



# PENYATA RASMI PARLIMEN

PARLIAMENTARY DEBATES

DEWAN RAKYAT  
*HOUSE OF REPRESENTATIVES*

PARLIMEN KEEMPAT  
*Fourth Parliament*

PENGGAL PERTAMA  
*First Session*

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- Rang Undang-undang Cukai Perkhidmatan [Ruangan 3374]
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MALAYSIA

## DEWAN RAKYAT YANG KEEMPAT

*Penyata Rasmi Parlimen*

### PENGGAL YANG PERTAMA

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Hari Jumaat, 20hb Disember, 1974

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*Mesyuarat dimulakan pada pukul 2.30 petang*

YANG HADIR:

- Yang Berhormat Tuan (Timbalan) Yang di-Pertua, TAN SRI SYED NASIR BIN ISMAIL, P.M.N., D.P.M.J., D.P.M.P., J.M.N., P.I.S. (Pagoh).
- „ Menteri Perhubungan, TAN SRI V. MANICKAVASAGAM, P.M.N., S.P.M.S., J.M.N., P.J.K., (Pelabohan Kelang).
- „ Menteri Tanah dan Galian dan Tugas-tugas Khas, DATUK HAJI MOHAMED ASRI BIN HAJI MUDA, S.P.M.K., S.P.D.K. (Nilam Puri).
- „ Menteri Perdagangan dan Perindustrian, DATUK HAJI HAMZAH BIN DATUK ABU SAMAH, S.M.K., D.S.R., S.I.M.P. (Temerloh).
- „ Menteri Kerajaan Tempatan dan Alam Sekitar, DATUK ONG KEE HUI, P.N.B.S. (Bandar Kuching).
- „ Menteri Perancangan Am dan Penyelidikan Sosio-Ekonomi, DATUK HAJI ABDUL TAIB BIN MAHMUD, P.G.D.K. (Samarahan).
- „ Menteri Kebudayaan, Belia dan Sukan, DATUK ALI BIN HAJI AHMAD, S.P.M.J. S.M.J. (Pontian).
- „ Menteri Penerangan dan Tugas-tugas Khas bagi Hal Ehwal Luar Negeri, Y.M. TENGKU AHMAD RITHAUDEEN AL-HAJ BIN TENGKU ISMAIL, P.M.K. (Kota Bharu).
- „ Menteri Perumahan dan Kampung-kampung Baru, TUAN MICHAEL CHEN WING SUN (Ulu Selangor).
- „ Timbalan Menteri Hal Ehwal Dalam Negeri, DATUK ABDUL SAMAD BIN IDRIS, J.M.N., A.M.N., P.J.K. (Kuala Pilah).
- „ Timbalan Menteri Perhubungan, DATUK HAJI WAN ABDUL KADIR BIN ISMAIL, D.P.M.T., P.P.T. (Kemaman).
- „ Timbalan Menteri Pertanian dan Pembangunan Luar Bandar, DATUK HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., J.M.N., J.P. (Sabak Bernam).
- „ Timbalan Menteri Jabatan Perdana Menteri, DATUK SRI HAJI KAMARUDDIN BIN HAJI MAT ISA (Larut).
- „ Timbalan Menteri Buruh dan Tenaga Rakyat, TUAN HAJI HASSAN ADLI BIN HAJI ARSHAD (Bagan Datok).
- „ Timbalan Menteri Kewangan, TAN SRI CHONG HON NYAN, P.S.M., J.M.N. (Batu Berendam).
- „ Timbalan Menteri Jabatan Perdana Menteri, DATUK ABDULLAH AHMAD (Machang).
- „ Timbalan Menteri Kesihatan, TUAN ABU BAKAR BIN UMAR (Kota Setar).

- Yang Berhormat Timbalan Menteri Kerja Raya dan Pengangkutan, TUAN RICHARD HO UNG HUN (Lumut).
- „ Timbalan Menteri Tanah dan Galian, DR SULAIMAN BIN HAJI DAUD (Santubong).
- „ Timbalan Menteri Perusahaan Utama, TUAN PAUL LEONG KHEE SEONG (Taiping).
- „ Setiausaha Parlimen kepada Perdana Menteri, TUAN ABDULLAH BIN MAJID, K.M.N. (Raub).
- „ Setiausaha Parlimen kepada Menteri Perdagangan dan Perindustrian, TUAN MUSTAPHA BIN ALI (Kuala Trengganu).
- „ Setiausaha Parlimen kepada Menteri Tenaga, Teknologi dan Penyelidikan, DR NEO YEE PAN (Muar).
- „ Setiausaha Parlimen kepada Menteri Perumahan dan Kampung-kampung Baru, TUAN MOHD. ALI BIN M. SHARIF (Kuantan).
- „ Setiausaha Parlimen kepada Menteri Kebudayaan, Belia dan Sukan, TUAN RAIS BIN YATIM (Jelebu).
- „ TUAN HAJI NIK ABDUL AZIZ BIN NIK MAT, K.M.N., J.P. (Pengkalan Chepa).
- „ TAN SRI ABDUL AZIZ BIN YEOP (Padang Rengas).
- „ TUAN HAJI ABDUL WAHAB BIN YUNUS (Dungun).
- „ TUAN ABU BAKAR BIN ARSHAD (Hilir Perak).
- „ TUAN HAJI AHMAD BIN HAJI ITHNIN (Jasin).
- „ TUAN HAJI AHMAD SHUKRI BIN HAJI ABD. SHUKOR (Padang Terap).
- „ TUAN AJAD BIN O. T. OYUNG (Labuk Sugut).
- „ TUAN ARIFFIN BIN HAJI DAUD (Permatang Pauh).
- „ TUAN AU HOW CHEONG (Telok Anson).
- „ TUAN AZAHARI BIN MD. TAIB, J.S.M., A.M.N., S.M.K., J.P. (Kulim Bandar Bahru).
- „ TUAN AZHARUL ABIDIN BIN HAJI ABDUL RAHIM (Batang Padang).
- „ TUAN BUJA BIN GUMBILAI (Tuaran).
- „ TUAN CHIAN HENG KAI (Batu Gajah).
- „ TUAN CHIENG TIONG KAI *alias* CHIENG SIE LUNG (Sarikei).
- „ TUAN CHIN HON NGIAN (Renggam).
- „ TUAN RICHARD DAMPENG ANAK LAKI (Serian).
- „ TUAN FARN SEONG THAN (Sungai Besi).
- „ TUAN HAJI HADADAK BIN HAJI D. PASAUK (Simunjan).
- „ TUAN HASHIM BIN GHAZALI (Matang).
- „ DATUK NIK HASSAN BIN ABDUL RAHMAN, S.P.M.T., P.S.D., K.M.N. (Kuala Nerus).
- „ TUAN SYED HASSAN BIN SYED MOHAMED (Arau).
- „ DR HEE TIEN LAI *alias* HEE TEN LAI (Ayer Hitam).
- „ TUAN HISHAMUDDIN BIN HAJI YAHAYA (Maran).
- „ TUAN JA'AFAR BIN HAMZAH, P.I.S. (Johor Bahru).
- „ TUAN HAJI JAMIL BIN ISHAK, P.J.K. (Tanjong Karang).
- „ TUAN JAWAN ANAK EMPALING (Rajang).
- „ TUAN LEE BOON PENG, A.M.N., J.P., P.J.K. (Mantin).
- „ TUAN LEE LAM THYE (Kuala Lumpur Bandar).

- Yang Berhormat TUAN LIM KIAM HOON (Padang Serai).
- ” TUAN LIM CHO HOCK (Ipoh).
- ” TUAN LIM KIT SIANG (Kota Melaka).
- ” DATUK LIM PUI HO, P.G.D.K., J.P., B.K. (Sandakan).
- ” DR LING LIONG SIK (Mata Kuching).
- ” TUAN WALTER LOH POH KHAN (Selayang).
- ” TUAN LUKMAN BIN ABDUL KADIR (Ulu Nerus).
- ” DATUK ALBERT MAH, K.M.N., D.M.P.N., P.J.K. (Bukit Bendera).
- ” TUAN MAK HON KAM, A.M.P. (Tanjong Malim).
- ” TAN SRI MOHAMED SAID BIN KERUAK, P.M.N., S.P.D.K. (Kota Belud).
- ” TUAN MOHAMED SOPIEE BIN SHEIKH IBRAHIM, J.M.N. (Kepala Batas).
- ” TUAN MOHD. BAKRI BIN ABDUL RAIS (Parit).
- ” TUAN HAJI MOHD. TAUFECK BIN O. K. K. HAJI ASNEH (Hilir Padas).
- ” TUAN HAJI MOHD. ZAIN BIN ABDULLAH (Bachok).
- ” DATUK ENSKU MUHSEIN BIN ABDUL KADIR, D.P.M.T., J.M.N. (Ulu Trengganu).
- ” DATUK SYED NAHAR BIN TUN SYED SHEH SHAHABUDDIN, D.P.M.K., K.M.N. (Jerlun-Langkawi).
- ” RAJA NASRON BIN RAJA ISHAK, P.J.K. (Kuala Selangor).
- ” TUAN NGAN SIONG HING (Kinta).
- ” TENGKU NOOR ASIAH BINTI TENGKU AHMAD (Tumpat).
- ” TUAN OH KENG SENG (Petaling).
- ” PUAN OON ZARIAH BINTI ABU BAKAR, A.M.N., A.M.P., P.J.K. (Kuala Kangsar).
- ” TUAN OO GIN SUN (Alor Setar).
- ” TUAN PANG SUI CHEE *alias* ALEX PANG (Tawau).
- ” TUAN K. PATHMANABAN, K.M.N. (Telok Kemang).
- ” TENGKU RAZALEIGH BIN TENGKU MOHD. HAMZAH, S.P.M.K., P.S.M. (Ulu Kelantan).
- ” TUAN S. SAMY VELLU, A.M.N. (Sungai Siput).
- ” TUAN SANUSI BIN JUNID (Jerai).
- ” DATUK SENU BIN ABDUL RAHMAN (Kuala Kedah).
- ” TUAN SHAARI BIN JUSOH, P.P.N., P.P.M. (Kangar).
- ” TUAN SHAMSUDDIN BIN DIN, P.P.N. (Gerik).
- ” TUAN SHAMSURI BIN MD. SALEH, A.M.N., J.P. (Balik Pulau).
- ” TUAN HAJI SUHAIMI BIN DATUK HAJI KAMARUDDIN (Sepang).
- ” WAN SULAIMAN BIN HAJI IBRAHIM, S.M.K. (Pasir Puteh).
- ” TUAN SULAIMAN BIN HAJI TAIB (Parit Buntar).
- ” TUAN SU LIANG YU (Beruas).
- ” PENGIRAN TAHIR BIN PENGIRAN PATERA (Kimanis).
- ” DR TAN CHEE KHOON (Kepong).
- ” TUAN TAN CHENG BEE, A.M.N., J.P. (Bukit Mertajam).
- ” TUAN WEE HO SOON (Bandar Sibu).
- ” TUAN YANG SIEW SIANG (Miri-Subis).
- ” DATUK STEPHEN YONG KUET TZE, P.N.B.S. (Padawan).

- Yang Berhormat TUAN HAJI YUSOF RAWA *alias* HAJI YUSOF BIN HAJI ABDULLAH, J.P. (Ulu Muda).
- „ TENGKU ZAID AL-HAJ BIN TENGKU AHMAD, D.P.M.K., J.M.K., S.M.K. (Pasir Mas).
- „ WAN ZAINAB BINTI M. A. BAKAR, A.M.N., P.J.K. (Sungai Petani).
- „ TUAN ZAKARIA BIN HAJI ABDUL RAHMAN (Bestut).
- „ TUAN HAJI ZAKARIA BIN ISMAIL (Rantau Panjang).

