa berusaha terus untuk memberi galakan² baru dan galakan² yang lebih menarek kepada perusahaan², dan ini dengan jelas-nya membuktikan hasrat dan kesungguhan Kerajaan bagi meninggikan lagi kadar kemajuan perusahaan di-negeri ini. Ada-lah di-harapkan supaya pehak swasta juga bergiat sa-jajar dengan usaha² Kerajaan

yang bersungguh² dalam penyertaan-nya supaya dengan langkah² yang di-ambil itu dapat menggalakkan lagi pelaburan perusahaan.

Tuan Yang di-Pertua, saya menaruh harapan bahawa Rang Undang² ini akan mendapat sokongan yang penoh dari Dewan ini, menhadangkan kepada matlamat² dan tujuan²-nya.

Tuan Yang di-Pertua, saya mohon menhadangkan.

Tan Sri Abdul Kadir bin Yusof: Tuan Yang di-Pertua, saya mohon menyokong usul ini.

Dato' Y. T. Lee: (*Dengan iz'n*) Mr President, Sir, this Bill to amend the Investment Incentives Act, 1968 to provide for special investment incentives to electronics, hotel and high labour-utilising industries, increased capital allowances for approved projects and extension of existing incentives to certain industries, which hitherto do not qualify for such incentives, is indeed a move in the right direction.

First of all, allow me to congratulate the Minister of Commerce and Industry for the timely introduction of this Bill and, although belated, it will certainly give a big boost to industrial expansion in this country.

In the Second Malaysia Plan, our Government regards the manufacturing industry as a three-digit sector for the achievement of the objectives of the new economic policy; and indeed in this sector we play a very important role in solving a greater part of our unemployment problem for the next few years.

The initial tax relief for the electronics industry will be four years instead of the present period of two years and will be extended to five, six or seven years instead of the present period of three, four and five years. Naturally, the bigger the capital expenditure incurred, the longer will be the period of tax relief. The electronics industry is a very labour-intensive industry. With the expansion of this industry, not only a great deal of foreign exchange can be saved but quite a number of our youths can be absorbed in useful employment.

Mr President, Sir, hoteliers claim that the following extra concessions, other than the rapid depreciation allowance, etc., would be useful for the industry:

- (1) To allow the importation of building materials, equipment, plant supplies, furniture, fixtures, crockery, cutlery, etc. to be imported free of duty.
- (2) Government should assist in getting long-term loans for hoteliers at low rates of interest for periods of fifteen to twenty years.
- (3) To reduce assessment tax, licence fees, entertainment tax, tax on television sets, etc.

Mr President, Sir, the Minister of Commerce and Industry has said recently that Government will appoint a number of honorary tourist promotion officers to "sell" Malaysia at home and abroad. May I suggest that the list of officers should also include honorary trade promotion officers from the various Chambers of Commerce. At the recent Commonwealth Parliamentary Conference held in Australia, Yang Berhormat Dato' Nik Hassan and myself took the opportunity to visit the Chamber of Commerce and Industry at Sydney and "sell" Malaysia to the Australian industrialists to invest in Malaysia. Now, this idea was further conveyed to the delegates of the several Commonwealth countries when I was given the opportunity to open the discussion on Trade and Economic Development on behalf of Malaysia at the Fifth Plenary Session of the Sixteenth Commonwealth Parliamentary Conference. I told the delegates that Malaysian industrialists are particularly keen on establishing joint ventures with foreign partners because local investors need foreign investors with technical know-how and management expertise. Now, generous tax concessions, protective measures and other incentives, which our Government is offering to industrialists, were also fully explained to the delegates. Again, on another occasion during a visit to Hong Kong, Taiwan and Japan, under the banner of the United Chambers of Commerce, similar work was undertaken to "sell" Malaysia to the outside world. Malaysia must export more to other countries to earn more foreign exchange. It is, therefore, heartening to note that the Government has accorded these people from the private sector some form of status. This

will no doubt give them added status and enthusiasm to "sell" and advertise Malaysia more to the outside world.

We from the private sector can play only a small part, and to make our efforts more fruitful, some form of Government blessing would be very useful indeed.

Mr President, Sir, I would, at this juncture suggest to the Ministry of Local Government to examine and, if seen fit, to amend some of the regulations pertaining to the building of factories and other buildings. Some of the incentives designed to encourage development are backfiring and some are indeed discouraging. A particularly sore point is the amount of details and plans that builders have to submit even at the very first stage of seeking planning permission or approval. Mr President, Sir, I may be a little out of context, but it is all relevant and connected with the development of the Second Malaysia Plan and attraction of the potential industrial people. But the sorest point is that industrialists have to submit names and addresses of property owners surrounding the project, so that their objections can be overheard. This can easily lead to long delays since objectors are frequently late or they do not all turn up or they do not even turn up at all. This question of objection is carried out to an almost comical extreme when those wishing to renovate, for example, only a small partition have to get their neighbour's permission.

This piece of legislation appears to have been put up in a haste with insufficient thought put into it. Mr President, Sir, while our Government is offering generous incentives to the potential industrialists, it would be prudent to re-appraise some of the regulations that may act as a deterrent for development. Thank you, Sir.

Tuan Wong Swee Soon: (*Dengan izin*) Mr President, Sir, I rise to give my full support to this amendment Bill and I am sure the industrialists or firms whole-heartedly welcome this amendment Bill. Since the Investment Incentives Act came into force, pioneer status are granted to the companies because of their big capital investment in a project. Now the Government introduces this amendment Bill which provides for tax holidays irrespective of the size of capital investment involved. But to qualify under this provision they have to employ a stipulated number of workers or employees.

Mr President, Sir, in a newly independent country like ours, we should have more and more industries to provide jobs for citizens. The purpose of introducing the Investment Incentives (Amendment) Bill is to attract more investment whether local or foreign to set up industries in our country and the Government gives special investment tax relief and protection. I wish to point out that some of the factories with pioneer status produce poor quality and very expensive commodities. They make tons of money from the consumers. I would say, they take back their capital within 2 years, and I would like to request the Government to look into this matter and to ensure that the citizens can buy cheap and very good quality locally manufactured commodities. But the manufacturers should not enjoy the tax relief and also make too much money from the poor consumers' pockets.

Mr President, Sir, I would like to refer to Chapter IA, Section 12 (A) (5). The expression "employees" means persons who are members of the E.P.F. They are direct workers of the project. I would like to request the Minister to consider that those workers who are not members of the E.P.F. and who get jobs on contract basis should be counted as workers of that company. For example, a factory requires only 40 workers in the factory and about 50 to 100 workers to work outside the factory area to collect and supply some sort of raw materials to the factory. They are paid according to the amount of raw materials they supply. That means the factory buys from these people. So they create a big number of jobs for the people. The Government should consider that they are also qualified to enjoy special incentives under this Act.

Mr President, Sir, another point I would like to touch on is that special incentive be given to—

- (i) manufacturers who set up factories in the rural area;
- (ii) manufacturers who make full use of local raw materials, say, 100% of local raw materials.

It is the policy of the Government to encourage industries in the rural area. In order to attract industries to the rural areas, the Bill should provide some sort of special investment tax relief even though the number of employees may be slightly less than 50

who are working in the factory or are members of the E.P.F., but where there are a lot of workers who are working outside for the factory. Thank you very much.

Tuan Chua Ching Cheng: Tuan Yang di-Pertua, saya menyokong penuh Rang Undang² Galakan Pelaburan (Pindaan), 1968 yang di-chadangkan oleh Yang Berhormat Menteri kita sa-bentar tadi.

Tuan Yang di-Pertua, Akta ini ada-lah satu Akta bagi meminda Akta Galakan Pelaburan, 1968, untuk mengadakan galakan² baharu dan juga untuk memberi galakan² yang sedia ada kepada perusahaan² tertentu, maka perusahaan² yang sa-lama ini tidak berkelayakan untuk mendapat kemudahan² itu. Sa-bagaimana yang di-chatetkan pada muka 15, dalam Huraian Akta Undang² ini, tempoh kelepasan chukai boleh di-lanjutkan hingga tujuh tahun kepada sa-sabuah sharikat yang berusaha dalam perusahaan elektronik. Akta Rang Undang² ini juga akan membuat satu peruntokan berkenaan dengan elaun² modal tambahan bagi perbelanjaan kelayakan bangunan atau loji untuk projek² yang di-luluskan bagi menggalakkan permodenan. Galakan ini akan juga di-beri kepada perusahaan² yang menggunakan banyak bilangan buroh atau pekerja².

Tuan Yang di-Pertua, dengan ada-nya galakan² yang lebeh memuaskan di-beri kepada pemodal² yang sedang berusaha dan juga kepada pemodal² yang akan berusaha itu, saya perchaya lebeh banyak pemodal², sama ada dalam negeri kita, atau dari luar negeri akan tertarek dan memberi sambutan yang baik dan sa-terus-nya menanam modal mereka itu di-dalam negeri kita.

Tuan Yang di-Pertua, dengan ada-nya tanaman atau tambahan modal² yang baharu ini, jadi saya perchaya-lah ini ada-lah satu jalan yang akan menyelesaikan masaaalah² bilangan penganggoran negeri kita yang sedang bertambah dari sa-masa ka-samasa dan masaaalah ini akan dapat di-kawal dan di-atasi. Ini ada-lah juga sa-jajar dengan dasar Kerajaan kita yang berusaha dalam lapangan pembangunan perusahaan.

Tuan Yang di-Pertua, di-sini saya suka menarek perhatian pehak Kerajaan dalam perkara galakan yang akan di-berikan kepada perusahaan² yang menggunakan banyak buroh atau pekerja². Mengikut

sekshen 14A baharu, yang di-chatetkan pada muka 4, dalam Rang Undang² ini berbunyi sa-bagai berikut:

“Perlanjutan tempoh kelepasan menggunakan buruh.