YANG TIDAK HADIR:

- Yang Berhormat Tuan Yang di-Pertua, TAN SRI HAJI NIK AHMED KAMIL, D.K., P.M.N., S.P.M.K., S.J.M.K.
- Yang Amat Berhormat Perdana Menteri, Menteri Luar Negeri dan Menteri Pertahanan, TUN HAJI ABDUL RAZAK BIN DATUK HUSSEIN, S.M.N., K.O.M. (Pekan).
- „ Timbalan Perdana Menteri, Menteri Kewangan dan Menteri Penyelarasan Perbadanan Awam, DATUK HUSSEIN BIN DATUK ONN, S.P.M.J., P.I.S. (Sri Gading).
- Yang Berhormat Menteri Pertanian dan Pembangunan Luar Bandar, TUAN ABDUL GHAFAR BIN BABA (Alor Gajah).
- „ Menteri Buruh dan Tenaga Rakyat, DATUK LEE SAN CHOON, S.P.M.J., K.M.N. (Segamat).
- „ Menteri Hal Ehwal Dalam Negeri, TAN SRI HAJI MUHAMMAD GHAZALI BIN SHAFIE, P.M.N., D.I.M.P., P.D.K. (Lipis).
- „ Menteri Kerja Raya dan Pengangkutan, DATUK HAJI ABDUL GHANI GILONG, P.D.K., J.P. (Kinabalu).
- „ Menteri Kesihatan, TAN SRI LEE SIOK YEW, P.M.N., A.M.N., P.J.K. (Ulu Langat).
- „ Menteri Undang-undang dan Peguam Negara, TAN SRI ABDUL KADIR BIN YUSOF, P.M.N. (Tenggaroh).
- „ Menteri Kebajikan Am, PUAN AISHAH BINTI HAJI ABDUL GHANI (Kuala Langat).
- „ Menteri Tenaga, Teknologi dan Penyelidikan, TUAN HAJI MOHAMED BIN YAACOB, P.M.K., S.M.T. (Tanah Merah).
- „ Menteri Perusahaan Utama, DATUK MUSA HITAM, S.P.M.J. (Labis).
- „ Menteri Pelajaran, DR MAHATHIR BIN MOHAMAD (Kubang Pasu).
- „ Timbalan Menteri Penerangan, TUAN SHARIFF AHMAD, J.M.N. (Jerantut).
- „ Timbalan Menteri Penyelarasan Perbadanan Awam, DATUK MOHAMED BIN RAHMAT, D.P.M.J., K.M.N. (Pulai).
- „ Timbalan Menteri Pelajaran, TUAN CHAN SIANG SUN, J.S.M., A.M.N., P.J.K., J.P. (Bentong).
- „ Timbalan Menteri Pertanian dan Pembangunan Luar Bandar, TUAN MOKHTAR BIN HAJI HASHIM (Tampin).
- „ Setiausaha Parlimen kepada Menteri Perhubungan, TUAN HAJI RAMLI BIN OMAR, P.M.P., K.M.N. (Bagan Serai).
- „ Setiausaha Parlimen kepada Menteri Buruh dan Tenaga Rakyat, TUAN S. SUBRAMANIAM (Damansara).
- „ Setiausaha Parlimen kepada Perdana Menteri, DR GOH CHENG TEIK (Nibong Tebal).
- „ TUAN ABDUL JALAL BIN HAJI ABU BAKAR, A.M.N. (Batu Pahat).

- Yang Berhormat DATUK PATINGGI HAJI ABDUL-RAHMAN BIN YA'KUB, D.P., P.N.B.S., S.I.M.P. (Payang).
- „ TUAN HAJI ABDUL RASHID BIN HAJI JAIS, A.D.K. (Ulu Padas).
- „ PENGHULU ABIT ANAK ANGKIN, P.P.N. (Kapit).
- „ PENGIRAN AHMAD BIN PENGIRAN INDAR (Kinabatangan).
- „ DR CHEN MAN HIN (Seremban).
- „ TUAN EDWIN ANAK TANGKUN, A.B.S. (Batang Lupar).
- „ TUAN EMBONG BIN YAHYA, A.M.N. (Ledang).
- „ TUAN STEPHEN ROBERT EVANS (Keningau).
- „ TUAN FAN YEW TENG (Menglembu).
- „ DATIN HAJJAH FATIMAH BINTI HAJI ABD. MAJID, J.M.N., P.I.S. (Semerah).
- „ TAN SRI SYED JA'AFAR ALBAR, P.M.N., D.P.M.J. (Panti).
- „ TUAN JONATHAN NARWIN ANAK JINGGONG (Lubok Antu).
- „ TUAN EDMUND LANGGU ANAK SAGA, P.B.S. (Saratok).
- „ TUAN LATIP BIN HAJI DRIS (Mukah).
- „ TUAN LEO MOGGIE ANAK IROKE (Kanowit).
- „ TUAN LEW SIP HON, K.M.N. (Shah Alam).
- „ TUAN LIBEN ANAK KATO *alias* WAIRY LEBEN ANAK KATO (Betong).
- „ DR LIM CHONG EU (Tanjong).
- „ TUAN LOH FOOK YEN (Kluang).
- „ DATUK PETER LO SU YIN, P.G.D.K. (Gaya).
- „ TUAN LUHAT WAN (Baram).
- „ TUAN MADINA BIN UNGGUT (Bandau).
- „ TUAN HAJI MOHAMED KHIR JOHARI (Kuala Muda).
- „ TUAN MOHD. IDRIS BIN HAJI IBRAHIM (Setapak).
- „ TUAN MOHD. SALLEH BIN DATUK PANGLIMA ABDULLAH (Silam).
- „ TUAN MOHD. ZAHARI BIN AWANG (Kuala Krai).
- „ TUN DATU HAJI MUSTAPHA BIN DATU HARUN, S.M.N., P.D.K., K.V.O., O.B.E. (Marudu).
- „ TUAN PATRICK ANEK UREN (Bau-Lundu).
- „ TUAN RACHA UMONG (Limbang-Lawas).
- „ TUAN RASIAH RAJASINGAM (Jelutong).
- „ TUAN HAJI SHAFIE BIN ABDULLAH, A.M.N., B.C.K., P.B.S., J.P. (Baling).
- „ TUAN SIBAT ANAK TAGONG *alias* SIBUT MIYUT ANAK TAGONG (Ulu Rajang).
- „ TUAN THOMAS SALANG SIDEN (Julau).
- „ TUAN JAMES STEPHEN TIBOK, A.D.K. (Penampang).
- „ TUAN TING LING KIEW (Bintulu).

YANG HADIR BERSAMA:

Yang Berhormat Timbalan Menteri Undang-undang, DATUK ATHI NAHAPPAN, D.P.M.S. (Dilantik).

## DEWAN RAKYAT

### PEGAWAI-PEGAWAI KANAN

Setiausaha Dewan Rakyat, Datuk Azizul Rahman bin Abdul Aziz.

Timbalan Setiausaha, Haji A. Hasmuni bin Haji Hussein.

Penolong Setiausaha, Mohd. Salleh bin Abu Bakar.

Penterjemah Melayu Kanan/Pemangku Penolong Setiausaha, Ghazali bin Haji Abd. Hamid.

### BAHAGIAN PENYATA RASMI PARLIMEN

Penyunting, Yahya Manap.

Penolong Penyunting, P. B. Menon.

Penolong Penyunting, Osman bin Sidik.

#### *Pemberita-pemberita:*

N. Ramaswamy.

Louis Yeoh Sim Ngoh.

Abdul Rahman bin Haji Abu Samah.

Rani bin Rahim.

Suhor bin Husin.

Jamaludin bin Haji Ali.

Amran bin Ahmad.

Mohd. Saleh bin Mohd. Yusof.

Margaret Chye Kim Lian.

Quah Mei Lan.

Puan Kong Yooi Thong.

Juliah binti Awam.

Supiah binti Dewak.

Ismail bin Hassan.

### BENTARA MESYUARAT

Mejar (B) Musa bin Alang Ahmad.

## DOA

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Mesyuarat*)

### RANG UNDANG-UNDANG

#### RANG UNDANG-UNDANG CUKAI PENDAPATAN (PINDAAN) (No. 4)

##### Bacaan Kali Yang Kedua dan Ketiga

Aturan Urusan Mesyuarat dibacakan bagi meyambung semula perbahasan yang ditangguhkan atas masaalah, "Bahawa Rang Undang-undang ini dibacakan kali yang kedua sekarang". (19hb Disember, 1974).

**Tuan (Timbalan) Yang di-Pertua:** Ahli-ahli Yang Berhormat, sebagaimana yang telah saya maklumkan sebelumnya menanggungkan mesyuarat pada hari semalam iaitu Yang Berhormat Timbalan Menteri akan menjawab sekarang.

*Perbahasan disambung semula.*

2.31 ptg.

**Timbalan Menteri Kewangan (Tan Sri Chong Hon Nyan):** Tuan Yang di-Pertua, saya ingin mengucapkan terimakasih kepada Ahli Yang Berhormat dari Kawasan Selayang yang telah membuat beberapa teguran mengenai pindaan-pindaan dalam Rang Undang-undang Akta Cukai Pendapatan dan juga membangkitkan masalah-masalah yang beliau berpendapat akan dihadapi oleh syarikat-syarikat yang berkenaan.

Sepertimana yang telah diterangkan oleh Yang Berhormat Menteri Kewangan ketika beliau mengulung perbahasan mengenai Rang Undang-undang Perbekalan pada 29hb November, 1974, memanglah sukar untuk merumuskan satu cukai baharu yang sempurna dan yang boleh mengatasi semua masalah. Setengah daripada masalah-masalah ini tidak dapat dijangka pada peringkat sekarang, ataupun masalah-masalah baharu mungkin timbul kerana sesuatu keadaan yang tertentu.

Walau bagaimanapun, saya akan memberi jawapan kepada komen-komen atas beberapa masalah yang tertentu yang telah dikemukakan oleh Ahli Yang Berhormat dari kawasan

Selayang, dan oleh kerana perkara ini adalah teknikal dan mempunyai implikasi-implikasi dari segi undang-undang, saya minta izin, Tuan Yang di-Pertua, untuk memberi jawapan dalam bahasa Inggeris.

*(Dengan izin)* Mr Speaker, Sir, the Honourable Member for Selayang has raised some points of policy as well as others of a technical nature with regard to the proposed excess profits tax. He has suggested that the surplus on the revaluation of fixed assets should not be excluded from shareholders' funds on the contention that such exclusion will penalise the company concerned. It is recognised that, although a revaluation may, in fact, represent the true value of assets if brought up-to-date, this cannot be said to be actually shareholders' funds unless and until the assets themselves are realised. In other words, any surplus derived on the realisation of assets can be recognised as representing shareholders' funds but not the surplus on a mere revaluation of these assets.

In essence, revaluation only enhances the book value of the assets concerned and creates a notional profit or loss. It must be remembered that an excess profits tax is levied only on income chargeable to income tax, and the concept of shareholders' funds is used only for determining the excess part of the profits or income of the company which is to be subjected to the excess profits tax. As a company is not taxable on the profits on revaluation of the assets, any surplus on revaluation cannot be included as shareholders' funds. It will be appreciated at the same time that if a surplus on a mere revaluation of assets is recognised, then there will be considerable room for avoidance of any charge to excess profits tax.

I recognise at the same time that there may be difficulties faced by companies having to identify any revaluation of fixed assets and for the exclusion of the surplus on revaluation from shareholders' funds. In this connection, however, the Department of Inland Revenue will be asked to give such guidance as is necessary to the companies involved having regard to the various provisions in the Companies Act, 1965, the Income Tax Act and annual returns submitted to the Registrar of Companies where the records of asset revaluations are concerned. I am afraid that

in this sort of exercise, the companies will have to do what they can to identify such revaluation of fixed assets.

The Honourable Member also asked for a definition of what is meant by a company "operating in Malaysia". What amounts to operating in Malaysia through an office, branch, establishment, agent or representative, is a question of fact and such fact will have to be determined by reference to all the facts and circumstances obtaining in each case. The normal distinction between "trading in a country" and "trading with a country" applicable to income tax will also be applicable in the case of excess profits tax. Consideration will also be given to provisions that may be applicable in particular cases in Double Taxation Agreements. Beyond these broad guidelines, I am afraid, Sir, it is not necessary that the term "operating in Malaysia" should be spelt out in the Act itself.

With regard to the point made by the Honourable Member that the excess profits tax will be multi-stage in character where there may be a corporate structure involving subsidiaries, the basic point to emphasise is that a company is a separate corporate entity from the shareholders. The Honourable Member has cited a hypothetical case in which he believes that the excess profits tax would be inequitable. As this is hypothetical, I would invite the Honourable Member to discuss such a case in detail with the Department of Inland Revenue in order to establish the basis upon which such excess profits tax will fall bearing in mind, again, the basic principle that each company is a separate corporate entity. It must be recognised that the formation of subsidiaries purely for the purpose of receiving dividends with tax advantage cannot be encouraged as this would provide cases for tax avoidance.

The last point raised by the Honourable Member was his fear lest the limitation of deductibility in respect of bonuses will cause some hardship to employees. I feel that it should be appreciated at the same time that ex-gratia bonuses which are paid entirely at the discretion of the employer must also cause some uncertainty to employees as to what they would be earning in any given period. It is not unknown for certain employers to pay low wages normally and offer bonuses as a sop to ward off any discontent that

may arise out of the fact of such low wages. I believe that it may be more satisfactory all round for the employees concerned to have such bonus payments made to them in the form of regular wages on an increased scale rather than hope for bonus payments. In any case, Sir, what is proposed should place no limitation on what employers may wish to pay their employees where bonuses are concerned. The limitation where tax deductibility is concerned, as proposed in this Bill, is clearly a tax device. As regards the definition of the term "bonus", there is already established Case Law on this subject. The essence of such a definition is that this is a discretionary payment of an ex-gratia nature in addition to a fixed remuneration. A distinction can therefore be made between such bonus payments and contractual commitments which may be made between the employer and the employee where profit-sharing or commissions are involved. The same applies to incentive bonus schemes purporting to improve productivity. Here again, however, the tax authorities will have to determine the question on the basis of facts surrounding a particular case.