14A. (1) Menteri Kewangan hendaklah mengarahkan supaya di-lanjutkan tempoh kelepasan chukai bagi sa-sabuah sharikat yang telah di-beri kelulusan di-bawah sekshen 12A”.

Dalam sekshen ini ada mempunyai tiga bab ia-itu Fasal 4 dalam sekshen baharu 14A (1) (a), (b) dan (c).

Tuan Yang di-Pertua, mengikut pengetahuan saya, pada masa ini, dalam negara kita ini telah ada banyak kilang² atau perusahaan² yang telah pun dapat kemudahan atau faedah daripada galakan² yang di-berikan oleh Kerajaan kita, tetapi maseh ada sa-bahagian kechil dari pemodal² atau perusahaan² itu yang tidak bertanggung-jawab dan mereka itu mengambil kesempatan yang di-berikan oleh Kerajaan untuk kepentingan mereka sendiri dengan membayar gaji yang sangat rendah kepada pekerja². Sa-balek-nya pemodal² itu mendapat keuntungan atau faedah yang lebeh banyak. Tuan Yang di-Pertua, ini ada-lah satu perkara yang patut di-berikan perhatian yang lebeh berat.

Saya suka memberikan satu chontoh yang telah berlaku di-tempat saya ia-itu Negeri Melaka. Tidak perlu-lah bagi saya untuk menyebutkan nama kilang itu. Tuan Yang di-Pertua, kilang ini ada-lah satu daripada kilang² yang mendapat kemudahan² atau galakan² yang di-berikan oleh pehak Kerajaan, tetapi pada masa ini pekerja² dalam kilang itu hanya di-bayar \$2.20 sa-hari kepada pekerja² perempuan dan \$2.60 sa-hari bagi pekerja² lelaki. Saperti yang di-sebutkan oleh Yang Berhormat Dato' Nik Hassan pada petang semalam, beliau itu mengatakan maseh ada kilang² dalam negara ini membayar gaji sa-rendah² \$1.20 kepada sa-saorang pekerja. Tuan Yang di-Pertua, bayaran saperti yang macham ini ada-lah sangat rendah dan tidak menchukupi serta tidak memuaskan. Ini ada-lah juga bertentangan dengan dasar² atau chita² Kerajaan kita yang berusaha untuk meninggikan taraf hidup ra'ayat jelata.

Tuan Yang di-Pertua, kita menyambut dengan baik pemodal² sama ada dalam negeri kita atau dari luar negeri yang menanam modal mereka itu dalam negeri kita, tetapi kita tidak harus membenarkan pemodal² itu yang tamak dan mengambil

peluang untuk mengisap darah kita atau meraskan titek peloh pekerja² yang miskin itu. Tindakan² atau exploitation² saperti ini tidak boleh di-biarkan.

Tuan Yang di-Pertua, saya bimbang dengan ada-nya kemudahan galakan² pelaburan ini mengikut Sekshen 14A sa-tengah² pemodal² akan chuba mengambil pekerja² yang ramai dengan membayar gaji yang rendah sa-kali dan untuk mendapatkan lanjutan kelepasan chukai mereka itu.

Tuan Yang di-Pertua, saya di-sini memberi satu mithalan. Mithal-nya satu kilang atau perusahaan itu pada mula-nya mengambil pekerja² 51 orang, oleh kerana pemodal² itu hendakkan tempoh kelepasan chukai itu di-lanjutkan lebeh sa-tahun atau dua tahun, maka mereka chuba mengambil lebeh lagi 50 pekerja² supaya menjadikan 101 orang pekerja dalam kilang itu, dan mengikut segi Undang² dalam Sekshen 14A ini mereka ada hak memohon kepada Kerajaan supaya tempoh kelepasan chukai itu di-lanjutkan sa-tahun lagi. Tuan Yang di-Pertua, walau pun mereka akan membayar lebeh sadikit kepada perbelanjaan pekerja² yang di-ambil, tetapi mereka ada-lah mendapat satu keuntungan yang lebeh besar ia-itu mereka akan dapat sa-tahun lagi tempoh kelepasan chukai itu. Jadi ini ada satu perkara yang patut di-ambil perhatian yang berat oleh Menteri yang berkenaan.

Tuan Yang di-Pertua, pada masa sekarang Kerajaan kita telah pun adakan Undang² untuk menetapkan gaji² minimum itu kepada pekerja² di-hotel, di-restaurant dan kepada pekedai² di-bandar² yang tertentu. Jika tidak salah gaji yang tetap itu ia-lah sa-kurang²-nya \$80 sa-bulan. Tuan Yang di-Pertua, saya ingin mengeshorkan kepada Menteri yang berkenaan sudah-lah tiba masa-nya Kerajaan kita mengadakan Undang² pula menetapkan gaji minimum bagi pekerja² di-kilang² juga, sa-kurang²-nya kita patut menetapkan gaji minimum kepada pekerja² yang bekerja di-kilang² yang mendapat faedah kelepasan chukai, atau galakan pelaburan ini. Tuan Yang di-Pertua, oleh kerana perkara yang saya cheritakan tadi, saya harap sunggoh² kepada Menteri yang berkenaan ketika satu permohonan untuk memohon melanjutkan tempoh kelepasan² chukai itu di-pertimbangkan terlebih dahulu bayaran² bagi pekerja² di-kilang yang berkenaan itu hendak-lah dikaji dengan teliti supaya pekerja² dalam kilang itu tidak akan di-tindas atau exploited,

dan chukai² Kerajaan itu pun tidak akan dapat di-elakkan. Sekian-lah ucapan saya, Tuan Yang di-Pertua.

Dato' Athi Nahappan: (*Dengan izin*) Mr President, Sir, this is another important milestone in the industrial growth of the country and I am sure this will pave the way for further industrial progress which the Bill envisages through the provisions. There are a few clarifications that I should like to seek. I would like to concentrate upon particularly on the incentive in relation to labour utilisation.

The purpose of it is to encourage labour intensive industries in this country and to give them tax relief for a period stretching from two to five years co-related to the number of employees engaged in the industry or the company. Section 12A says that an interested party should apply to the Minister and the relief is granted to a company when it commences production on or after the date of coming into force of this particular provision or will be employing thereafter. It is hoped that this Bill will intensify the growth of labour intensive industries in the country, particularly having regard to the forecasts stated in the Second Five-Year Plan, which, as we know, says that during this period of five years there will be an overall unemployment of 7.3% and jobs will have to be found during the period for roughly 600,000 people at an annual average of roughly 120,000 and labour opportunities will have to be provided. But looking at the other Table, which is also in the Second Five-Year Plan, during the next five years all that the industries is expected to absorb, out of the total working population of 3.4 million, is something like 594,000, just about 600,000, as against 1.5 million in the agricultural sector. So the absorption through the industries will not be as dramatic as one expects, looking at figures in a relative sense. Nevertheless, I do not want to under-rate or minimise its importance to the investors who want to go into industries. The phraseology used in Section 12A is interesting, in contra-distinction to the phraseology used in section 3 (1) of the Act as it stands now. Anyone who wants a pioneer status, and out of it tax relief for two or five years or more, will have to satisfy the requirements stated under Section 3 (1) which are more stringent than what is provided under Section 12A.

Under Section 12A, what is expected is merely to put in an application if a company is engaging or will engage, goes into production, 51 persons as the minimum. Then the Minister considers and the criteria of consideration is the desirability in the interest of the industrial development. Therefore, what the Minister considers desirable only will be given this tax benefit, whereas in the case of pioneer status, one of the three criteria of consideration is that it is expedient in the public interest to encourage the development of the particular application. Now, I think it would be better that some guideline is given as to what are the criteria of desirability before the investor can apply. After all, an investor has got to plan out, he has to prepare his scheme and he will have to decide whether he will go for a labour-intensive or he will go for a capital-intensive investment; and if he goes into a labour-intensive investment, well, these are the benefits and, therefore, he would consider applying for it. Then he should know what are the criteria so as to qualify for this. The Act, of course, is silent. If it is merely left to the momentary discretion of the Minister concerned, then one has to take a shot at it without knowing the basis under which the application will be considered. I think some broad guideline will be important as a criterion for application.

Now, it is also not very clear to me whether it is in addition to or in the alternative to the other incentives. Now we have I.T.C.—Investment Tax Credit—under Section 26 of the Ordinance. It excludes pioneer companies, therefore, anyone who gets tax relief under section 3—that is pioneer status—he cannot apply for I.T.C. under Section 26—it is very clear there. But I do not know whether in this instance, a person can apply, supposing for I.T.C. for the capital expenditure involved, and at the same time finding that it is also labour-intensive, whether he could put in his application. I have not seen any provision during my quick glance which excludes that but I would certainly like to be enlightened if there is any provision which has escaped my attention, or whether it is intended that this will have to be on its own merits and it will stand on its own leg as the benefit goes, and one cannot have more than one benefit at a time. I think some clarification is necessary.

Sir, it is one thing providing schemes like this, it is another thing to make these exercises to go on effectively. I may seem to be departing slightly, but still I keep myself within the relevance of the Ordinance. For instance, in the case of marshalling of capital, we may provide this incentive, but there is now getting to be acute dearth of capital in the country or rather in some sectors *viz-a-viz* other sectors. As I understand that, for instance, in the Malay sector, I myself have connection with quite a few industries now and I know that it is becoming increasingly difficult to fulfil the reservation for Malay participation, either 10% or 20% and one has to go around hawking, looking for individuals or looking for institutions. I was happy to read in the Press recently that some Institutions would be established to initially acquire the allocations for Malay participation and thereafter, it will be dished out to individuals as time goes on. My understanding is that, I am subject to correction, it has been said that something like eighty to ninety million dollars already allocated for Malay participation has not been subscribed as yet. Now, if we give incentives like this, for instance, and impose the condition that there shall be 10% reservation or 20% reservation, then we must create a condition to see that the foreigners who come in as collaborators will not be required to waste their time moving around seeking for equity participation and I know several projects which had been held up because they are not able to get participation either through individuals or through institutions as a result of the reservations for Malay participation.