Setakat inilah sahaja, Tuan Yang di-Pertua. Saya sekali lagi mengucapkan terima kasih kepada Ahli-ahli Yang Berhormat dan menyatakan sekali lagi bahawa Kerajaan akan mengulangkaji cukai ini dari masa ke semasa berdasarkan kepada perjalanan dan kesannya.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mempergunakan Jawatankuasa*)

*Fasal 1 hingga 10* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

**Dr Tan Chee Khoon (Kepong):** Tuan Pengerusi, saya bangun bercakap dalam Fasal 8 mengenai . . . . .

**Tuan Pengerusi:** Sepatutnya sebelum saya putuskan tadi. Ahli Yang Berhormat, kalau hendak bercakap di dalam mana-mana

Fasal setelah Setiausaha membacakan Fasal itu, saya diam sebentar menengok kalau ada Ahli-ahli Yang Berhormat hendak bangun bercakap. Kalau tidak ada, saya terus jadikan Fasal-fasal itu menjadi sebahagian daripada Rang Undang-undang. Jadi Ahli Yang Berhormat dari Kepong terlambat.

*Fasal 11 hingga 18* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan tidak ada pindaan: dibacakan kali yang ketiga dan diluluskan.

### RANG UNDANG-UNDANG CUKAI SPEKULASI TANAH (PINDAAN)

#### Bacaan Kali Yang Kedua dan Ketiga

2.50 ptg.

**Tan Sri Chong Hon Nyan:** Tuan Yang di-Pertua, saya mohon mencadangkan bahawa suatu Rang Undang-undang bernama suatu "Akta bagi meminda Akta Cukai Spekulasi Tanah, 1974" dibaca bagi kali yang kedua.

Sebagaimana Ahli-ahli Yang Berhormat sedia maklum, tujuan utama Rang Undang-undang ini ialah untuk mengurangkan had pengecualian sebagaimana yang dinyatakan dalam perenggan 2 dalam Jadual ke 4, Akta Cukai Spekulasi Tanah, 1974 daripada \$200,000 kepada \$100,000. Perubahan ini mula berkuatkuasa pada 13-11-1974. Perubahan ini bertujuan untuk memperluaskan bidang penguatkuasaan Akta ini dan dengan itu menjadikan langkah mencegah spekulasi lebih berkesan.

Rang Undang-undang ini juga bertujuan untuk meminda beberapa seksyen Akta tersebut. Fasal 2 bertujuan untuk meminda seksyen 47 bagi membolehkan Ketua Pengarah Hasil Dalam Negeri mengumumkan hal-hal tertentu berkaitan dengan seseorang yang telah didapati salah atau dihukum di bawah Akta ini. Seksyen 48 adalah juga dipinda seperti di bawah Fasal 3 dengan tujuan untuk menyenangkan pihak berkuasa mendapat rekod-rekod dan kenyataan-kenyataan kewangan dan akaun termasuk dokumen yang disimpan oleh firma-firma professional atau firma-firma pengamal bagi pihak pelanggan-pelanggan.

Fasal 4 Rang Undang-undang ini bertujuan untuk meminda perenggan 24 (1) dalam Jadual Kedua kepada Akta ini. Di bawah

peruntukan-peruntukan sekarang, jika sebuah bangunan dibina atas sekeping tanah kosong pada atau selepas tarikh berkuatkuasa Akta Cukai Spekulasi Tanah, 1974, iaitu 6hb Disember, 1973 dan tanah itu kemudian dijual, tanah itu adalah disifatkan sebagai telah diperolehi pada tarikh pembinaan bangunan itu ataupun pada tarikh bangunan itu siap. Sekiranya tanah itu dijual dalam tempoh 2 tahun daripada tarikh yang disifatkan sebagai tarikh perolehan, keuntungan yang diperolehi daripada jualan itu akan dikenakan cukai spekulasi tanah. Walaupun peruntukan ini dapat dipertahankan pada umumnya ia mendatangkan kesukasan terutama sekali bagi tanah-tanah di ladang-ladang getah dan lombong-lombong di mana beberapa bangunan kecil telah dibina dengan harga yang tidak begitu banyak berbanding dengan syarat ladang atau lombong untuk tujuan mengusahakan ladang ataupun lombong ataupun untuk memberi tempat tinggal kepada pekerja-pekerja ladang atau lombong. Tujuan meminda Rang Undang-undang ini ialah untuk memberi peruntukan supaya kes-kes tersebut di atas dikecualikan dengan syarat Ketua Pengarah Hasil Dalam Negeri berpuas hati bahawa pembinaan bangunan-bangunan tersebut tidak melibatkan kenaikan yang terlalu banyak kepada nilai harta itu.

Tuan Yang di-Pertua, saya mohon mencadangkan.

**Tuan Abu Bakar bin Umar:** Tuan Yang di-Pertua, saya mohon menyokong.

2.55 ptg.

**Dr Tan Chee Khoo:** Tuan Yang di-Pertua, saya bangun bercakap sepatah dua mengenai Rang Undang-undang yang dikemukakan oleh Timbalan Menteri yang berkenaan. Apabila kita membahaskan Rang Undang-undang ini pada setahun yang lalu ramai anggota Dewan pada masa itu telah memberitahu kepada bekas Menteri Kewangan bahawa pengecualian \$200,000 itu tak sesuai. Kita telah mencadangkan, bukan sahaja pihak Pembangkang, tetapi juga pihak Perikatan pada masa itu, berpendapat perlu Kerajaan meminda pengecualian \$200,000 kepada \$100,000. Saya berpuas hati hari ini Kerajaan telah membawa pindaan ini dan saya menyokong sepenuhnya pindaan tersebut.

Satu perkara lagi yang saya hendak sentuh ialah tentang masa. Jika saya tak salah di dalam Rang Undang-undang ini kalau sekiranya tanah itu dijual selepas dua tahun dari tarikh berkuatkuasa Rang Undang-undang ini, jualan itu tidak kena cukai; apa yang saya hendak cadangkan jika pihak Kerajaan benar-benar hendak mencegah spekulasi tanah ini, Kerajaan perlu memanjangkan masa itu daripada dua tahun kepada barangkali 4-5 tahun. Seorang yang benar-benar hendak membeli sebidang tanah untuk membina rumah, orang itu memang tidak khuatir jika masa itu dipanjangkan kepada 4-5 tahun, tetapi seorang yang hendak membeli tanah dan untuk membina rumah sebagai spekulasi, memanglah dia berasa khuatir. Oleh sebab itu, saya mencadangkan kepada Timbalan Menteri yang berkenaan jika sekiranya Kerajaan benar-benar hendak mencegah spekulasi tanah perlulah Kerajaan, bukan pada masa sekarang, tetapi pada masa yang akan datang membawa pindaan lain untuk menimbangkan masa perolehan dan cukai itu boleh dikenakan daripada 2 tahun kepada 4 atau 5 tahun.

3.00 ptg.

**Datuk Stephen Yong Kuet Tze (Padawan):** (*Dengan izin*) Mr Speaker, Sir, the Explanatory Statement refers to Clause 3 in these terms;

“ . . . . . to enable the Director-General of Inland Revenue to publicise certain particulars in respect of any person who has been found guilty of or dealt with for any evasion or tax offence and facilitate access to financial records and statements and clients accounts of professional firms or practitioners.”

Going back to Clause (3) itself, Sir, I am rather concerned with the wording of the new Section 48 (4) (b), because it means a departure from the accepted principle of maintaining the confidentiality between solicitors and clients. As we know, this relationship is peculiar and essential for a professional person like lawyer where the confidence between himself and his clients should be kept or maintained. Here is a provision which will remove such principle. I wonder whether this Clause has been referred to the Bar Council for their comments; and if so, maybe we will accept this as desirable to have it for this particular case.

Then, I would ask the Minister concerned, in practice, not to give too much power to the Special Commissioners or the Director-General or any other authorised officer to go beyond what is intended. In other words, if any person's account has to be looked into, then I would say that person ought to be notified and no other person's account ought to be looked into. If that principle is accepted, then I would urge that the last few words here in Clause (3), i.e. Section 48 (4) (b) should be amended. I shall read the relevant part here: “. . . . in connection with any client or clients of the practitioner for firm of practitioners or any other person”.

This is a very wide power for the Director-General or any other authorised officer to look into the account of any “other person”. But if the intention of this Clause is to mean that any “other agent of the person” who is under investigation, then I can accept it.

**Tuan (Timbalan) Yang di-Pertua:** Ahli Yang Berhormat, for the purpose of record, you are reading Sub-section (4) (a), sub-paragraph (ii), isn't it?

**Datuk Stephen Yong Kuet Tze:** I read Clause 3 which is in respect of Section 48 of the Principal Act.

**Tuan (Timbalan) Yang di-Pertua:** That means paragraph 4 (a), Sub-paragraph (ii), is it correct?

**Datuk Stephen Yong Kuet Tze:** No, Sir, Sub-section (4) (b) starting from “Notwithstanding the provision of any other written law. . . .” and so on.

**Tuan (Timbalan) Yang di-Pertua:** All right, proceed.

**Datuk Stephen Yong Kuet Tze:** Of course, Sir, I appreciate that lawyers or any other professional people should not be party to any person's evasion of tax or duty but, at the same time, I feel that one has to be careful in not giving too much power or unnecessary and wider powers to officers, who may then make use of them for purposes which are never intended by this Act; and this power might be termed as “fishing expedition” which I think would not be desirable.

3.04 ptg.

**Tan Sri Chong Hon Nyan:** Tuan Yang di-Pertua, saya ucapkan terima kasih kepada Ahli-ahli Yang Berhormat dari Kepong dan dari Padawan yang telah mengambil bahagian dalam perbahasan ini.

Berkaitan dengan tempoh samada patut dilanjutkan 2 tahun hingga 4 tahun ataupun tidak telahpun dikaji oleh Kerajaan. Tetapi undang-undang ini ialah untuk mencegah spekulasi dan pada pendapat Kerajaan jikalau diadakan transaction dan jikalau seorang yang telah membeli tanah dan dijual tanah itu di dalam tempoh 2 tahun inilah hypothesis, bermakna adalah spekulasi. Jikalau kita lanjutkan tempoh ini kepada 4 tahun barangkali ini menjadi satu halangan ke atas pihak yang menjual dan membeli tanah yang tidak ada terlibat elemen-elemen spekulasi.

Berkaitan dengan masaalah yang dibangkitkan oleh Ahli Yang Berhormat dari Padawan, saya suka menegaskan di sini bahawa walaupun ada peruntukan di dalam Rang Undang-undang ini supaya memberi kuasa kepada Ketua Pengarah Hasil Dalam Negeri untuk memeriksa rekod-rekod dan dokumen-dokumen yang disimpan, misalnya, oleh satu badan profesyenal, kuasa ini akan digunakan dengan sepenuh perhatian atas apa-apa masaalah yang dibangkitkan oleh Ahli Yang Berhormat sendiri.

*(Dengan izin)* Mr Chairman, Sir, the object of having these powers given to the Director-General who will use his discretion—and this discretion, I assure Honourable Members will be used with the greatest sense of judgement and necessity—is in order to ensure that people or persons, who engage in or have engaged in transactions of a speculative nature, are brought to book and that these persons and individuals do not hide behind the confidentiality, which normally exists as between client and his advocate. I respect, Sir, the fears expressed by the Honourable Member, but I can assure you that these powers, if they are used at all, will be used with the utmost care and discretion.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

*(Tuan (Timbalan) Yang di-Pertua mem-pengerusikan Jawatankuasa)*

Fasal 1 hingga 5 diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan tidak ada pindaan dibacakan kali yang ketiga dan diluluskan.

## RANG UNDANG-UNDANG CUKAI PERKHIDMATAN

### Bacaan Kali Yang Kedua dan Ketiga

3.10 ptg.

**Tan Sri Chong Hon Nyan:** Tuan Yang di-Pertua, saya mohon mencadangkan bahawa satu Rang Undang-undang yang diberi nama “Satu Akta bagi mengadakan peruntukan untuk mengena, mendapatkan secara levi dan memungut cukai perkhidmatan” dibaca bagi kali yang kedua.

Dalam Ucapan Belanjawannya pada 12hb November, 1974, Yang Berhormat Menteri Kewangan telah mengumumkan bahawa satu cukai perkhidmatan akan dikemukakan dan satu perundangan baru dibuat untuk melaksanakan cukai itu. Dengan itu tujuan Rang Undang-undang yang dibentangkan dalam Dewan pada hari ini ialah untuk membuat peruntukan bagi penganan, pengutipan, pengambilan dan pentadbiran cukai baharu itu.

Fasal 3 Rang Undang-undang ini memperuntukkan bahawa cukai itu akan dikenakan dikutip atas apa-apa perkhidmatan dan barang yang ditetapkan yang diberi, dibekal atau dijual oleh atau di dalam pertubuhan yang ditetapkan pada kadar yang ditentukan dari semasa ke semasa melalui suatu perintah oleh Menteri Kewangan di bawah Fasal 5 Rang Undang-undang itu. Perkhidmatan bercukai atau barang bercukai itu akan ditetapkan oleh Menteri Kewangan melalui peraturan di bawah Fasal 41.

Cukai perkhidmatan yang kena dibayar akan ditentukan mengikut Fasal 4 Rang Undang-undang itu. Dalam perkara mengenai perkhidmatan bercukai, cukai dikenakan ke atas jumlah nilai yang dikenakan atau dilevi

sementara dalam hal mengenai barang bercukai ia akan dikenakan ke atas harga sebenar barang itu dijual. Jika tidak ada apa-apa bayaran dikenakan cukai itu akan didasarkan kepada nilai yang mungkin telah dikenakan di dalam urusan perniagaan biasa bagi pembekalan perkhidmatan atau pembekalan barang itu.

Cukai itu akan dikenakan ke atas dan dibayar oleh mana-mana orang yang menjalankan perniagaan membekal perkhidmatan bercukai atau yang menjual atau membekalkan barang-barang bercukai di dalam mana-mana pertubuhan yang ditetapkan seperti yang diperuntukkan di bawah Fasal 7 Rang Undang-undang itu. Orang itu akan diberi kuasa di bawah Fasal 10 (2) untuk mengutip cukai dari pelanggan-pelanggan atau pembeli-pembelinya.

Fasal 8 ialah mengenai pelesenan. Di bawah peruntukan ini semua orang yang menjalankan perniagaan memberi perkhidmatan bercukai atau membekal barang-barang bercukai yang telah disebutkan tadi dikehendaki memohon satu lesen daripada seorang pegawai kanan kastam yang bertanggungjawab bagi daerah di mana tempat perniagaan utama pemohon itu bertempat. Oleh sebab lesen ini ialah hanya untuk pengawasan dan kesenangan pentadbiran ia akan diberi dengan percuma.

Rang Undang-undang ini juga memperuntukkan bahawa orang-orang yang kena cukai akan dikehendaki mengeluarkan inbois dan menyimpan rekod-rekod atau akaun-akaun bagi semua jualan bercukai mengikut Fasal 10 Rang Undang-undang itu. Rekod-rekod dan akaun-akaun itu hendaklah disimpan bagi tempoh selama enam tahun mulai dari tarikh terakhir yang berkaitan dengannya. Untuk mengelakkan orang-orang daripada mengambil kesempatan dari cukai itu satu peruntukan telah dibuat di dalam fasal yang sama yang melarang pengeluaran inbois oleh seseorang yang tidak dikenakan membayar cukai dan seseorang yang memberi apa-apa perkhidmatan atau membekal barang-barang yang tidak dikenakan cukai. Seseorang yang dikenakan cukai juga dikehendaki menghantar penyata bulanan kepada Pejabat Kastam dan membayar cukai yang dikutip bagi satu-satu tempoh cukai dalam tempoh dua puluh lapan hari selepas akhir satu-satu tempoh cukai itu

mengikut Fasal 12 dan 14 Rang Undang-undang itu. Penyata-penyata ini akan ditaksir oleh pegawai kastam yang tertentu.

Peruntukan-peruntukan yang berkaitan dengan pengutipan, pulangan balik dan remitan cukai dibuat dalam Bahagian V Rang Undang-undang tersebut. Adalah diperhatikan di sini bahawa jika apa-apa cukai perkhidmatan telah dibayar atas kesilapan, pulangan balik cukai boleh dituntut daripada Ketua Pengarah Kastam mengikut Fasal 21 dengan syarat ia dibuat dalam tempoh satu tahun selepas pembayaran lebih itu. Fasal 22 memberi kuasa kepada Menteri Kewangan untuk meremit kesemua atau sebahagian daripada apa-apa cukai perkhidmatan yang kena dibayar di bawah Rang Undang-undang ini.

Bahagian-bahagian VI, VII, VIII, IX dan X Rang Undang-undang ini mengandungi peruntukan-peruntukan berkaitan dengan pemeriksaan, perampasan, penahanan, kesalahan-kesalahan, pembicaraan-pembicaraan, peraturan-peraturan dan pentadbirannya. Kesemuanya ini adalah pada keseluruhannya sama dengan peruntukan-peruntukan yang berkenaan di dalam Akta Cukai Jualan, 1972.

Sebagaimana Ahli-ahli Yang Berhormat sedia maklum, dalam Ucapan Belanjawannya, Yang Berhormat Menteri Kewangan telah mengumumkan bahawa cukai perkhidmatan akan dikenakan ke atas semua perkhidmatan berkaitan dengan tempat tumpangan, makanan, hiburan dan lain-lain perkhidmatan yang diberi oleh atau dalam sebuah hotel dan tempat-tempat seumpama itu seperti motel dan rumah rihat. Cukai ini akan dikenakan pada kadar 5%. Adalah dicadangkan bahawa cukai ini akan dikuatkuasakan mulai pada 1hb Februari, 1975 apabila Rang Undang-undang ini diperuntukkan.

Tuan Yang di-Pertua, saya mohon mencadangkan.

**Tuan Abu Bakar bin Umar:** Tuan Yang di-Pertua, saya mohon menyokong.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Jawatankuasa*)

*Fasal 1 hingga 52* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan tidak ada pindaan: dibacakan kali yang ketiga dan diluluskan.

### RANG UNDANG-UNDANG CUKAI PERJUDIAN (PINDAAN)

#### Bacaan Kali Yang Kedua dan Ketiga

3.20 *ptg.*

**Tan Sri Chong Hon Nyan:** Tuan Yang di-Pertua, saya mohon mencadangkan bahawa Rang Undang-undang bernama "Suatu Akta bagi meminda Cukai Perjudian, 1972" dibaca bagi kali yang kedua.

Rang Undang-undang ini bertujuan untuk meminda seksyen 2 Akta Cukai Perjudian, 1972 untuk membolehkan cukai perjudian dikenakan atas wang yang dibayar bagi "chips" atau lain-lain barang yang digunakan untuk membuat pertaruhan.

Fasal 2 Rang Undang-undang itu memberi peruntukan bahawa jumlah wang yang dibayar kepada pengusaha perjudian bagi "chips" atau lain-lain barang untuk digunakan sebagai pertaruhan atau pelaburan akan disifatkan sebagai jumlah yang dibayar bagi suatu pertaruhan atau pelaburan. Dengan pindaan ini cukai perjudian boleh dikutip atas pemain-pemain judi yang mengambil bahagian dalam berbagai jenis judi di kesino yang menggunakan "chips".

Cukai ini akan dikutip ketika seseorang membuat bayaran kepada pengusaha perjudian bagi "chips" atau lain-lain barang. Peruntukan-peruntukan Rang Undang-undang pindaan ini akan berkuatkuasa pada satu tarikh yang akan ditetapkan oleh Menteri Kewangan di bawah Fasal 1 dalam Rang Undang-undang ini melalui suatu pemberitahuan dalam *Warta Kerajaan*.

Tuan Yang di-Pertua, saya mohon mencadangkan.

**Tuan Abu Bakar bin Umar:** Tuan Yang di-Pertua, saya mohon menyokong.

3.27 *ptg.*

**Dr Tan Chee Khoon:** Tuan Yang di-Pertua, saya ingin mengambil bahagian di dalam perbahasan Rang Undang-undang yang dikemukakan oleh Timbalan Menteri yang berkenaan dan di samping saya bercakap dalam Bahasa Malaysia, saya mohon izin juga bercakap dalam bahasa Inggeris.

Tuan Yang di-Pertua, saya khuatir walaupun agama Islam ialah agama rasmi di tanahair kita, tetapi Kerajaan kita yang menghormati agama Islam menggalakkan perjudian di tanahair kita.

(*Dengan izin*) Mr Speaker, Sir, in this country, under the British, we only had one form of public gambling, i.e. to go to the Turf Club and to place one's bets there. It could be said that at that time the rich who also had motor cars could go and have a flutter in the Turf Clubs of our country. When the British departed, the popularly-elected Government of our day has enlarged the scope of gambling in this country. First, we had the Empat Nombor Ekor Berhad which have branches all over the country; then we had TOTO which seeks to compete with Empat Nombor Ekor and it also has branches also all over the country. Then the Government has approved of this Casino at Genting Highlands. There has been a great pressure, I gather, from a number of people to have another Casino in Penang, particularly on Penang Hill. I am glad that there is a statement by the Chief Minister of Penang that the Casino will not be allowed there, and I hope that the Minister of Finance and the Government will not open yet another Casino in this country.

Now, Mr Speaker, Sir, if it is recognised that corruption is a cancer that eats into the vitals of a nation, then I say gambling and the encouragement of gambling—with all these forms of gambling like TOTO, Empat Ekor, Turf Clubs and now the Casino—is equally evil as corruption. If this is so, particularly in these bad times, when you have recession and when you have stagflation, it is terrible to see the large lines of cars going to the Turf Clubs, as I often do see when I go back on a Saturday. I cannot take the usual route that I take—i.e. via Jalan Tuanku Abdul Rahman you go into Jalan Raja Muda and then you go into Jalan Pekeliling—because of the large lines of cars which are

all going to the Turf Club and I have to go a round-about way to go home and it sometimes takes me almost an hour to go from my dispensary back home.

**Tuan (Timbalan) Yang di-Pertua:** Because you have chosen your dispensary at a very good location. (*Ketawa*).

**Dr Tan Chee Khoon:** No, Mr Speaker, Sir. That place is cluttered up with gamblers who go to the Turf Club. Now if they go in cars, then I can say, "Well, it really does not matter, they have cars; they want to have a flutter, they want to unload their money in the Turf Club; that is their business". But what worries me is sometimes when I pass that place, I see people who go about in motor-cycles, young people, people who obviously do not have big incomes and they go and have a flutter and I ask myself, "If I can't afford—and I have never been able to go to any Turf Club ever since I started working because I can't afford to—where do these people, whose incomes I do not think exceed more than \$200 or \$300 a month, get their money to go and have a flutter in the Turf Club"? Maybe the answer lies in the fact that they, perhaps, cheat a little here and there. This is why I say organised gambling in this country is as evil as corruption and eats into the vitals of a nation.

**Tuan (Timbalan) Yang di-Pertua:** Yang Berhormat, please confine your observations to the subject under discussion because if the principal Act is brought up for debate, you may speak on the principal Act, but this is only an amendment to the Gaming Tax Act, 1972. Proceed!

**Dr Tan Chee Khoon:** Mr Speaker, Sir, I wish to tackle this with an emphasis on the fact that the Government, by recognising or maintaining this Act, only encourages gambling, and this is why I want to speak generally, but not too long, on the evils of gambling.

Now, Mr Speaker, Sir, I gather—and I stand corrected—that the Government now wants to have another form of gambling—the "36 Numbers". Now the "36 Numbers" gambling I am told, I am not a gambler as I have stated, is equivalent to what the Chinese call "Chee Fah". Now "Chee Fah" is illegal, and I say it must be illegal, and

if the small people who indulge in it are caught, they are brought to court. Now I am told that the Government is about to give a licence or has given a licence to organise "Chee Fah" in this country.

Mr Speaker, Sir, I hope the Honourable Deputy Minister will tell us that this licence has not been given and that the Government will seriously reconsider any request for a licence for "Chee Fah" in this country, or if a licence has already been given, Mr Speaker, Sir, I hope that the Government will withdraw that licence, because I shudder to think of its consequences, particularly in these difficult times. Literally "Chee Fah" means that in every shop and in every street you can have this organised gambling, and I do not think that the Government will want to have organised gambling of such a widespread nature.

Consequently, Mr Speaker, Sir, I have not stated it just now, but I have always stated in this House that gambling should be restricted drastically in this country. If the rich want to have a flutter, then the Government should make it very expensive for them to do so. But certainly the Government should not encourage the ordinary citizens who, by no stretch of imagination, can afford to gamble by way of Empat Nombor Ekor, TOTO and "36 numbers" that I have alluded to just now.

3.32 ptg.

**Tuan Mohamed Sovie bin Sheikh Ibrahim (Kepala Batas):** Tuan Yang di-Pertua, saya menghormati betul-betul pendapat rakan saya Ahli Yang Berhormat dari Kepong kerana saya percaya beliau itu bercakap daripada conviction, daripada kepercayaan dan daripada religious conviction, daripada agama beliau sebagai Methodist dan saya tahu beliau sangat bersih sehingga rokok tidak hisap, itu tidak buat inipun tidak buat. Saya betul-betul menghormatinya. Akan tetapi, saya suka mengambil peluang ini memperingatkan Ahli Yang Berhormat tadi, bukan kita dapat membentuk manusia seluruh dunia macam kita.