Now, that is not merely the problem of the Malays alone. There are investors who have come here, who would like to give the opportunities fairly to everybody. They would like, noting that this is a multi-racial society, to at least try to get in not merely some Malays, but they also would like to get in, if they can, one or two Indians or Chinese, and they find that it is not possible for them, in most cases anyway, to get adequate Indians to come in, the reason being there is an acute capital shortage in so far as the Indian sector is concerned; and, of course, this at once takes us to the entire economic spectrum of the policy as enunciated in the Second Five-Year Plan. How are we going to inject investment participation into every sector? At the moment, of course, so far as the indigenous people are concerned, some legiti-

mate efforts are being made through various institutional innovations, but I think there are areas which will remain a vacuum and which will have to be given some consideration and the fillip either through some institutional arrangements or otherwise. So that is one thing. Another thing which I would also mention, connected with incentive and flowing out of it is the difficulty in raising credit facilities.

Now, as more and more companies are coming, of course no company can expect to be wholly self-sufficient in its capital requirement. Of course, many companies try to approach commercial banks, they also go to development banks or institutions like M.I.D.F., and we do not have many institutions of this nature. Often, there is a lot of time involved in this. I can understand the legitimate time required to assess and evaluate projects, but very often the time factor is a very delaying factor, even in the case of M.I.D.F., and I think something should be done to accelerate the exercises so that "yes" or "no" the investors would get a quick answer and not prolonged discussions and negotiations and in the end you get a negative answer. Then the parties will have to again hawk on to some commercial banks and start all over again and this is a tiring business and also a frustrating business. But I am not for a moment saying that any financial institution should not go into the matter thoroughly and deeply before they commit themselves. They are entitled to have a complete examination. But I find sometimes the time taken is too much and efficiency and speed are important elements here.

The other thing is the quantum of loan itself. Now in this country, I find that there has got to be, I believe, some kind of policy directive from the Government on this question of debt equity ratio. Most commercial banks want to give around a 1:1 basis. Now I understand in countries like India, for \$1 equity, you can go up to \$4 debt from the bank. Of course, that includes the term loan as well as the working capital. Now, here the banks are very shy of giving more than 1:1; or at most they give 1:1½. If our capital is \$100,000, they will probably give \$100,000 loan and probably a working capital that is needed. Now, here, I think if we want our industries to develop fast and provide employment, there has got to be a policy, and this will have to come from the Ministry of Finance which in turn have to be filtered

through Bank Negara in so far as the commercial banks are concerned. If we are going to give this development tempo, then the banks will have to play their roles, and I am glad that the Honourable Minister of Finance recently said that the roles of the bankers should change from the attitude of merely lending money strictly on their terms, to trying to find out the problems of the borrowers, particularly when they are associated with development and then to see how best they can—the bankers—solve the problems of the borrowers. Now this dialogue should be there. My friend here, Dato' Nik Hassan, says there is no response from the banks; probably he says that from his experience, Sir. (*Ketawa*). Here, some policy guidance is necessary that the debt equity ratio must be on a more realistic and more dynamic basis. Of course, the banks have to safeguard themselves, but if an industry is good enough to get any incentive, either pioneer, I.T.C. or export facilities, or now labour-incentiveness, all these things should put these type of industries on a particular slate, so that they would be given some special consideration. Anyway the Government has regarded this on a special footing. That is why these incentives are given. These companies should be given the necessary facilities.

The other thing that I would like to state that correlates to this requirement of banks, which I think is unrealistic, is the personal guarantees of directors. Now this, again, is a very depressing thing because this has a tendency to drive away the people coming to play the role of directors through whatever capital they have. We are all in this country quite new to participation in company finance and in industries. We have been a trading community, and many of us have not been even in the trading line, and for the first time when these opportunities are coming, we try to squeeze out whatever money we can from different sources and we try to invest it. Then the bankers say that now everybody must give a personal guarantee. Now the local directors do not know anything about the industry; apart from the role of investors—and mostly that role is a passive role. The management is usually in the hands of experts who come from abroad and the success or failure of the industry very much depends on the foreign collaborators, at least during the early period until it settles down. So the investors here merely

attend board meetings, and he puts in money in good faith and the success or failure depends on the efficiency of the management which is largely, in most of these pioneer companies, in the hands of foreigners, and here when you ask these directors to give personal guarantee, and if the company should fail, then what happens? The director concerned is terribly exposed and all his personal properties are put in jeopardy.

I think this is not very good and I was told recently—again this is a matter which the Central Bank can consider—that the Reserve Bank of India, for instance, has given a directive that personal guarantees should not be hereafter asked from the directors. I think probably the Ministry of Finance can look into this and again through the Central Bank to try to give some kind of directions. Otherwise I am afraid that many people who would otherwise be willing to come in might be reluctant to come in. Apart from these observations, Sir, I have great pleasure in welcoming this Bill.

Dato' S. O. K. Ubaidulla: (*Dengan izin*). Sir, I would like to raise one or two points in connection with this Bill.

Sir, a successful foreign investor is a fast moving person. He is like a Sputnik who goes from place to place to promote his business. He has not much time. That is why it is said that all these foreign investors live in jet planes and hotel rooms. They do not even have time to go to their houses. To these people, Sir, time is very essential. Time is most important to them. When they come to a country with a view to invest, they are really restless. When they go to the Ministry, they want an answer. Once they are delayed, they become very sceptical, they tend to become shy. Indeed, they think, that their future in a country where delays are being so much made is rather doubtful.

Sir, I have heard from many investors who come from foreign countries. This is, Sir, is self-criticism. This sort of criticism the Ministry must hear and it is my duty here to make this criticism so that they may know. I know myself, I am serving in the panel of the Capital Investment Committee. We are trying our best to hasten the process of giving approval to industries, but even now it is said that we are not fast enough in giving approval to industries. Certainly, we

can still improve. I have got one or two ideas to give in order to hurry the process of giving approval to industries.

Sir, the Ministry of Commerce and Industry has its various departments in too many different buildings. This is one of the reasons how the delay is caused. One is at the Bank Bumiputra, the other is at Federal House, the third is at Wisma Damansara, and I do not know where else they are. Sir, the letters from one department to the other could cause a delay of a day or two in this way. This day or two is very important to a foreign investor. We should bring all these ancillary services of the Ministry of Commerce and Industry under one roof. Money should not matter in this way of giving fast service to investors. Furthermore, Sir, I have got great praise for the Secretary-General. Erche' Nasruddin, who is very conscious, alert and helpful, but to get him is often very difficult because he has to sit in so many committees and sub-committees. Sir, there should be allocation of work. The Secretary-General must be the policy-making person. There must be one to deal with industrialists, their letters, reply to them, meeting them, giving them the feeling that every time they want to see the Ministry officials there is somebody to meet them, to talk to them. There should be one who deals with inter-departmental matters; there should be another Secretary who should be co-ordinating all this work, and there should be one attending the various meetings and giving these minutes to the Secretary-General. This sort of allocation of work in the Ministry will hasten work and give a quick reply to the foreign investor.

Sir, we are like a good modern restaurant. We have all good dishes, tasty dishes, and we are willing to give a few free dishes. Once a person comes inside the restaurant and eats he finds the prices very moderate. The difficulty there is not enough tables. Once a person comes in and he finds he has not enough tables, he goes out. What is the use of having all the good dishes; dishes at very attractive prices, some extra and free dishes, but there are no tables. This is the question with us now, Sir. Like during a lunch-time rush, people come for lunch, and if there are not enough tables, they go out. A modern industrialist is one who comes like a "lunch-time rush guest." He comes to a

country, he wants to get a quick answer because he wants to go back and prepare everything. He cannot be coming too many times and he cannot be staying here too long.

Sir, this is my humble criticism, a self-criticism, made in a very good spirit. I hope the Honourable Deputy Minister will convey these views to the Ministry and let it be known that our country gives a quick reply and attracts enough foreign investment. Thank you, Sir.

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

Mr President, Sir, I think this is a wonderful legislation; everybody has been praising the Government—it is a wonderful legislation, a wonderful legislation for our country, very wonderful. First, we are a developing country and within 14 years we have moved so fast. We are trying to get the "big man" in. We have given first pioneer status, with tax exemption; we have given investment tax credit; we have given export incentives with deductions for export promotion and the rest of it. And now, we are giving these incentives for hotels, for electronics and for other industries to employ more labour—it is wonderful. I want to congratulate the Government on it. But you have forgotten the small man who will help us to employ more labour. You have forgotten, let us say, the cottage people, the small kampong and the new villagers. We have not given new incentives for the kampong people to have their little industries in the kampongs or in their new villages. For instance, the old traditional arts and crafts and also the little industries that these new villagers will take up.

I hope the Government will look into this. We are now moving very fast; Malaysia is moving very fast, it is running the race so fast, I think it is leaving the other countries gasping and I hope that this will succeed, I hope that all of us will help the Government to succeed in this. It is a very good Bill and I hope it will succeed in this new venture to attract first labour, capital and income for our people. Thank you, Sir.

Dato' Nik Hassan bin Haji Nik Yahya:

Tuan Yang di-Pertua, saya menyokong Rang Undang² ini kerana bagaimana pernah saya berchakap dalam Dewan ini kita hendak melebarkan usaha² membena perusahaan² kita keluar bandar terutama-nya di-negeri² di-Pantai Timor ini. Jadi Undang² ini ada-lah

satu Undang² yang dapat memberi kemudahan dan galakkan kepada modal² yang ada dalam negeri ini atau pun modal² daripada luar negeri untuk menanam modal² mereka ka-kawasan² luar bandar. Dalam Bill ini negeri saya, negeri Kelantan, dimasukkan di-bawah Bahagian (c) ia-itu akan mendapat taraf sa-bagai 25% berbanding daripada negeri² yang lain. Saya rasa ini ada-lah sangat-lah berpatutan dan sangat baik.