Betul sebagaimana kata Ahli Yang Berhormat tadi agama Islam menjadi agama rasmi negeri ini dan perjudian itu ialah satu daripada perkara agama Islam tidak gemar dan melarangnya. Akan tetapi, adakah Ahli

Yang Berhormat itu juga berkehendakkan kita mengadakan undang-undang mengharamkan pembelaan atau menternak babi, membela babi, menjual babi atau sembelih babi dan sebagainya. Sungguhpun kita orang Melayu dan Islam tidak makan babi, tidak suka babi, tidak mahu pegang atau sentuh. Akan tetapi kerana kita menghormati peganutan dan pembawaan serta cara hidup masing-masing, kita cuma dapat membuat undang-undang mengawal iaitu mengawal tempat di mana dapat dibiakkan babi, di mana dapat disembelih dan sebagainya. Itu satu kes, atau satu contoh dan beginilah halnya dengan perjudian ini.

Barangkali sebagai seorang keturunan Tionghua sendiri, Ahli Yang Berhormat itu sedar bahawa seorang China daripada masa umurnya tiga tahun sudah mula berjudi. Kalau hari raya dia berseronok. Saya pun banyak berkawan dengan orang-orang China dan tahulah selok-belok cara hidup orang-orang China ini.

**Tuan (Timbalan) Yang di-Pertua:** Order. Yang Berhormat tolong tumpukan perbincangan kepada pindaan Rang Undang-undang ini.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** Tuan Yang di-Pertua, saya bertujuan hendak terangkan dan saya sendiri berpendapat bahawa saya sendiri tidak bersetuju dengan undang-undang ini, tetapi sebelum dapat saya beralih kepada point saya tadi, elok saya fikir apabila Tuan Yang di-Pertua telah memberi peluang kepada Ahli Yang Berhormat itu mengeluarkan hujah-hujah yang akan merusakkan Kerajaan, yang akan merusakkan Barisan Nasional dan merusakkan kami semua di sini, biarlah kami menerangkan beberapa perkara yang patut diterangkan. Kalau Tuan Yang di-Pertua kata tidak payah saya terangkan dan biar Menteri terangkan, saya setuju.

**Tuan (Timbalan) Yang di-Pertua:** Jemput duduk dahulu apabila Yang di-Pertua bercakap. Yang saya tidak benarkan ialah melarat kepada satu kaum penduduk negeri ini. Ahli Yang Berhormat dari Kepong tadi menegur supaya penduduk negeri ini jangan terancam kehidupannya dengan sebab-sebab perjudian. Tetapi saya kurang hendak membenarkan Ahli Yang Berhormat berucap

dengan merujuk kepada satu kaum penduduk negeri ini. Ini, yang saya tidak benarkan dan saya suka bacakan Peraturan Mesyuarat 36 (1): "Seseorang ahli hendaklah menghadkan percakapannya kepada perkara yang dibincangkan sahaja dan tidak boleh mengeluarkan apa-apa perkara yang tidak berkait dengan perkara yang dibincangkan itu." Yang dibincangkan ialah pindaan kepada Akta Cukai Perjudian. Bukan Akta Cukai Perjudian itu sendiri. Sila teruskan kalau hendak bercakap lagi.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** Saya rasa, Tuan Yang di-Pertua, barangkali anticipate apa yang saya hendak kata, atau perasangka apa yang saya katakan, sebab itu . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Ahli Yang Berhormat, saya sebagai Yang di-Pertua di sini tidak menyangka apa-apa. Tetapi Ahli Yang Berhormat telah melafaskan ucapan yang pada fikiran saya menyalahi. Dan kalau ada sesiapa lagi Ahli-ahli Yang Berhormat yang hendak bercakap, silakan. Kalau tidak ada, saya minta Yang Berhormat Menteri menjawab.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** Tuan Yang di-Pertua, saya belum habis bercakap. Untuk rekod, kalau hendak potong cakapan saya, saya terima, tetapi saya belum berpeluang bercakap . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Yang Berhormat Timbalan Menteri menjawab.

**Tan Sri Chong Hon Nyan:** Tuan Yang di-Pertua, oleh kerana Tuan Yang di-Pertua sudahpun menarik perhatian Ahli-ahli Yang Berhormat kepada peraturan-peraturan yang tertentu mengenai perbincangan ini, maka saya pun tidak hendak memberi jawapan pada dasarnya atas pandangan-pandangan Ahli Yang Berhormat dari Kepong, melainkan saya ingin tegaskan di sini bahawa tujuan Kerajaan mengadakan beberapa undang-undang berkaitan dengan perjudian bukan untuk menggalakkan perjudian ini seperti mana yang dinyatakan oleh Ahli Yang Berhormat dari Kepong itu.

Tujuan undang-undang ini ialah untuk mengawal supaya perjudian dalam negeri ini boleh diadakan kawalan yang ketat oleh pihak-pihak yang berkenaan. Dan tujuan

hendak membuat pindaan kepada Akta Cukai Perjudian yang telah saya kemukakan pada petang ini ialah untuk tujuan bersama supaya mengawal dan juga jikalau kita hendak menumpukan perhatian kepada individu-individu yang pergi ke casino supaya mereka membayar cukai atas pertaruhan mereka di dalam casino. Inilah tujuannya supaya ada sedikit-sebanyak halangan bukan untuk menggalakkan. Jikalau Kerajaan hendak menggalakkan rakyat pergi ke casino untuk bermain judi Kerajaan tidak akan membawa satu Rang Undang-undang seperti yang saya bentangkan pada petang ini. Tujuannya cuma supaya orang yang menggunakan chips mesti dibayar cukai juga. Dengan ini harapan Kerajaan ialah supaya orang-orang itu tidak masuk sahaja ke tempat perjudian dan bermain judi sahaja tanpa apa-apa halangan atas bayaran cukai.

Tuan Yang di-Pertua, saya tidak mahu memberi apa-apa jawapan lagi kepada Ahli Yang Berhormat dari Kepong pada dasarnya atas perjudian, dan untuk rekod sahaja, keputusan supaya tidak mengadakan sebuah casino lagi di Pulau Pinang ialah satu keputusan Kerajaan Persekutuan dan bukan daripada Kerajaan-kerajaan yang lain. Kerajaan Pusat (Kerajaan Barisan Nasional) yang telah mengambil keputusan supaya tidak diadakan lagi sebuah casino di Pulau Pinang, ataupun di mana-mana dalam negeri ini. Ini bermakna bahawa Kerajaan Barisan Nasional sentiasa sedar, sentiasa mengkaji akibat-akibat daripada beberapa aktiviti berkaitan dengan perjudian di dalam negeri ini. Dan oleh kerana itu juga, Tuan Yang di-Pertua, untuk rekod, pihak Perbendaharaan dengan kerjasama dari pihak polis sudahpun mengambil tindakan yang tegas supaya mengawal orang-orang yang mengadakan beberapa buah food machine ataupun one-arm bandit. Dalam suratkhbar sentiasa boleh dibaca bahawa pihak Kerajaan mengambil langkah-langkah yang tertentu supaya mencegah aktiviti-aktiviti yang boleh dikatakan haram itu.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Jawatankuasa*)

*Fasal 1 dan 2* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan tidak ada pindaan: dibacakan kali Yang ketiga dan diluluskan.

## RANG UNDANG-UNDANG PENERBANGAN AWAM (PINDAAN)

### Bacaan Kali Yang Kedua dan Ketiga

3.44 ptg.

**Timbalan Menteri Perhubungan (Datuk Haji Wan Abdul Kadir bin Ismail):** Tuan Yang di-Pertua, saya mohon mencadangkan supaya Akta Penerbangan Awam (Pindaan), 1974 bagi meminda Akta Penerbangan Awam, 1969, dibaca bagi kali yang kedua.

Tujuan Rang Undang-undang ini ialah untuk menubuhkan satu sistem pengurusan kewangan yang moden lagi lapangan terbang-lapangan terbang di Semenanjung Malaysia.

Salah satu perkara yang penting yang telah disyorkan oleh lapuran Pelan Induk, 1972 bagi lapangan terbang-lapangan terbang Pulau Pinang, Kuala Lumpur, Sandakan dan Kuching ialah untuk menubuhkan sistem pengurusan akaun atau kewangan yang moden di dalam rangka pentadbiran Kerajaan.

Penubuhan self-accounting unit di Jabatan Penerbangan Awam ini akan mencapai tujuan mewujudkan sistem akaun perdagangan di Jabatan Penerbangan Awam. Bagi permulaan system self-accounting ini akan dilaksanakan di semua lapangan terbang di Semenanjung Malaysia sahaja, oleh kerana ini dapat dilaksanakan dalam jangka masa tugas juruperunding.

Adalah dicadangkan supaya unit yang berkenaan ditubuhkan di Jabatan Penerbangan Awam di dalam bulan Januari, 1975.

Tuan Yang di-Pertua, saya mohon mencadangkan.

**Tuan Abu Bakar bin Umar:** Tuan Yang di-Pertua, saya mohon menyokong.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Jawatankuasa*)

*Fasal 1 dan 2* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

*Jadual* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan tidak ada pindaan: dibacakan kali yang ketiga dan diluluskan.

### RANG UNDANG-UNDANG KAWALAN HARGA (PINDAAN) (No. 2)

#### Bacaan Kali Yang Kedua dan Ketiga

3.48 ptg.

**Menteri Perdagangan dan Perindustrian (Datuk Haji Hamzah bin Datuk Abu Samah):** Tuan Yang di-Pertua, saya mohon mengemukakan Rang Undang-undang Akta Kawalan Harga (Pindaan) (No. 2), 1974 supaya dibaca bagi kali yang kedua.

Tuan Yang di-Pertua, berasas kepada pengalaman-pengalaman yang telah diperolehi, dan memandangkan kepada perubahan-perubahan yang telah berlaku, maka Kementerian saya telah menyemak semula Akta Kawalan Harga, 1946 dengan tujuan untuk mengemaskinikan Akta tersebut supaya masalah-masalah mengawal dan mengawasi harga dapat di atasi dengan lebih berkesan lagi. Hasil daripada semakan itu, perkara yang tidak berkenaan dan kelemahan-kelemahan seperti berikut telah terdapat:

- (a) Seksyen 13 (2) Akta adalah berkenaan dengan kuasa Pengawal Harga di dalam menentukan perniagaan borong atau pun runcit. Kuasa penentuan ini adalah tertakluk kepada seksyen 3(4) sebelum seksyen itu dipinda oleh Akta A222. Sekarang ini seksyen 3 (4) telahpun dipinda oleh Akta A 222 dengan memberi makna dan tujuan yang lain kepada seksyen 3(4). Oleh itu perkataan "subject to section 3(4)" di bawah seksyen 13 (2) (a) adalah tidak berkenaan lagi.

(b) Kementerian hanya diberi tempoh untuk memulakan perbicaraan jenayah bagi sesuatu kes di bawah Akta ini selama 14 hari sahaja. Jikalau tidak, barang-barang yang ditahan oleh Kementerian ini hendaklah dipulangkan balik kepada tuan yang empunya barang-barang itu. Tempoh 14 hari ini adalah didapati tidak mencukupi.

(c) Denda yang dikenakan sekarang ini ialah \$10,000 atau penjara tidak lebih daripada 2 tahun atau kedua-duanya sekali bagi kesalahan yang pertama. Denda ini adalah ditetapkan dalam tahun 1946 pada masa Akta ini mula diluluskan. Dalam tahun 1946 denda sebanyak \$10,000 adalah dianggap mencukupi untuk mencegah perbuatan kesalahan di bawah Akta ini. Denda ini tidak dipinda hingga ke akhir tahun 1974 ini. Demikian juga berkenaan dengan denda bagi Pertubuhan Perbadanan (Body Corporate) yang ditetapkan sebanyak \$20,000 bagi kesalahan pertama. Denda ini ditetapkan juga dalam tahun 1946 dan tidak dipinda hingga kepada hari ini. Pada pendapat Kementerian ini, denda-denda ini tidaklah mencukupi dan tidaklah akan menolong mencegah berlakunya perkara jenayah ini.

Untuk mengatasi kelemahan-kelemahan yang tersebut di atas dan mengemaskinikan Akta Kawalan Harga, 1946, maka dicadangkan supaya Akta itu dipinda sebagai berikut:

- (a) Perkataan-perkataan "subject to section 3 (4)" yang terdapat di bawah seksyen 13(2) dihapuskan kerana tidak berkenaan lagi dengan meminda seksyen 13 (2) (a) tersebut.
- (b) Tempoh 14 hari untuk memulakan perbicaraan jenayah itu dilanjutkan kepada 30 hari supaya memberi masa yang cukup kepada Kementerian ini menjalankan siasatan-siasatan yang perlu. Ini boleh dilaksanakan dengan meminda seksyen 14.
- (c) Denda-denda bagi perseorangan dan pertubuhan perbadanan (Body Corporate) ditambahkan supaya menjadi \$15,000 dan \$25,000 masing-masing dengan meminda seksyen 22. Ini adalah berseimbangan dengan denda-denda yang didapati di bawah Akta Kawalan Bekalan, 1961.

Tuan Yang di-Pertua, sebagaimana Ahli-ahli Yang Berhormat sedia maklum soal kenaikan harga barang-barang sedang diberi perhatian berat oleh Kerajaan dari segala segi. Dengan pindaan-pindaan yang dicadangkan ini, maka dipercayai satu langkah lagi ke hadapan telah diambil untuk mengatasi ataupun mencegah berlakunya perkara jenayah penyorokan barang-barang ini.

Tuan Yang di-Pertua, saya memohon kebenaran untuk mengemukakan Rang Undang-undang Akta Kawalan Harga, 1946 (Pindaan) (No. 2), 1974.

**Menteri Perancangan Am dan Penyelidikan Sosio-Ekonomi (Datuk Haji Abdul Taib bin Mahmud):** Tuan Yang di-Pertua, saya mohon menyokong.

3.55 ptg.

**Tuan Lee Lam Thye (Kuala Lumpur Bandar):** Tuan Yang di-Pertua, saya bangun untuk membahaskan Rang Undang-undang Kawalan Harga (Pindaan) (No. 2) yang dibentangkan di hadapan kita sekarang. Saya mohon izin bercakap dalam bahasa Inggeris dengan pendek sahaja.

**Tuan (Timbalan) Yang di-Pertua:** Kalau dengan pendek sahaja bolehlah bercakap dalam Bahasa Malaysia, tidak ada technical—berucap dahulu dalam Bahasa Malaysia.

**Tuan Lee Lam Thye:** Tuan Yang di-Pertua, my colleagues and I are of the view that this Price Control (Amendment) Bill which is tabled before us today . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Saya belum beri izin lagi, cuba mulakan dalam Bahasa Malaysia, selepas itu baharu boleh teruskan dalam bahasa Inggeris.

**Tuan Lee Lam Thye:** As I said just now we are of the view that this Price Control (Amendment) Bill . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Saya kata tadi berucap dahulu dalam Bahasa Malaysia, selepas itu baharu teruskan dalam bahasa Inggeris.

Ahli-ahli Yang Berhormat boleh berucap dalam bahasa Inggeris, hanya dengan izin sahaja.

**Tuan Lee Lam Thye:** Saya berkata tadi bahawa saya hendak membahaskan Rang Undang-undang Kawalan Harga (Pindaan) (No. 2) yang dibentangkan di sini dan saya mohon izin bercakap dalam bahasa Inggeris.

**Tuan (Timbalan) Yang di-Pertua:** Diizinkan.

**Tuan Lee Lam Thye (Dengan izin) Mr Speaker, Sir, my colleagues and I are of the view that this Price Control (Amendment) Bill, which is tabled before us today, will still be inadequate to deal with the problem of price inflation facing the people today. I understand that this is the second amendment Bill to the Price Control Act, 1946, the first amendment being passed in Parliament last year. The first amendment sought to require retailers, wholesalers, manufacturers and producers to display price tags for their goods. However, this first amendment was not able to bring about the desired results of effective price control. Despite the passage of the first amendment, prices of goods still continue to hike. This is obviously so because price tagging alone is not sufficient to deal with price inflation. Price tagging by itself is not price control.**

Tuan Speaker, this second amendment Bill to the Price Control Act, 1946, which seeks to increase minimum fines and to lengthen the period for the custody of seized goods for the purpose of legal proceedings, is still, in my view, highly inadequate to deal with the growing problem of price inflation. This is only a half-hearted measure, and the Ministry of Trade and Industry has yet to come out with more concrete measures to check price hiking and control inflation. The Government has been most reluctant to come out with a strict and comprehensive price control policy apart from making minor amendments to the Price Control Act such as this Bill before us today.

Tuan Speaker, despite the many so-called effective measures announced by the Government to control prices, the fact cannot be denied that prices of goods, food and many other essential commodities, apart from those which have been declared as controlled items, still keep on increasing daily, if not weekly. There is not a single uncontrolled item which has not increased in price, and such increases are not marginal, but hefty ones, some going to as high as 100% increases.

Tuan Speaker, even house rents are going up fantastically causing hardship and creating housing problems for the low-income group.

Another instance. The present boycott of soft-drinks from Fraser & Neave (F. & N.) by the Foochow Coffee Dealers' Association, as a means of protest against the price increase of these soft-drinks, is itself an indication of the Government's inability to control price increase.

Tuan Speaker, it will therefore be seen that effective price control cannot be brought about by half-hearted measures, or in a piecemeal manner such as the introduction of this Price Control (Amendment) (No. 2) Bill. What is needed is a more comprehensive price control policy and stringent price control machinery.

It is with this in view that I would like to put forward the following two proposals for consideration by the Government:

- (i) to establish an "Early Warning System" on prices where, under this system, firms or manufacturers are legally required to notify the Government in advance of any proposed price increase in important commodities and services and to seek approval for any such proposed price changes; and
- (ii) to establish a National Price Commission, preferably headed by a High Court Judge, as an independent means of investigating the merits or otherwise of proposed price increases. This Commission could issue guidelines to determine a list of "Fair Prices", and also to have the power to permit or refuse price increases and to order reductions, if necessary.

3.59 *ptg.*

**Tuan Haji Abdul Wahab bin Yunus (Dungun):** Tuan Yang di-Pertua, saya suka mengambil bahagian dalam perkara meminda Akta Kawalan Harga, 1974.

Saya ingin menyatakan berkaitan dengan rampasan barang-barang yang dijalankan oleh pihak Pegawai-pegawai Penguatkuasa mengikut di bawah Akta ini, saya rasa perlu saya sampaikan di sini untuk perhatian Yang Berhormat Menteri yang berkenaan. Walaupun dari beberapa segi, boleh diluluskan tetapi saya rasa Menteri yang berkenaan

perlu mengambil perhatian untuk menjalankan kerja-kerja oleh Pegawai-pegawai Penguatkuasa dan ini haruslah ada timbangan sedikit khasnya dalam bidang perniagaan-perniagaan bumiputra. Saya menerima pengaduan daripada peniaga-peniaga bumiputra bahawa Pegawai-pegawai Penguatkuasa keras benar apakala pergi ke kedai-kedai bumiputra dengan keadaan-keadaan yang tidak menyenangkan dan dengan kata-kata yang keras ataupun kepada yang bukan bumiputra yang mempunyai kedai-kedai yang kecil dan tidak besar, sedangkan kalau pegawai berkenaan pergi ke kedai-kedai besar tidak begitu kuat dan keras. Jadi, saya menerima rayuan daripada peniaga-peniaga bumiputra supaya pada masa yang akan datang kalau pergi ke kedai-kedai bumiputra untuk memeriksa barang-barang itu, biarlah dengan muka yang manis dan tunjukkan kuasa kita itu pada masa kita menjalankan tugas dan jangan hendak marah sahaja. Itu pengaduan-pengaduan yang saya terima, mereka masuk ke kedai bumiputra dengan keadaan yang masam mengatakan ini barang salah dan sebagainya. Jadi, biarlah ditunjukkan dengan sopan santun, apatah lagi orang-orang bumiputra ini selalu mudah takut apakala melihat pegawai itu masuk dengan keadaan yang kasar, maka mereka terus berasa takut. Saya rasa ini tidak menggalakkan. Saya harap pada masa yang akan datang pegawai-pegawai itu mesti menjalankan tugas dengan cara yang baik kepada peniaga-peniaga bumiputra.

Satu lagi ketika menjalankan pemeriksaan, saya meminta kepada pegawai-pegawai yang berkenaan janganlah membawa isteri dan anaknya. Saya dapat tahu ada beberapa orang pegawai ketika menjalankan pemeriksaan membawa isterinya untuk pergi memeriksa di satu kedai dan di beberapa kedai. Saya dukacita dengan keadaan-keadaan seperti ini, dan saya harap biarlah pihak Menteri yang berkenaan memberi arahan apakala menjalankan pemeriksaan di kedai-kedai barang dan sebagainya janganlah membawa isteri dan anaknya.

**Tuan (Timbalan) Yang di-Pertua:** Isteri yang ke berapa itu?

**Tuan Haji Abdul Wahab bin Yunus:** Seorang isteri dan seorang anak. Jadi, kalau kita membawa isteri dan anak selalu sahaja tuan punya kedai itu akan beri ada-ada

sahaja barang. Itu kurang menyenangkan. Jadi, saya tidak mahu menyebutkan satu persatu daripada bahagian itu tetapi saya boleh memberitahu kepada Yang Berhormat Menteri cara-cara yang telah berlaku di beberapa tempat. Saya berasa dukacita dengan kejadian seperti ini, dan saya harap pihak Yang Berhormat Menteri yang berkenaan harus mengambil perhatian supaya pegawai-pegawai berkenaan bukan sahaja di Kuala Lumpur bahkan di Negeri Trengganu pun begitu juga. Masa pergi memeriksa barang di kedai jangan membawa isteri ataupun membawa anak, sebab ini mendatangkan pandangan yang tidak baik dari kalangan orang-orang yang melihat.

4.03 ptg.

**Dr Tan Chee Khoon:** Tuan Yang di-Pertua, saya hendak bercakap sepatah dua terhadap Rang Undang-undang yang dikemukakan oleh Yang Berhormat Menteri yang berkenaan, dan di samping saya bercakap dalam Bahasa Malaysia, saya mohon izin bercakap dalam bahasa Inggeris juga.

Tuan Yang di-Pertua, Yang Berhormat Menteri yang berkenaan telah menjelaskan bahawa pindaan yang dikehendaki adalah untuk melanjutkan tempoh daripada dua minggu hingga 30 hari dan menaikkan denda. Langkah-langkah ini memang baik dan saya menyokong dengan sepenuh-penuhnya. Tetapi seperti apa yang disebutkan oleh wakil dari Kuala Lumpur Bandar, pindaan-pindaan ini walaupun baik, tidak mencukupi untuk mencegah kenaikan harga barang-barang keperluan di tanahair kita, melainkan barang-barang yang diisytiharkan sebagai control items. Sebagaimana Menteri yang berkenaan sedar di luar bandar mahupun di dalam bandar harga sweet condensed milk, dinaikkan lebih daripada 75 sen setin.

(*Dengan izin*) Now, Mr Speaker, Sir, I fully agree with the Member for Kuala Lumpur Bandar that these amendments, while they are good and they are essential, are not enough and the Minister himself knows this well. I would plead with the Minister to set up a special team in his Ministry and if necessary, to get the co-operation of the Consumers Associations in this country to look at this problem of supply and demand, problem of the ever-increasing price of our essential commodities, so as to give both the producer and the consumer a

fair deal. At the moment, I am afraid, the consumer is always at the wrong end of the stick. He always gets a raw deal from the producer or the businessman, be it a small or a big businessman. I think a thorough investigation of this problem must be made and the Minister should come to this House with a comprehensive plan. We cannot completely eradicate the increase of prices of essential commodities in this country, particularly with the policy of *laissez-faire* in this country, but we can, to a large extent, see that the consumer gets a fair deal.

I say this because, of late, one notices that the Minister in this House himself has stated by implication that the Consumers Association or F.O.M.C.A. or the Majlis Penasihat Pelindung Pengguna Kebangsaan is not that necessary when it comes to the firms in case they want to increase the price. I say that every time that there is an increase in price that is wanted by the manufacturer, there should be a thorough investigation as to the cost of the material and I believe, by now the Ministry itself should have experts who can run through the books of the producer or the factory, so as to see if there is any justification for the increase in price that is wanted by the producer. Then at the same time the Ministry should seek the views of both F.O.M.C.A. which is the Federation of Malaysia Consumers Association, and also the body that is established by the Minister himself, that is Majlis Penasihat Pelindung Pengguna Kebangsaan, now headed, I believe, by Tan Sri Hamzah Sendut, the Vice-Chancellor, Universiti Sains Malaysia; and all these bodies—the producers, the advisory body, the F.O.M.C.A. and anybody else—can contribute usefully to a thorough investigation of any essential goods on which the producer or manufacturer wishes to increase the price. If, after such a thorough consideration the Minister makes an announcement that the increase is justified, then at least the people of this country and, in particular, the consumers in this country can be *berpuas hati*. Mereka boleh menyatakan “Kita telah memberi pandangan kita walaupun pandangan itu tidak diterima oleh Kerajaan atau oleh majikan atau pengilang, maka kita telah ada berpeluang untuk memberi pandangan kita”.

Mr Speaker, Sir, I also wish to say that there has been some difficulty with regard to the registration particularly of small-time

businessmen. In the past, I have in this House pleaded with the Minister that, whenever one wants to renew his trading licence, there should be adequate time given. By "adequate time", I do not mean just "one week" or "two weeks" because the Minister knows that if you are a one-man kedai and if you go there and wait for 4 to 5 hours in the queue to renew your licence, for example, and then at the end of the office hours, they say "Tutup, esok datang di sini lagi" then, of course, the small-time businessman, particularly if it is a one-man show, he cannot have many such opportunities to go and renew his licence, so that . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Yang Berhormat menyebut fasal licence di mana? Dalam Rang Undang-undang ini?

**Dr Tan Chee Khoon:** Di dalam kenaikan harga . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Tidak ada menyebut fasal licence.