Tuan Yang di-Pertua, untok menggalakkan perusahaan, bukan sahaja memberi kemudahan atau pun memberi potongan cukai dan sa-bagai-nya boleh kita galakkan perusahaan ini. Apabila kita sebut kata hendak menggalakkan perusahaan ia ada hubungan dengan beberapa perkara yang lain seperti tanah tapak bagi perusahaan itu, kemudahan mendapatkan ayer yang chukop, kuasa letrik yang chukop dan kemudahan² pentadbiran dan sa-bagai-nya daripada pehak Kerajaan² Negeri.

Tuan Yang di-Pertua, sa-bagaimana saya tahu dalam perkara tanah. Di-negeri Kelantan kalau-lah kemudahan ini di-beri sa-kali pun, kalau negeri Kelantan itu tidak mengubah sikap, chara pentadbiran-nya, chara menghadapi ra'ayat-nya dan sa-bagai-nya sudah tentu Undang² ini tidak memberi apa² kesan kepada usaha dan tujuan Kerajaan Pusat. Saya hendak memberi tahu kepada Dewan ini dan saya harap suara saya disampaikan ka-Dewan yang ada di-Kelantan, kesemua tanah² yang ada dalam negeri Kelantan ini kebanyakan-nya ia-lah tanah² private, ia-itu di-punya'i oleh orang² yang tertentu dengan geran² yang di-panggil geran mati, geran yang tidak hidup. Sa-lain daripada itu ia-lah tanah² Kerajaan yang kedudukan-nya jauh daripada kawasan² yang di-panggil ia-itu di-katakan pinggir bandar jadi kalau tanah Kerajaan tanah itu berada di-kawasan di-Ulu Kelantan umpama-nya, jauh daripada kawasan perusahaan.

Jadi, Tuan Yang di-Pertua, tanah² Kerajaan yang ada dalam Kelantan hari ini sa-tahu saya telah di-serahkan kepada Perbadanan Kemajuan Negeri Kelantan—di-serahkan kepada Perbadanan Kemajuan Negeri Kelantan. Jadi apa yang hendak di-buat oleh pengusaha², maka pengusaha² itu mesti bertemu dengan Pengurus Perbadanan Kemajuan Negeri Kelantan dan apa yang saya tahu banyak pemodal² daripada Canada, daripada Amerika, daripada Siam, daripada

merata² dunia telah pergi ka-Kelantan telah bertemu dengan Kerajaan Kelantan, telah bertemu dengan Perbadanan di-sana, tetapi segala syarat, segala chara layanan yang di-beri itu menyebabkan modal² ini lari daripada Kelantan tidak dapat kemudahan yang sa-benar-nya.

Jadi, kalau Kelantan dapat 25% pun, tetapi tidak ada kemudahan dalam negeri, saya rasa Undang² ini tidak akan memberi kesan kepada penanaman modal yang besar² di-negeri Kelantan. Apa yang saya tahu hari ini dalam negeri Kelantan; ini berkenaan tanah sahaja. Kawasan² tanah yang berhampiran dengan bandar² yang patut menjadi kawasan perusahaan, ka-semua-nya tanah itu dalam Malay Reservation (Tanah Dalam Simpanan Orang² Melayu). MIDF sendiri pun terpaksa kena minta supaya di-kechualikan daripada Malay Reservation itu dan sa-hingga hari in MIDF belum dapat keputusan mahkamah daripada Kerajaan Negeri untok kebebasan menanamkan modal dalam kawasan² Malay Reservation ini. Masaalah tanah ini ia-lah masaalah yang besar yang mesti diuruskan oleh Kerajaan Pusat dengan Kerajaan Negeri dengan chara yang betul²—ta' boleh di-main²kan. Saya rasa ta' padan dengan Kerajaan Pusat hantar pegawai² MIDF pergi berunding untok menyelesaikan masaalah—ta' padan. Saya rasa mesti di-buat peringkat atasan yang benar² jujur untok hendak memajukan negeri² di-sabelah Pantai Timor ini, kalau tidak, tidak-lah timbul kesan yang baik.

Sa-lain daripada itu, kemudahan mendapatkan ayer, kuasa letrik. Semua ini maseh kekurangan di-negeri² di-Pantai Timor ini. Kuasa² letrik yang tidak chukop, jentera² yang boleh membawa ayer yang chukop itu tidak ada. Maka ini tidak dapat pemodal² itu hendak menanamkan modal dengan menggunakan jentera yang besar². Jadi, inilah benda yang perlu bagi Kerajaan Negeri dan Kerajaan Pusat berunding untok memajukan negeri² di-Pantai Timor ini.

Saya sokong Rang Undang² ini kerana satu daripada fasal dalam Rang Undang² ini menyatakan kalau perusahaan itu chuma ada lebeh 50 orang ahli pekerja di-sana akan mendapat timbangan. Ini ada-lah jumlah yang sangat menasabah. Tidak-lah begitu besar sangat jumlah yang mana boleh kita menggalakkan perusahaan² yang sederhana supaya dapat di-bena di-kawasan² luar bandar.

Saya menyokong Dato' Athi Nahappan, ia-itu tentang modal. Tuan Yang di-Pertua, modal ini perkara besar. Banyak orang berchakap fasal modal tidak mustahak, yang mustahak-nya kata dia kemudahan, keperluan, galakan dan sa-bagai-nya. Saya rasa modal ini nombor satu dan modal juga nombor dua, modal juga nombor tiga, sebab kalau tidak ada modal, hendak jual kacang puteh pun tidak boleh, jangan kata hendak buat perusahaan kalau ta' ada modal. Jadi, modal itu-lah yang utama. Kalau orang Melayu atau bumiputra hendak menyertai sama dalam perdagangan dan perusahaan, maka modal itu yang utama sa-kali sebab kalau sa-kira-nya kita tidak mempunyai modal, maka galakan perusahaan ini tidak akan dapat berjalan. Dan kerana kekurangan modal dalam negeri inilah yang kaum² modal di-luar negeri boleh mempermainkan kaum² modal yang ada dalam negeri. Mereka tahu kita tidak mempunyai modal yang chukop. Dia berjumpa dengan sa-orang taukeh atau pun sa-orang pengusaha di-dalam negeri kita ini, dia kata dia hendak buka kilang kain, umpama-nya. Kata kita: baik-lah, kita berunding bagaimana term dia; saya ada tanah, saya ada ini, saya ada ini, saya ada ini. Dia tahu kita tidak ada modal yang chukop untuk bersama dalam perusahaan itu. Dia beri term² yang menyusahkan kita dan dia beri term² yang dapat dia mempermainkan sharikat itu atau kilang itu sa-telah kilang itu berjalan. Jadi, ini-lah yang besar sa-kali—modal dan saya menyokong Kerajaan tentang penubuhan Perbadanan National Berhad (PERNAS). Saya sokong Kerajaan kerana dengan Perbadanan National ini-lah dapat menyokong modal kepada perusahaan² yang hendak joint venture dengan modal² luar negeri, tetapi perlu kepada kecekapan pegawai² yang chekap (expert) yang boleh buat penyiasatan, penyelidekan laporan yang segera, bagaimana Tuan Yang di-Pertua kata tadi: segera itu, masa itu; masa itu emas dalam sa'at keadaan yang di-kehendakki. Kalau sa-kira-nya kita hendak tanamkan satu modal dalam satu perusahaan hendak bena satu perusahaan, terpaksa mengambil masa dua tahun, tiga tahun—baharu selesai masa-alah² yang di-rundingkan itu. Saya rasa masa sudah lewat. Jadi, ini-lah masa ini mustahak dan untuk mencheptakan masa ini kita mesti ada kelengkapan yang chukop, kita mesti ada pegawai² yang chukop, orang² yang boleh menjalankan kerja dengan bagitu yang tahu apa yang patut dia

buat, tidak-lah orang² yang berupa menchari benda dalam gelap—mereka tahu apa yang patut mereka buat. Jadi, ini yang perlu bagi Kerajaan untuk menggalakkan perusahaan² ini.

Tuan Yang di-Pertua, sa-kali lagi saya suka menekankan kepada Menteri yang berkenaan supaya segera berunding dengan Kerajaan Negeri Kelantan di-mana kita tahu negeri yang sangat baik untuk pembangunan, negeri yang baharu munchol dalam perusahaan dan pembangunan. Kita ada di-Kelantan keretapi terus boleh pergi ka-Kota Bharu. Kita ada lapangan terbang yang baik yang boleh di-perbesarkan, kita ada hubungan yang baik di-antara negeri itu dengan negeri² lain. Jadi, kenapa kita tidak boleh menekankan Kerajaan Negeri itu supaya mereka ini boleh mengikuti perkembangan masa. Ubahkan chara berfikir mereka ini dan chari jalan chara mana untuk membantu negeri Kelantan dalam perkara pembenaan dan pembangunan perusahaan ini. Sekian, terima kaseh.

Dr Syed Hussein Alatas: (*Dengan izin*) Mr President, Sir, it has been the habit of some Members of this Honourable House to support any Bill that is placed before this House. Supporting a Bill in itself is of course no crime, but supporting a Bill by methods of habit is, I think, a serious shortcoming as a whole.

Mr President, Sir, since the last fourteen years we have adopted the gregarious habit of applauding, supporting and agreeing with anything dished out to us, not only in both Houses, but also amongst the public in general. There is floating in this country a set of current ideas which has not been questioned. It is not questioned by the man-in-the-street; it is not questioned by the Honourable Members in this House; it is not questioned, not even sensed, by the Ministers of the Government.