**Dr Tan Chee Khoon:** Saya hendak menutup pendapat dan ucapan saya—I would make a plea with the Minister to take into consideration this problem facing the small-time businessmen.

4.10 ptg.

**Datuk Haji Hamzah bin Datuk Abu Samah:** Tuan Yang di-Pertua, saya berterima kasih kepada Ahli-ahli Yang Berhormat yang telah memberi pandangan dan pendapat tentang perkara yang melibatkan Undang-undang pindaan ini.

Perkara yang dibangkitkan oleh Ahli Yang Berhormat dari Kuala Lumpur Bandar yang menyatakan langkah-langkah dan tindakan-tindakan yang diambil oleh Kerajaan setakat ini masih lagi inadequate atau tidak mencukupi bagi mencegah kenaikan harga barang-barang, maka saya suka menyatakan di sini bahawa banyak tindakan yang telah diambil oleh Kerajaan buat masa lepas dan masa ini adalah bertujuan untuk mengurangkan berbangkitnya perkara yang semata-mata akan boleh mewujudkan keadaan dalam mana barang-barang akan naik harganya daripada kedudukan yang menasabah. Jadi, segala tindakan yang telah diambil oleh Kerajaan seperti mengadakan undang-undang, peraturan mencegah penyorokan

barang-barang, pada pendapat saya telah memberi kesan yang baik dalam mana kenaikan harga barang, terutamanya barang keperluan adalah setakat ini telah dapat kita kawal.

Ahli Yang Berhormat itu menyatakan price tagging ataupun meletakkan harga barang di barang-barang yang dijual itu tidak mencegah kenaikan harga barang, saya suka menyatakan di sini bahawa perletakan harga kepada barang-barang yang dijual itu bukanlah bermakna barang itu mesti dijual dengan harga yang ditetapkan, kerana tujuan kita meletakkan harga kepada barang-barang itu adalah cuma memberi kenyataan kepada pembeli-pembeli di atas perbezaan di antara harga yang dijual di satu kedai dengan harga yang dijual berkaitan dengan barang itu di kedai yang lain. Kita belum lagi menjalankan kuatkuasa dalam mana kita memaksa orang itu menjual dengan harga yang ditetapkan mengikut peraturan yang ada terkandung dalam Undang-undang ini.

Mengenai cadangan Ahli Yang Berhormat supaya amaran awal ataupun early warning patut diberitahu sebelum satu-satu harga barang yang terkawal itu dinaikkan, saya suka menyatakan di sini bahawa memang kita ada peraturan dalam mana sebelum satu-satu kilang ataupun syarikat menaikkan harga barang-barang yang termasuk di dalam takrif barang-barang yang terkawal, mereka mestilah menghantar surat permohonan di mana akan dibentangkan dengan panjang lebar segala laporan menunjukkan production cost, perbelanjaan barang-barang ini dan semuanya dikaji dengan mendalamnya oleh pihak yang berkenaan dalam Kementerian Perdagangan dan Perindustrian, termasuk pakar-pakar (experts) yang akan menentukan bahawa syarikat yang berkenaan itu ada alasan yang menasabah dari segi belanja pengeluaran untuk dibenarkan menaikkan harga barang. Jadi, selagi tidak diberi laporan ini, maka syarikat yang berkenaan itu tidak dibenarkan sama sekali menaikkan harga barang-barang yang dikawal itu.

Ahli Yang Berhormat mencadangkan supaya satu Suruhanjaya ataupun Commission yang di Pengerusikan oleh Hakim Mahkamah Tinggi dilantik untuk mengkaji kedudukan kenaikan harga barang dan permohonan untuk menaikkan harga barang-barang, maka sebagaimana saya telah jelaskan beberapa kali di Dewan ini, Commission

ataupun Suruhanjaya semacam itu tidak perlu kita adakan. Pada masa ini kita memang ada badan-badan berkenaan di peringkat Kementerian sebagai Majlis atau Pertubuhan yang mengawal kenaikan harga barang yang dinamakan Jawatankuasa Mengkaji Kenaikan Harga Barang ataupun Price Review Committee di peringkat Kementerian. Begitu juga badan yang dinamakan National Advisory Council for Consumers Protection ada mempunyai tugas juga untuk mengkaji dengan mendalamnya segala permohonan kenaikan bagi menaikkan harga barang-barang kawalan. Saya rasa dengan adanya dua badan ini tidak perlulah kita mengadakan satu badan Suruhanjaya sebagaimana yang dicadangkan oleh Ahli Yang Berhormat itu.

Teguran Ahli Yang Berhormat dari Dungun berkenaan Pegawai-pegawai Penguatkuasa menjalankan tugas mereka dengan kasar, saya suka mendapat laporan yang lebih lengkap daripada Ahli Yang Berhormat itu tentang kenyataan bahawa ada pegawai yang menjalankan tugas melebihi batas dari segi sopan-santun, saya tidak enggan dan tidak sunyi daripada mengambil tindakan yang sewajarnya kepada pegawai berkenaan yang menjalankan tugas melebihi daripada batas yang dibenarkan itu. Jadi, tentang aduan ini setakat yang saya tahu saya belum lagi dapat apa-apa aduan ataupun laporan daripada mana-mana pihak termasuk Ahli Yang Berhormat bahawa ada pegawai yang telah menjalankan tugasnya dengan menggunakan kekasaran dari segi tutur kata dan perbuatan, dan kalau ada sebagaimana saya katakan tadi saya mintalah laporan itu diberi kepada saya.

Ahli Yang Berhormat itu juga menegur bahawa pegawai-pegawai yang menjalankan tugas dengan membawa anak dan isterinya, perkara itu saya sendiri berpendapat kalau sekiranya perbuatan itu tidak menghalang daripada menjalankan tugas mereka itu, dengan baik, saya tidak nampak sebab tidak boleh seorang pegawai itu tak boleh membawa isteri pada masa dia menjalankan tugasnya. Sebaliknya, mungkin pegawai-pegawai berkenaan itu rasa saya, boleh bekerja dengan lebih cergas lagi kalau sekiranya diberi inspirasi yang cukup oleh seorang yang rapat dengan dia sebagai isteri dia sendiri.

Ahli Yang Berhormat dari Kepong juga mencadangkan supaya satu badan ditubuhkan di peringkat Kementerian untuk mengkaji tentang perkara supply and demand, dengan tujuan supaya kajian-kajian yang dibuat berkaitan dengan perkara ini dapat menolong menahan kenaikan harga barang. Suka saya menyatakan di sini bahawa satu daripada tugas badan National Advisory Council for Consumers Protection itu ialah untuk membuat kajian semacam ini, kita ada berbagai jawatankuasa kecil di bawah badan ini yang mengandungi economist, peniaga-peniaga, ahli perniagaan yang terkemuka yang diberi tugas tertentu untuk membuat kajian ataupun research di atas harga barang, production cost, harga pengeluaran barang. Masalah supply and demand dan laporan-laporan ini sentiasa dikemukakan kepada Bahagian Kementerian yang berkenaan yang bertanggungjawab di dalam perkara memutuskan dan menimbangkan satu-satu permohonan untuk menaikkan barang-barang harga yang dijual. Dengan kerana itu, rasa saya tidaklah perlu diadakan satu badan lain untuk menjalankan tugas.

Ahli Yang Berhormat dari Kuala Lumpur Bandar juga menegur di atas tidak adanya perhubungan di antara Kementerian dengan badan ini tentang kenaikan harga barang-barang. Sebagaimana yang telah saya jelaskan di Dewan ini juga di dalam Jawatankuasa Pengkaji Kenaikan Harga Barang-barang (Price Review Committee) di dalam Kementerian saya, memang ada satu kerusi, satu tempat dikhaskan bagi wakil daripada badan ini, iaitu Badan National Advisory Council for Consumers Protection. Apabila ada satu sebab-sebab permohonan untuk dinaikkan harga satu-satu barang keperluan, jemputan dibuat, diundang wakil ini untuk menghadiri mesyuarat yang mengkaji permohonan untuk dinaikkan harga barang-barang ini di dalam mana wakil ini diberi kesempatan bersama-sama membincangkan masalah, samada permohonan untuk dinaikkan harga barang itu diluluskan ataupun tidak. Sukacita saya menyatakan di sini lebih baik kita serahkan peluang penglibatan orang ramai menerusi Consumers Association ini menerusi wakilnya daripada kita berunding dengan satu badan yang saya anggap unwieldy yang mengandungi 28 orang semuanya di dalam Badan National Advisory Council for Consumers Protection.

Saya suka juga mengingatkan di sini bahawa di dalam Badan National Advisory Council for Consumers Protection ini wakil-wakilnya ramai datang daripada private sector, peniaga-peniaga dan Ahli Yang Berhormat mungkin bersetuju dengan saya bahawa perkara yang saya anggap sangat sensitif, iaitu perkara samada harga barang itu dinaikkan atau tidak, itu adalah perkara sebelum diisytiharkan perkara yang sangat sulit. Kalau sekiranya dibincangkan dengan terbuka di khalayak ahli 28 orang di dalam mana banyak orang peniaga, kalau bocor satu-satu perkara ini sudah berbangkit perkara-perkara yang tidak diingini. Kalau sudah ada kenyataan bahawa rahsia-rahsia telah bocor daripada tempat-tempat yang lebih penting semacam ini sudah tentu kalau sekiranya perkara ini dibahaskan dengan secara terbuka di dalam majlis yang begini ramai, tentu ada kemungkinan bahawa sebelum kita isytiharkan suatu-satu kenaikan harga barang itu perkara ini sudah dibocorkan kepada orang ramai. Dengan itu, kami berpendapat lebih baik kalau sekiranya badan ini diwakili oleh seorang wakil di dalam Price Review Committee yang sentiasa dijemput wakil ini kalau sekiranya jawatankuasa ini bersidang mengkaji satu-satu permohonan untuk dinaikkan harga barang-barang.

Ahli Yang Berhormat itu berkata bahawa ada harga-harga barang keperluan di luar bandar dinaikkan lebih daripada yang ditetapkan, yang mana Ahli Yang Berhormat menyebutkan sebagai contoh, susu tin yang dikatakan harganya dinaikkan lebih daripada 75 sen. Ini saya tidak menafikan, mungkin ada berlaku di tempat-tempat yang berjauhan daripada bandar yang mana mungkin tidak dapat kita mengawasi dengan rapinya perbuatan ini dengan kerana tidak ada pegawai-pegawai yang ditempatkan di situ, samada daripada Kementerian ataupun daripada pihak polis. Dalam perkara ini sukalah saya menyatakan bahawa selepas ini akan dibentangkan pula satu cadangan pindaan undang-undang dalam mana kita berharap diberi kuasa kepada Pegawai Polis yang berpangkat atas daripada Kopral, iaitu Sarjan supaya lebih ramai. Pegawai-pegawai polis diperingkat Sarjan ke bawah itu diberi kuasa mengawasi kedai-kedai supaya jangan berbangkit perkara-perkara yang kita cuba mencegah, iaitu perkara menyorok barang-barang di kawasan-kawasan luar bandar.

Tetapi dalam pada itu kalau sekiranya Ahli Yang Berhormat mendapat maklumat yang tertentu menunjukkan ada barang-barang yang ditetapkan harganya seperti susu dijual dengan harga yang lebih, saya berterima kasih kalau sekiranya laporan dapat diberi kepada Kementerian untuk tindakan sewajarnya diambil.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Jawatankuasa*)

*Fasal 1 hingga 4* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan tidak ada pindaan: dibacakan kali yang ketiga dan diluluskan.

## **RANG UNDANG-UNDANG KAWALAN BEKALAN (PINDAAN)**

### **Bacaan Kali Yang Kedua dan Ketiga**

4.27 ptg.

**Datuk Haji Hamzah bin Datuk Abu Samah:** Tuan Yang di-Pertua, saya mohon mengemukakan Rang Undang-undang Akta Kawalan Bekalan (Pindaan), 1974 supaya dibaca bagi kali yang kedua.

Tuan Yang di-Pertua, berasas kepada pengalaman-pengalaman yang telah diperolehi dalam beberapa tahun yang lepas, maka Kementerian saya telah menyemak semula Akta Kawalan Bekalan, 1961 dengan tujuan untuk memberi kuasa tambahan kepada Kementerian bagi mengendalikan masalah-masalah mengawal, dan mengawasi bekalan dengan lebih berkesan lagi. Hasil daripada semakan itu beberapa kelemahan telah terdapat seperti berikut:

- (a) Pada masa ini kuasa menyiasat di atas aduan-aduan daripada orang ramai adalah terhad pegawai-pegawai polis yang berpangkat tidak rendah daripada Inspektor. Dalam kempen anti-sorok

baharu-baharu ini, aduan-aduan di atas penyorokan di luar bandar tidaklah dapat diberi perhatian segera oleh pihak Polis kerana kebanyakan balai-balai polis di kawasan-kawasan luar bandar hanya mempunyai pegawai-pegawai polis yang rendah dari pangkat Inspektor. Penyiasatan serta-merta ke atas aduan-aduan itu tidaklah dapat dilaksanakan oleh pegawai-pegawai polis yang menjaga balai-balai polis di luar bandar tanpa kuasa yang bertulis dari Pengawal Bekalan.