One of these assumptions is the fact that incentives given to capital and foreign investments are on the whole good. Mr President, Sir, lest I be misunderstood by those who are in the habit of misunderstanding others, I would like to make it clear here that I am not delivering a judgment yet—I am suspending my judgment—but I am only taxing the brain of the Honourable Deputy Minister of Finance. His brain is there to be taxed, to be squeezed and to be turned and twisted. (*Ketawa*).

Mr President, Sir, I think the Government has presented this Bill without preparation, to the extent that it makes it impossible for any thinking person to decide. For instance this, Mr President, Sir. Has the Government investigated whether this Investment Incentives (Amendment) Bill will not stifle our own local industry, because when you open the door to international capitalism with its huge potential, there is a danger that our local investors are affected and the growth of local industries are thereby affected.

I may here remind the Honourable Deputy Minister that if he would care to look into the reports of experts on the subject, he would discover that experts disagree on the value of such incentives to a developing country. In some instances, it has been shown that these incentives stifle the growth. Now, let us take this Bill, Mr President, Sir. The Bill is suggesting that we should give, we should extend these incentives to the hotel industry. So far it says nothing, because it is not clear why we should do it. Has the Government conducted a research into hotel industries in the world? Now, suppose we discover that the investors make less profit from their hotel industries abroad and make more profit here in our country, then why should we give the incentive? On the other hand, if our hotel industry in the country is the most miserable in the world, then it makes sense to give this incentive.

Tuan Ali bin Haji Ahmad: (*Dengan izin*) Mr President, Sir, on a point of clarification. I would clarify right from now, so that the Honourable Member does not have to waste his time and the time of this House. (*Ketawa*) This Bill (and the main Act) is not a Foreign Incentives Bill. So, it is not confined only to foreign investors, it is open to all investors whether foreign or domestic. So Mr President, Sir, in order to avoid the wasting of time, I hope the Honourable Member will understand and I hope he would not mind to adjust his speech after this, according to the latest correction.

Dr Syed Hussein Alatas: Mr President, Sir I would like to thank the Honourable Deputy Minister for the so-called correction, which is in reality no correction at all (*Ketawa*) because, first of all, I refer to both, foreign and local, and I was about to come to my next point which is relevant to his correction just now. Mr President, Sir, whether it is local or foreign, I am referring now to the

foreign. All right, you open the investment, this incentive, to foreign and local. We know very well that the size of the foreign capital is much bigger than our local capital as far as the hotel industries are concerned. Is the Honourable Minister aware that when big international concerns for hotels having a gripping control of the hotel industry enters a country, the local hotel business will suffer? They simply cannot compete with business at such a huge magnitude.

Another thing, Mr President, Sir—this is the point which will be accepted by the Honourable Deputy Minister—can the Government tell us whether it has done any research on this problem or not? What is the reason for singling out the hotel industry? I am merely mentioning it as an example. The thing is this, Sir. If you give incentives to industry “X”, “Z”, “Y”, a list of industries, you are diverting the flow of capital towards that direction, thereby causing neglect of development in other sectors of the economy. Now this being the case, before you create that diversion, there must be a thorough and responsible total study—by “study” I do not mean the claim that “We have done so, we know”; no, but by using statistics, citing cases. Now, I notice at the end of this Bill, 61 pioneer products are listed. I do not believe that the Government has gone into the 61 pioneer products and made a detailed study of all the issues around them.

Mr President, Sir, coming back to that part dealing with the foreign investment, since it is also part of the Bill, what about the flow of profit? Don't we have to make a selection if we have to allow profit to flow from our country? It is agreed that certain sets of industries are required but must we allow the flow of profit from industries such as the hotel industry? Do we want to encourage it?

Mr President, Sir, this Bill is presented on the assumption that there is insufficient local capital and insufficient, presumably, local talents for this venture. But I know for certain, Sir, there is no lack of local capital that can be diverted to certain industries. For instance, take the Tabong Haji. I understand that some years ago—I think it is still the case now—Tabong Haji invested some money in Hong Kong. While the Honourable Deputy Minister is trying to invite foreign investors to invest in the hotels in Malaysia, the Tabong Haji has invested some of its money in Hong Kong. Is it not more

reasonable for the Honourable Deputy Minister to preach to the Tabong Haji to invest locally rather than diverting its funds to Hong Kong? With or without incentives, Sir, people will invest. I mean if he is thinking of the local capital, the local capital will invest without incentives—it will spread, the investment will spread. Any elementary principles of economics will tell us that investment comes where there is a profit with or without incentive. If it is possible to release the investment mechanism without introducing the incentive, why should we do it?

Now, I am not suggesting that we should not give any incentive to any industry whatsoever. I am not generalising. The first crime for a thinking man is to generalise. We cannot say that everything is good or everything is bad. But, unfortunately, the Government has been all the time generalising: if they think this is good, it is good, for good; (*Ketawa*) if they think this is bad, it is bad, for good. (*Ketawa*) This is the habit which we have to break in this House, and I am quite certain, Sir, the Honourable Deputy Minister will assist me in breaking this bad habit—mine as well as his. (*Ketawa*).

Mr President, Sir, I would like to suggest to the Government, now that it has formally passed the Bill on the National Institute for Scientific and Industrial Research, that the Government feeds this Research Institute with this kind of problems. Don't quickly pass a Bill without first doing a thorough research and this type of research needs continuous years of work.

The second suggestion, Sir, is this. Let the Government ask this Institute to do research on the international profit fluctuation of the different industries they are interested in. If the Honourable Deputy Minister at this particular moment, if he is fascinated by the hotel industry, let his fascination bring his heart into research on the hotel industries—not the hotels in Kuala Lumpur, not the hotels of Kota Bharu, not the hotels of Singapore, but the hotels of South-East Asia, the hotels of the world. Then only is he able to present a Bill with full argument telling us, "This is the position, our hotel situation is most miserable, we need this investment and the purpose of these incentives is to create employment." Very good. No one will deny the purpose. How much employment is expected arising through this incentive?

Is the benefits accruing from this incentive proportionate to what we lose? Is it proportionate to its repercussion on the growth of industries with less capital in the country? All these questions, Mr President, Sir, have to be looked into before it is possible for us properly, soundly, wisely, and last but not least, calmly, neutrally and politically to assess this Bill.

Mr President, Sir, I hope that the Honourable Deputy Minister would consider my queries here in the light of queries, not in the light of habitual flogging. Thank you very much, Sir.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, mula² sa-kali saya menguchapkan berbanyak terima kaseh kepada Ahli² Yang Berhormat yang menyokong Rang Undang² ini dan juga kepada Ahli Yang Berhormat yang penghabisan ta' tahu menyokong atau pun membangkang Rang Undang² ini dan Tuan Yang di-Pertua, dalam jawapan saya, sa-lain daripada menjawab di-dalam Bahasa Malaysia, benarkan juga saya menjawab disatengah² tempat dalam Bahasa Inggeris.

Mr President, Sir, I would like to tackle the question by the Honourable Professor Syed Hussein Alatas; he spoke in English and so I would like to reply to him in English. Firstly, he said that the habit of Honourable Members of supporting Bills is a bad one. But, Mr President, Sir, even if it is true that it is bad, what to do, it is unavoidable, because the Alliance Government has been presenting good Bills to this House. So the Honourable Members have no other alternative or choice but to support and approve the Bills. So the habit of supporting in this case does not arise. Whether it is good or bad, it depends upon how the Honourable Professor Syed Hussein Alatas looks at it, but this House has no alternative but to support. This is a credit to the Alliance Government (*Tepok*) and I hope the Honourable Member will be generous enough to acknowledge such credit due to the Alliance Government.

Mr President, Sir, Professor Syed Hussein Alatas asked the Government whether this Bill will stifle local investors or not. The answer is very simple. It is not going to stifle local investors because it caters for both foreign investors as well as local investors. For the information of Professor Syed Hussein Alatas, when we approve pioneer status

and such like, when we give incentives, normally we impose conditions—so much, so many per cent for foreign investors, and so many per cent for local investors, including certain per cent reserved for Malay and other Bumiputra shares and so on; and normally the structure of the shares or the equity participation of these Companies cannot be altered without the permission of the Government. Thus, the Government looks after the interest of the local or domestic or national investors in this country. So, Mr President, Sir, the Honourable Member does not have to worry. The Government realised this long before the Honourable Member got into this Chamber.

Dr Syed Hussein Alatas: The Honourable Deputy Minister is digressing and he is not answering the questions I raised. Just to save him the trouble, I am not asking about the intention of the Government. No one is disputing the intention of the Government. I am asking whether research has been done on these problems in advance before presenting the Bill. The Honourable Deputy Minister can just answer “yes” or “no”. Another thing, Sir, he referred to the Government’s protection of shares. That was not my intention. I was talking about a different type of mechanism. Suppose you open the door to international capitalism, big hotels, with or without some share participation from the local people, these big hotels can stifle the growth of a number of other smaller hotels. Now, to tell me that the Government will look into the shares of that big hotel is not the answer. It is an entirely different problem that I am asking.

Tuan Ali bin Haji Ahmad: Mr President, Sir, as I have mentioned at the beginning of my reply, I am going to reply the Honourable Member’s queries one by one. So I hope the Honourable Member will be patient enough as to wait. Professor Syed Hussein is not clear why the Government singles out hotel industry alone. Mr President, Sir, as we all know the Government does not single out hotel industry alone.

Dr Syed Hussein Alatas: (*Bangun*)

Tuan Ali bin Haji Ahmad: Sir, I am not giving way. I have given him all the time just now and I sat down patiently and I hope he will follow suit. (*Ketawa*) Mr President, Sir, the Government also mentions electronic industry in this very Bill. So it is

not true that the Government singles out hotel industry alone in this Bill. We all know that there is another industry mentioned specifically here. Mr President, Sir, by singling out the hotel industry and electronic industry in this Bill, it does not mean that the Government neglects other industries. Other industries are being taken care of in the main Act.

He also asked whether the Government did any research or not before presenting this Bill. My reply is very simple and straightforward, that is, “yes”. The Government knows what it is doing and the Government knows the timing of what it is supposed to do. The Honourable Member is not clear as to the reason why the Government gives incentives to hotel industries. In order to encourage a first-class or high-class hotel industry in this country to cater especially for the tourists coming into this country, the Government has got to give incentives to the hotel industry; otherwise we would not have enough good hotels in this country to cater for the various classes of tourists. Giving incentives to the hotel industry that caters for tourists does not affect the small-scale hotels in this country that cater for the local travellers.

The Honourable Member also wondered why Tabong Haji invests its money in Hong Kong and not in hotel industries here. Mr President, Sir, I would like to reply in Malay to this query because it can be quite easily understood in Malay.

Saya ta’ berapa pasti sama ada Tabong Haji ada menanamkan modal-nya di-Hong Kong atau pun tidak. Tabong Haji, namanya pun haji, untuk orang pergi naik haji, buat amal ibadat. Barangkali Tabong Haji tidak hendak menanamkan modal-nya didalam hotel kerana di-sini di-bimbangkan ada berlaku perkara shubahat, soal halal haram-nya. Dalam hotel ini, Tuan Yang di-Pertua, ada perusahaan tari-menari yang haram di-sisi Ugama Islam. Dan juga dalam hotel industry ini ada juga steam bath, Turkish bath, massage dan sa-bagai-nya (*Ketawa*). Dan perbuatan² ini haram didalam hukum ugama Islam. Jadi wang bakal² haji itu jika di-tanamkan di-dalam perusahaan hotel mungkin menimbulkan shubahat ya’ani mendapat faedah daripada perusahaan yang di-pandang haram dalam ugama Islam, barangkali ini-lah sebab-nya jika benar Tabong Haji ada menanamkan di-Hong Kong dan tidak mahu menanam-

kan modal-nya di-dalam hotel. Saya fikir Professor Syed Hussein tentu-lah tahu akan hukuman² Islam, Tuan Yang di-Pertua. Mr President, Sir, the Government in its industrialisation effort has been doing research before doing anything, especially through FIDA.

Tuan Yang di-Pertua, saya suka menjawab bahathan² Ahli Yang Berhormat Dato' Y. T. Lee yang mengemukakan shor² di-dalam Dewan ini berkenaan dengan usaha² Kerajaan hendak menggalakkan perusahaan, segala shor-nya itu ada-lah di-ambil perhatian dan di-timbangkan mana² yang boleh di-jalankan akan di-jalankan untuk menggalakkan dan mempercepatkan lagi usaha² termasuk kilang² dan perusahaan² yang ada di-dalam negeri ini.

Ahli Yang Berhormat Tuan William Tan, kalau saya tidak silap tadi ada menyebutkan ia-itu kilang² yang mendapat taraf perintis mengeluarkan barang² yang rendah mutu-nya dan harga-nya tinggi. Tentang perkara mutu ini Kerajaan telah ada ya'ani Standard Institute untuk menjaga mutu atau standard. Kalau sa-kira-nya maseh lagi terdapat barang² yang rendah mutu-nya, orang ramai—pengguna² dan juga orang ramai boleh-lah mengadakan perkara ini dengan mengemukakan barang² yang mutu-nya atau standard-nya itu rendah kepada Standard Institute atau pun kepada Kementerian Perdagangan dan Perusahaan.

Tentang harga barang² ini mahal, Tuan Yang di-Pertua, suka-lah saya membuat penjelasan di-sini, ia-itu kilang² yang mendapat taraf perintis tidak boleh menaikkan harga keluaran-nya dengan sa-suka hati-nya. Kalau mereka hendak menaikkan harga-nya terpaksa-lah mereka mendapat kebenaran dengan bertulis terlebih dahulu daripada Kementerian Perdagangan dan Perusahaan dan Kementerian Perdagangan dan Perusahaan akan menimbang sama ada menasabah atau tidak menasabah di-benarkan harga keluaran-nya itu di-naikkan. Kadang² terpaksa di-benarkan harga barang² keluaran-nya itu di-naikkan oleh berbagai² sebab yang di-luar kekuasaan kita. Mithal-nya harga bahan², atau pun harga component parts, atau pun harga bahan² mentah, atau pun harga raw materials itu naik jadi terpaksa-lah harga pengeluaran-nya itu tinggi dan dengan demikian pehak Kerajaan akan menimbang menasabah atau tidak menasabah di-benarkan kenaikan

harga barang² keluaran. Jadi pendek-nya kenaikan harga barang² oleh kilang² yang mendapat taraf perintis tidak boleh di-buat dengan sa-suka hati mereka terpaksa-lah terlebih dahulu mendapatkan kebenaran sa-chara bertulis daripada Kementerian Perdagangan dan Perusahaan.

Ahli Yang Berhormat itu juga menyatakan ia-itu pekerja² contract hendak-lah dimasukkan dalam kira jumlah pekerja untuk mendapatkan bantuan khas dari segi guna tenaga pekerja. Ini ada-lah satu perkara yang sangat rumit. Pekerja² contract kalau hendak di-masukkan kira akan menimbulkan kesulitan yang besar untuk melaksanakan dan mudah di-salah gunakan (abuse). Mithal-nya kalau sa-kira-nya satu sharikat itu atau satu kilang itu mengambil pekerja sa-chara contract walau pun sa-minggu atau satu hari sa-kali pun, kalau sa-kira-nya dalam masa sa-minggu atau sa-hari sa-kali pun dia pakai 100 orang terpaksa juga hendak di-kira dan mendapat bantuan bagaimana sa-patut-nya, maka ini akan menyusahkan Kerajaan untuk mengira dan sa-bagai-nya juga tidak akan memberikan keuntongan, atau faedah kepada pekerja², atau pun kepada orang² yang bekerja itu; ini boleh jadi akan menggalakkan pengangoran dalam banyak masa, erti-nya employment for the short period but unemployment for the long period. Jadi perkara ini tidak-lah dapat di-timbangkan oleh Kerajaan.

Ahli Yang Berhormat Tuan Chua Ching Cheng meminta supaya di-adakan undang² gaji minimum atau gaji paling rendah. Perkara ini boleh-lah di-timbangkan oleh Kerajaan, tetapi saya suka-lah mengingatkan dalam Dewan ini perusahaan² dalam negeri kita kena-lah membayar gaji bergantung kepada kemampuan mereka. Kalau sa-kira-nya harga atau ongkos pekerjaan atau cost of labour terlalu tinggi, ini akan mengakibatkan inflation dan harga pengeluaran sa-suat barang itu terlalu tinggi apa lagi untuk sekarang ini sa-tengah² perusahaan kita sudah mula untuk mengeksplotkan hasil²-nya. Jadi kalau harga keluaran barang² kita terlalu tinggi, maka kita akan susah mendapat pasaran di-luar negeri. Pendek-nya soal gaji ini kita kena-lah mencapai sa-suat peringkat, atau satu point yang paling menasabah dan dalam hal ini pehak majikan dan pehak pekerja² sama ada Trade Union dan sa-bagai-nya kena-lah menimbang masak² apa-kah gaji yang sa-patut-nya diberikan kepada pekerja² di-dalam negeri ini.

Yang Berhormat Dato' Athi Nahappan mengemukakan harapan²-nya, saya meng-ucapkan terima kaseh chuma beliau tidak berapa terang sama ada industri ini boleh dapat dua² taraf printis atau pun mendapat bantuan tentang guna tenaga manusia. Jadi bantuan ini kita tidak boleh berikan—we cannot get both sides of the world, we have got to get one. Kalau kita dapat pioneer status kita tidak dapat-lah yang satu lagi. Kalau kita dapat yang satu lagi, kita tidak dapat-lah pioneer status terpulang-lah kepada mana satu di-fikirkan sesuai bagi sa-suatu kilang itu untuk meminta.

Ahli Yang Berhormat itu juga menyatakan dalam negeri kita sangat kekurangan modal. Yang sa-benar-nya, Tuan Yang di-Pertua, negeri kita ini tidak-lah kekurangan modal. Bank Perdagangan di-dalam negeri ini ada banyak wang, sebab itu-lah Kerajaan sekarang ini menggalakkan bank² perdagangan supaya memberikan credit atau pinjaman kepada perusahaan² dengan syarat² yang lebih longgar, dengan syarat² yang lebih mudah. Dan kita perlukan tanaman modal daripada luar bukan-lah semata² kita berkehendakkan wang itu, tetapi kita kehendakkan know-how daripada mereka itu. Kalau kita ada wang sahaja pun kalau kita tidak ada know-how perusahaan² tidak akan dapat di-jalankan. Jadi, wang di-dalam negeri ini tidak-lah berkurangan sangat bahkan wang di-dalam negeri ini terutama sa-kali dalam bank² perdagangan ada-lah banyak.

Tentang kekurangan penyertaan atau pun modal di-kalangan orang² Melayu, perkara ini ada benar pada sa-bahagian-nya, tetapi tidak-lah benar sa-penoh²-nya. Mithal-nya sa-tengah² badan sama ada badan orang² Melayu ada mempunyai wang, tetapi soal mobilisation wang² itu untuk di-tanamkan di-dalam perusahaan².

Ahli Yang Berhormat itu bimbang juga kalau tidak dapat penyertaan modal orang² Melayu, kilang² akan terbengkal—ta' boleh di-jalankan. Saya telah memberikan jaminan di-dalam Dewan Ra'ayat, ia-itu modal atau penyertaan saham daripada orang² Melayu itu, kalau tidak di-dapati pada hari ini, pada masa kilang itu hendak di-mulakan, kilang itu boleh berjalan, tetapi modal itu ada-lah di-reservekan atau di-khaskan untuk orang² Melayu dan lain² bumiputra, dan terpulang-lah kepada Kementerian Perdagangan dan Perusahaan untuk menentukan bagaimana hendak di-bahagikan kemudian kelak.

Tentang kelewatan yang di-timbulkan oleh beberapa orang Ahli Yang Berhormat, suka-lah saya menyatakan pada masa sekarang ini kelewatan di-dalam proses dan memberikan keputusan kepada permohonan² untuk mendirikan kilang² atau pun perusahaan tidak-lah lambat. Pada masa sekarang ini di-hetong panjang atau pun average-nya ada-lah memakan masa 6 minggu sahaja. Kadang² kelambatan ini berlaku oleh berbagai² sebab. Ada kala-nya bakal² penanam modal itu atau potential investors itu datang ka-negeri ini dengan ta' tahu apa yang di-kehendaki-nya yang sa-benar. Mereka datang ta' tentu, ada kala-nya bila mereka mengemukakan permohonan tidak di-berikan keterangan² yang jelas yang di-perlukan untuk pertimbangan sama ada hendak di-persetujukan atau pun tidak. Ada kala-nya sa-suatu perusahaan itu ada-lah suatu perusahaan yang rumit, yang Kerajaan terpaksa menyasiasat dengan lebih panjang sa-belum menentukan sa-suatu dasar mengenai sa-suatu jenis perusahaan itu, dan ini-lah beberapa sebab yang kadang², pada masa sekarang berlaku kelambatan. Tetapi pada umum-nya sa-suatu permohonan itu di-proses dan di-berikan keputusan dalam tempoh 6 minggu daripada mula² di-terima permohonan itu, daripada mula² datang bakal² penanam modal itu.

Ada juga Ahli² Yang Berhormat menyatakan ia-itu Ketua Setiausaha, Kementerian Perdagangan dan Perusahaan terlalu sebek, payah hendak berjumpa dengan beliau berhubung dengan perusahaan dan perdagangan dan di-shorkan, ia-itu supaya kerja² atau kuasa²-nya itu di-bahagi²kan kepada Ketua² di-dalam sa-suatu lapangan, mithal-nya kilang, perusahaan, perdagangan dan sa-bagai-nya.

Tuan Yang di-Pertua, di-dalam Kementerian ini ada berbagai² Jabatan atau lapangan yang masing² ada Ketua²-nya sendiri. Kalau hendak berjumpa, mendapatkan keterangan atau sa-bagai-nya mengenai sa-suatu perkara, elok-lah berjumpa dengan Ketua² atau pun Pegawai² Kanan yang berkenaan dengan sa-suatu perkara itu. Mithal-nya kalau hendak berjumpa fasal hendak bertanya, hendak membuat permohonan tentang hendak mendirikan kilang² taraf perintis atau pun berkenaan dengan bantuan² lain dan sa-bagai-nya, saya rasa ta' payah-lah sa-boleh² hendak berjumpa dengan Ketua Setiausaha, Kementerian Perdagangan dan Perusahaan. Lebih baik terus sahaja pergi kepada FIDA, di-situ ada pegawai²-nya

yang boleh memberikan segala keterangan², segala penjelasan² yang di-perlukan. Jadi kalau tunggu juga hendak berjumpa dengan Ketua Setiausaha Kementerian, tentu-lah memakan masa dan tentu-lah akan lewat pekerjaan².

Tuan Yang di-Pertua, Yang Berhormat Dato' Cheah Toon Lok ada menyatakan ia itu Kerajaan jangan-lah lupakan orang² kampung dan juga orang² new villages dalam soal perusahaan. Sa-benar-nya Kerajaan tidak melupakan orang² kampung dan juga orang² new villages dalam soal perusahaan. Tetapi perkara itu di-buat melalui berbagai² chara, tidak-lah mesti dengan satu chara sahaja. Mithal-nya untuk menolong pembatek² kecil tertuama yang berada di-Pantai Timor—Kelantan, Trengganu, Kerajaan mengadakan chara lain untuk menolong mereka itu. Pendek kata Kerajaan tidak-lah melupakan mereka.

Ahli Yang Berhormat Dato' Nik Hassan minta kerjasama Kerajaan Pusat dengan Kerajaan Negeri Kelantan dalam perkara hendak menggalakkan perusahaan. Tuan Yang di-Pertua, Kerajaan Pusat sentiasa bekerjasama dengan Kerajaan² Negeri dan terpulang-lah kepada Kerajaan Negeri untuk memberikan kerjasama yang sesuai kepada Kerajaan Pusat dalam usaha hendak menggalakkan perusahaan² datang ka-negeri Kelantan. Mithal-nya kalau Kerajaan Pusat hendak memberikan galakan kepada pengusaha² supaya datang ka-negeri Kelantan, tetapi kalau di-negeri Kelantan, Kerajaan Kelantan tidak membenarkan orang² bukan Melayu mempunyai tanah untuk di-dirikan kilang², bagaimana kilang² hendak datang. Jadi masalah-nya sekarang ini terpulang-lah kepada Kerajaan PAS di-negeri Kelantan untuk memberikan kerjasama kepada Kerajaan Pusat. Jadi pehak Kerajaan Pusat sentiasa bersedia memberi kerjasama dengan Kerajaan² Negeri. Sekian, Tuan Yang di-Pertua.

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 mesuarat Jawatan-kuasa*)

Fasal 1 hingga 8 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual Pertama dan Kedua 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 TIMBANG DAN SUKAT METER

Bachaa Kali Yang Kedua dan Ketiga

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, saya mohon untuk membentangkan supaya Rang Undang² Timbang dan Sukat Meter 1971 di-bacha bagi kali kedua.

Saperti mana Ahli² Yang Berhormat sedia ma'alum pada masa ini kawalan terhadap penggunaan timbang dan sukat di-negeri ini ada-lah terta'alok kepada beberapa Enakmen² Negeri dan Ordinan² Piawai² atau pun "standards" yang di-gunakan di-dalam Enakmen² dan Ordinan² ini ada-lah berasaskan kepada Sistem Timbang dan Sukat "Imperial". Enakmen² dan Ordinan² ini saperti yang di-nyatakan dalam Jadual 1 Rang Undang² itu, kechuali Enakmen Timbang dan Sukat di-Negeri² Melayu Bersekutu, tidak mempunyai bekalan untuk penggunaan timbang dan sukat meter. Oleh itu Rang Undang² ini di-kemukakan dengan tujuan untuk membolehkan penggunaan² unit² meter dengan sah-nya bagi tujuan konterek, tawaran, jualan, urusan atau pengutipan atau bayaran tol atau chukai, di-buat mengikut mana² satu unit timbang dan sukat meter saperti yang terdapat di-dalam Jadual II Rang Undang² tersebut.

Rang Undang² ini ada-lah di-kemukakan sa-bagai satu langkah sementara untuk kemudahan penggunaan timbang dan sukat meter sa-telah perdagangan getah menukarkan sebut-harga kepada sistem meter sejajar dengan perkembangan di-dalam pasaran antarabangsa untuk getah asli. Oleh yang demikian maka perlu-lah bagi Menteri Kewangan mengeluarkan satu Perintah untuk pengutipan chukai ekseptot dan chukai ses atas getah berdasarkan kepada sistem timbang meter. Oleh kerana di-bawah kebanyakan Enakmen² Negeri dan Ordinan²

penggunaan sistem meter tidak ada dinyatakan dengan jelas-nya bagi penggunaan sistem meter, maka tidak-lah boleh Perintah tersebut di-buat kerana pedagang getah, umpama-nya di-Pulau Pinang dan Melaka akan melakukan satu kesalahan jika ia menggunakan sistem timbang meter di-dalam konterek²-nya.

Rang Undang² ini mengandungi 4 sekshen ia-itu:

- (a) *Sekshen 1* peruntukan tajok Rang Undang²;
- (b) *Sekshen 2* peruntukan bagi pentaksiran Rang Undang² tersebut;
- (c) *Sekshen 3* ia-lah untuk membolehkan penggunaan timbang dan sukat meter dengan sah-nya bagi tujuan² seperti yang di-nyatakan dalam Rang Undang² tersebut;
- (d) *Sekshen 4* ia-lah untuk mengelakkan perbekalan Sekshen 3 di-gunakan dengan chara yang dapat memberi perlindungan kepada sa-siapa yang melanggar perbekalan² lain dalam undang² yang sedia ada berkaitan dengan timbang dan sukat yang tidak di-nyatakan dengan jelas-nya di-dalam Rang Undang² tersebut.

Tuan Yang di-Pertua, seperti yang di-nyatakan terlebih dahulu ini ia-lah satu langkah sementara kerana pada masa ini kedudukan timbang dan sukat pada keseluruhan-nya di-negeri ini sedang di-kaji dengan pesat-nya oleh satu Jawatan-kuasa Khas dengan tujuan untuk meniadakan penggunaan sistem meter sa-bagai satu sistem timbang dan sukat yang tunggal. Oleh itu Rang Undang² ini akan menolong membiasakan orang² di-negeri ini dengan sistem meter.

Saya sekarang memohon untuk membentangkan Rang Undang² Timbang dan Sukat Meter, 1971 ini di-bacha bagi kali kedua.

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

Dr Syed Hussein Alatas: (*Dengan izin*) Mr President, Sir, this is a simple, straightforward Bill, but even in simplicity, we can extract more than what is apparent. I would like to ask the Government to inform us what is the intention as far as the transition period is concerned in going metric. It is clearly stated in the Bill and also by the

Honourable Deputy Minister that it is the intention of the Government to go completely metric, but what I would like to know now is an assessment of how long is the transition period, the preparation period? It has been suggested that it would take a long time. But I think an assessment of time is necessary in view of the fact that a lot of industries will be involved, a lot of preparations will be involved, and a lot of adjustment problems will be involved in going metric.

My second question, Mr President, Sir, is the Government itself at the moment attempting to introduce the metric system for its own use? Pardon my ignorance here, I would like the Honourable Deputy Minister to help me in this. I do not know exactly whether to some extent the Government has used the metric system. I would like to know to what extent and how does it intend to increase the use of the metric system and here I would like you to pardon my ignorance also. May I ask the Minister of Education, to what extent the metric system has been or is going to be introduced in schools—when, how, and where? Now, for the transition period, for the preparation into our total going metric, perhaps it would be wise to start with those sectors of activity where the Government has complete control. And if there is any such plan, what are the preparations made? Are there researches being done? I expect an answer that it is going to be done, or it has been done. This information, to my mind, Sir, is important for all concerned, for the businessmen, for the importers, for the exporters, for all concerned. I am sure the Government realises this significance of such information. I think, Sir, in discussing a Bill of this nature, information about the ultimate intention is extremely relevant. Whatever information the Honourable Deputy Minister and the Minister of Education can give us this evening, no matter how little it is, will be of use to all of us. Thank you, Sir.

Dato' J. E. S. Crawford: Tuan Yang di-Pertua, saya bangun meminta keterangan sedikit, nama Undang² ini. Saya tidak boleh jadi professor dalam bahasa, tetapi yang saya bacha ini ia-lah berkenaan sukat meter. Meter ini saya ingat boleh berchampur dengan meter ayer, meter api, atau meter panjang. Saya fikir dan saya ingat metric ini sa-rupa dengan electric. Dalam bahasa, metrik lagi elok, orang tidak dapat champor

dengan meter ayer, meter api sama meter panjang. Itu sahaja yang saya minta ketetapan, Tuan Yang di-Pertua.

Tuan Ali bin Haji Ahmad: Tuan Yang di-Pertua, Yang Berhormat Dr Syed Hussein Alatas bertanya berapa lama masa transition ini dan juga macham mana Kerajaan hendak menjalankan sistem metrik ini atau sistem meter ini di-dalam negeri ini. Sukalah saya menyatakan, ia-itu perkara ini terpulang-lah kepada kajian sa-buah Jawatan-kuasa yang telah di-bentuk mengenai perkara ini. Jadi pada petang ini, tidak dapat-lah saya menyatakan, memberikan keterangan berkenaan berapa lama dan juga bagaimana chara-nya Kerajaan hendak menjalankan sistem meter ini di-dalam timbang dan sukat kita.

Yang kedua-nya, Dato' Crawford berkata mungkin keliru perkataan meter ini dengan meter ayer, meter letrik dan sa-bagai-nya. Saya fikir dalam perkara ini pun ada betul juga kadang² keliru "meter²" ini. Tetapi yang dalam bahasa Inggeris ini, Mr President, Sir, if the word is a noun, say one metre, one kilometre, one centimetre and so on. But when the word is an adjective, it becomes metric—say metric system. Tetapi, Tuan Yang di-Pertua, dalam bahasa Melayu, perubahan perkataan, perubahan bentuk sa-suatu perkataan ini tidak-lah mesti sama dengan Inggeris. Sebab itu bila meter, bila dia adjective, atau pun noun, dia sama juga. Dan ini kadang² memang-lah timbul kekeliruan. Sebab itu-lah bagi orang yang biasa dengan bahasa Inggeris, dia kadang² atau biasa-nya tersasol. Bila berchakap dalam bahasa Malaysia sistem bahasa Inggeris itu metrik, dia kata sistem metrik, patut-nya sistem meter. Sakian.

Menteri Pelajaran (Tuan Hussein bin Dato' Onn): Tuan Yang di-Pertua, benarkan saya untuk menjawab pertanyaan Ahli Yang Berhormat yang berbunyi ia-itu sama ada metrik sistem ini sudah di-gunakan di-dalam sekolah².

Suka saya menerangkan di-sini bagi pengetahuan Ahli Yang Berhormat itu ia-itu metrik sistem ini—ajaran metrik sistem ini sudah lama dan maseh lagi dan sedang di-ajar dalam sekolah².

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 (Timbalan) Yang di-Pertua *memengerusikan meshuarat Jawatan-kuasa*)

Fasal 1 hingga 4 di-perentahkan menjadi sa-bahagian daripada Rang Undang².

Jadual Pertama dan Kedua 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 UNIVERSITI DAN KOLEJ UNIVERSITI (PINDAAN)

Bachaa Kali Yang Kedua dan Ketiga

Tuan Hussein bin Dato' Onn: Tuan Yang di-Pertua, oleh kerana masa sangat-lah sengkat, boleh-kah saya menchadangkan bagi mengemukakan Rang Undang² tersebut itu di-buatkan pada esok hari—masa ini sengkat sangat.

Tuan (Timbalan) Yang di-Pertua: Masa ada lagi 5 minit, baik kita lanjutkan. Sila lanjutkan Yang Berhormat.

Tuan Hussein bin Dato' Onn: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Suatu Akta bagi meminda Akta Universiti dan Kolej Universiti, 1971, di-bachakan kali yang kedua sekarang.

Akta Universiti dan Kolej Universiti 1971, yang telah di-luluskan oleh Parlimen dalam sidang bulan Mach tahun ini dan diperkenalkan oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong, mula berkuat-kuasa pada 29hb April, 1971. Di-masa Rang Undang² ini di-bahathkan di-Dewan ini, Dewan ini telah melahirkan perasaan tidak puas hati-nya terhadap seksyen 6 (2) yang berkehendakan Perintah Perbadanan ia-itu incorporation order di-bentangkan dalam meshuarat Dewan Ra'ayat sahaja. Kerajaan telah mempertimbangkan sa-mula peruntukan ini dan pindaan yang di-chadangkan kepada seksyen 6 (2) ia-lah supaya Perintah Perbadanan itu di-bentangkan di-kedua² Dewan Negara dan di-Dewan Ra'ayat.

Memandangkan bahawa Perintah Perbadanan akan di-bentangkan di-kedua² Dewan Negara dan Dewan Ra'ayat, ada-lah di-fikirkan bahawa akaun² universiti yang telah di-odit, juga patut di-bentangkan di-Dewan Negara. Ini-lah tujuan pindaan yang di-chadangkan terhadap Seksyen 11 (4).

Semenjak berkuat-kuasa-nya Akta itu, beberapa rayuan telah di-terima dari universiti². Sa-telah meneliti rayuan² berkenaan, ada-lah di-fikirkan bahawa peruntukan² berikut di-dalam Jadual kapada Akta itu perlu di-pinda.

Seksyen 17 (1) (c) Jadual. Berkenaan dengan pindaan ini, pindaan yang di-chadangkan ia-lah untuk memasukkan Dekan² ka-dalam keanggotaan Senate kerana tidak sa-mesti-nya semua Dekan² terdiri daripada Professor². Mengikut perbekalan sekarang ini, hanya Professor² sahaja di-sebutkan dalam keanggotaan Senate dan tidak Dekan².

Seksyen 17 (1) (d) Jadual. Mengikut per-bekalan sekarang ini, keanggotaan Senate hendak-lah terdiri, antara lain, daripada kakitangan² akademik seramai tidak lebih daripada 10 orang dan sa-kurang²-nya tiga orang daripada mereka hendak-lah Pensharah dalam perjawatan tetap yang di-lantek oleh Chanselor mengikut nasehat Senate. Perbe-kalan ini di-fikirkan sangat terhad kerana sa-buah Universiti yang mempunyai banyak fakulti dan jabatan akan memerlukan lebih dari 10 orang lain² kakitangan akademik menjadi anggota Senate. Pindaan yang di-chadangkan ia-lah untuk membolehkan bilangan lain² orang itu di-tetapkan oleh Statut.

Seksyen 20 (1) Jadual. Pindaan yang di-chadangkan ia-lah untuk membolehkan lebih dari satu Lembaga Pemilih di-adakan.

Mungkin juga di-fikirkan bahawa pindaan² yang di-chadangkan ini tidak perlu oleh kerana mana² kekurangan dalam peruntukan² yang ada boleh di-tambah melalui sa-buah Perintah Yang di-Pertuan Agong di-bawah seksyen 26 Akta ini bagi Perlembagaan sa-suatu Universiti. Ada-lah di-tegaskan baha-wa pindaan² yang di-chadangkan itu perlu oleh kerana kekurangan² ia-itu "latent defect" yang terdapat di-dalam Jadual kapada Akta itu hendak-lah di-tambah sekarang sebab Jadual itu merupakan asas Perlembagaan semua universiti yang menentukan sa-berapa banyak persamaan yang boleh dalam Per-lembagaan universiti².

Seksyen 55 (1) dan (2) Jadual kapada Akta yang membolehkan Yang di-Pertuan Agong, atas permintaan Majlis yang di-sampaikan melalui Chanselor, dengan perintah meminda mana² daripada peruntukan² Perlembagaan Universiti, di-chadangkan supaya di-man-sokhkan kerana ia-nya tidak di-perlukan lagi memandangkan kapada seksyen 26 Akta itu yang membolehkan Yang di-Pertuan Agong, dengan perintah mengechualikan, mengubah atau menambah kapada mana² peruntukan Jadual berkenaan dengan Perlembagaan Universiti.

Tuan Yang di-Pertua, saya mohon men-chadangkan.

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

Tuan (Timbalan) Yang di-Pertua: Ahli² Yang Berhormat, meshuarat ini di-tanggoh-kan hingga pukul 2.30 petang hari besok, 13hb Ogos, 1971.

Dewan di-tanggohkan pada pukul 7.30 malam.