- (b) Masaalah tafsiran adalah juga didapati berkenaan dengan kuasa-kuasa Pengawal Bekalan dalam memberi perintah atau arahan berkaitan dengan barang-barang kawalan yang telah diambil milik olehnya. Samada kuasa itu termasuk kuasa menjual atau memulang balik barang-barang itu sekiranya tindakan Mahkamah masih lagi belum selesai dan barang-barang itu tidak mudah rosak. Keraguan juga didapati kerana peruntukan yang tidak lengkap dalam soalan tindakan di atas barang-barang lain seperti kenderaan, vesel atau lain-lain barang yang diambil milik bersama-sama dengan barang-barang kawalan.
- (c) Sungguhpun telah ada peruntukan dalam Akta ini yang menjadikan satu kesalahan bagi sesiapa yang berniaga barang-barang kawalan tanpa lesen tetapi peruntukan ini tidaklah mencukupi kerana pekedai-pekedai masih boleh menafikan yang ia ada barang-barang kawalan dalam miliknya dan enggan atau tidak mahu menjual barang-barang kawalan itu.
- (d) Kuasa penyiasatan polis di bawah Akta ini adalah sama seperti kuasa penyiasatan polis di bawah Kanun Acara Jenayah. Pihak-pihak berkenaan telah mencabar berkenaan kuasa ini mengatakan segala kenyataan yang dibuat oleh orang yang dituduh adalah tidak boleh diterima sebagai keterangan kerana pegawai-pegawai penguatkuasa dikatakan telah menggunakan kuasa polis dalam penyiasatan mereka.
- (e) Peruntukan dalam seksyen berkenaan dengan kuasa mahkamah menahan barang-barang kawalan adalah didapati tidak lengkap kerana peruntukan tidak

dibuat bagi barang-barang lain yang diambil milik bersama-sama dengan barang-barang kawalan.

Untuk mengatasi kelemahan-kelemahan yang terdapat sekarang dalam Akta Kawalan Bekalan 1961, maka dicadang supaya Akta itu dipinda seperti berikut:

- (a) Kuasa menyiasat di bawah Akta ini perlulah diberi kepada mana-mana pegawai polis yang pangkatnya tidak rendah dari Sarjan dan mana-mana pegawai polis yang menjaga balai polis supaya mereka dapat mengambil tindakan segera di atas apa-apa aduan yang diterima supaya Kempen Anti-Sorok dapat berjalan dengan lebih berkesan lagi. Bagi maksud ini seksyen 10 Akta perlulah dipinda supaya pegawai-pegawai polis tersebut diberi kuasa sewajarnya.
- (b) Seksyen-seksyen 11 dan 12 Akta perlu digantikan dengan peruntukan-peruntukan baru yang memberi kuasa yang nyata kepada Pengawal untuk menjual mana-mana barang-barang kawalan yang telah diambil milik olehnya, jika diputuskan untuk mengambil tindakan jenayah mengenai barang-barang itu. Tetapi jika tidak, maka Pengawal hendaklah mengembalikan barang itu kepada empunya atau membayar kepadanya harga barang itu. Dengan adanya kuasa yang nyata untuk menjual maka tidaklah perlu lagi peruntukan yang memberi kuasa kepada Pengawal untuk memberi perintah supaya barang kawalan itu ditempatkan di pasaran, dan peruntukan itu perlulah digururkan dengan sewajarnya. Hal menguruskan berkenaan dengan kenderaan, vesel dan lain-lain barang perlulah juga ditetapkan dalam peruntukan baru itu.
- (c) Menambahkan satu seksyen baru kepada seksyen 16 supaya dijadikan satu kesalahan bagi seorang penjual berlesen yang menafikan secara dusta yang ia ada memiliki mana-mana barang kawalan atau enggan menjualnya.
- (d) Ditambah satu seksyen baru kepada seksyen 24 supaya membolehkan diterima sebagai keterangan maklumat tertentu yang diberi oleh orang-orang yang dituduh.

(e) Seksyen 26 perlu dipinda supaya mem- persamakan seksyen-kecil (2) dengan seksyen-kecil (1) berkenaan dengan perkara “kenderaan vesel atau lain-lain barang.” Pada masa sekarang hanya seksyen-kecil (1) sahaja menyentuh mengenai barang-barang itu.

Tuan Yang di-Pertua, sebagaimana Ahli- ahli Yang Berhormat sedia maklum soal bekalan dan kenaikan harga adalah satu masalah yang tidak mudah diatasi memandangkan kepada keadaan “stagflation” yang dialami di seluruh dunia sekarang ini. Adalah dipercayai dengan adanya satu pindaan ke atas Akta ini, maka senanglah sedikit bagi kita mengawal perkara-perkara bekalan, dan kenaikan harga.

Tuan Yang di-Pertua, saya mohon kebenaran untuk mengemukakan Rang Undang- undang Akta Kawalan Bekalan, 1961 (Pindaan), 1974.

**Datuk Ong Kee Hui:** Tuan Yang di- Pertua, saya mohon menyokong.

4.34 ptg.

**Tuan Lee Boon Peng (Mantin):** Tuan Yang di-Pertua, saya bangun untuk meng- ambil bahagian di dalam perbahasan di atas pindaan tertentu terhadap Akta Kawalan Bekalan, 1961 dan juga saya mohon izin bercakap dalam bahasa Inggeris oleh sebab ini ada berkenaan dengan undang-undang.

**Tuan (Timbalan) Yang di-Pertua:** Kalau minta izin tidak payah beri sebab.

**Tuan Lee Boon Peng:** (*Dengan izin*) Mr Speaker, Sir, while referring to the Control of Supplies (Amendment) Bill, I wish to touch on Clause 3 in regard to new Section 12 (1) (a) and (b) and 12 (2) (a) and (b). I hope the Minister will note that in these four proposed amendments, no time limit has been inserted for institution of legal proceedings. Under section 12 (1) (a), the Controller may decide to institute criminal proceedings even after two months, though the goods seized are perishable in nature, and he can decide whether to act under (a) or (b). But there must be a time limit, as provided, for instance, under the Price Control (Amend- ment) Act, which we passed just now. There is an amendment to Section 14 which

provides for an increase from two weeks to thirty days the period after seizure after which, if within that period no criminal proceedings have been instituted, the seized goods should be restored. Here, we have a provision under new Section 12 (1) (b) which states:

“if it is otherwise decided, the Controller shall either restore possession to the owner or, instead of restoring possession, pay to owner of the controlled article the maximum price fixed by any written law . . . .”

Mr Speaker, Sir, if the Controller shall decide to restore possession, there must be a time limit within which he should do so, because I have known of cases where small shopkeepers in the rural areas have been arrested for offences under the Control of Supplies Act. I am all in favour of the law being brought in full force against offenders under the Act, but in the interest of justice, I would like the Minister to see that there is a time limit wherein prosecutions should be instituted against such offenders, especially in the case of perishable goods. If we were to take the case of sugar it is a well-known fact that sugar “weeps,” if it is kept for a long period. So, if it is decided to restore possession of these goods such as sugar and similar other perishable items, and if there is no time limit set for prosecution, then the owner may not get the full value of the goods that are restored.

Mr Speaker, Sir, I have referred to Section 12 (1) (a) and (b) and (2) (a) and (b) and I trust that the Minister will take note that a time limit should be inserted by way of an amendment to the Control of Supplies (Amendment) Act.

I would now like to refer to another new section—Section 16A (1), paragraph (b) where it states:

“16A (1) Any person, being the holder of a valid licence issued in accordance with section 7 to sell by wholesale or retail any controlled article, who has in his possession a stock of the article and who—

refuses, except with the permission of the Controller or any supplies officer authorized in that behalf by the Controller in writing, to sell the article in reasonable quantities in the ordinary way of business”.

I submit with respect, Mr Speaker, Sir, that the word "reasonable" has a very wide meaning. What is reasonable? It is a state of mind. In this amendment, we are giving authority to an officer below the rank of Inspector, but not below the rank of Sergeant, and any officer-in-charge of a police station to exercise the powers in relation to investigations. We have to be careful that in enforcing this Act, with the use of the word "reasonable", any police officer above the rank of Sergeant, or any officer in charge of a police station, may not act contrary to the spirit, because in the enforcement of the Control of Supplies (Amendment) Act which is now passed by us today, justice and fairness should be the main consideration especially in enforcing Section 16A. For example if a man wants to go to a shop to buy a dozen tins of condensed milk, to him that is a reasonable quantity; but to a shopkeeper, he may think that three tins of condensed milk is a reasonable quantity. Now, I submit that the word "reasonable" can have a very wide interpretation, although Section 16A (b) gives protection to the offender, where it states:

"It shall be a defence to a charge under subsection (1) (b) that the accused had reasonable grounds for believing that the purchaser was unable or unwilling to make immediate payment of the article in cash".

Now, that is quite a good protection for the shopkeeper, but in the interest of justice, I would like an assurance from the Honourable Minister that, when we enforce this new Section 16A, there should be some directions or guidance from the Ministry on the definition of the word "reasonable" under the circumstances. I feel that we should bring the full force of the law against those shopkeepers who hoard, against wholesalers who withhold supplies from the market and against manufacturers who withhold certain goods or certain items so as to force the prices to go up. In particular, in the case of essential goods like condensed milk where, if there had been no ceiling, we would have got first grade milk at a certain price, but because of a price ceiling of 75 cents, we are now forced to buy second-grade milk at the ceiling price of 75 cents.

I would also like to bring another point here. I feel that the word "reasonable

quantities" may affect the consumers. There was an instance which I read in the newspapers about a month ago, where a certain group of clerks got together after they had obtained their salaries at the end of the month, and they made a purchase of goods on a co-operative basis from a shop so as to save some money. Now, if six clerks were to band together and go to a shop to buy sugar, milk and other essential foodstuffs for the house, will they be refused the supply, because under Section 16 (A), the shopkeeper will say, "I am supposed to sell to you a reasonable quantity"? Now, this kind of co-operative practice will help the consumers, because a group of persons can get together and save some money by buying things on a wholesale basis. Now, if a group of persons were to go to a supermarket or to one of the big retailers, will they be able to collectively buy enough supplies for a month? I submit that it is perhaps time now that, if we were to enforce this Section 16 (a) (b), the Minister should take this into consideration and give directions in that respect.

That is all I have to say regarding this Bill.

**Tuan (Timbalan) Yang di-Pertua:** Saya bercadang untuk menempohkan Mesyuarat ini sebentar dan kita akan sambung semula perbahasan ini kelak.

Majlis ditempohkan selama 20 minit.

*Persidangan ditempohkan pada pukul 4.45 petang.*

*Persidangan disambung semula pada pukul 5.05 petang.*

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Mesyuarat*)

**Tuan (Timbalan) Yang di-Pertua:** Ahli ahli Yang Berhormat, kita menyambung semula perbahasan di atas Rang Undang-undang Kawalan Bekalan (Pindaan). Saya jemput Ahli Yang Berhormat dari Kangar.

5.06 ptg.

**Tuan Shaari bin Jusoh (Kangar):** Tuan Yang di-Pertua, saya dengan sukacitanya menyokong penuh Rang Undang-undang yang telah dikemukakan oleh Yang Berhormat Menteri yang berkenaan, yang mana saya tahu dengan Rang Undang-undang ini membawa kebaikan khasnya kepada pengguna-pengguna.

Di atas daya-usaha Yang Berhormat Menteri yang berkenaan, saya sangat berterima kasih dan berharap dengan terlaksananya Rang Undang-undang ini akan membawa kebaikan, dan tidak sebagaimana biasa yang berlaku terhadap barang-barang yang akan dipergunakan oleh pengguna-pengguna.

Tuan Yang di-Pertua, sepertimana yang ditegaskan oleh Yang Berhormat Menteri yang berkenaan, kepada siapa-siapa yang menyorokkan barang, maka tindakan akan diambil. Di sini juga telah dinyatakan kuasa diberi kepada mana-mana pegawai polis yang pangkatnya tidak rendah dari Sarjan mengambil tindakan segera di atas aduan anti-sorok. Tetapi walau bagaimanapun, saya bimbang kadang-kadang undang-undang itu baik peraturannya, sebagai contoh ialah di dalam ugama Islam. Misalnya, dari segi hukum, seseorang itu tidak boleh membuat perkara yang dilarang oleh Tuhan. Hukum tetap hukum, tetapi manusia melakukan juga perkara yang dilarang. Dengan sebab itu, saya berharap dengan terlaksananya undang-undang yang begitu baik dan begini padat, saya merayu kepada pegawai-pegawai seperti yang telah dinyatakan oleh Rang Undang-undang ini supaya mengambil daya usaha yang sungguh-sungguh. Janganlah satu-satu perkara itu apabila menerima perintah dari pihak atasan, maka akan membuat report dari satu tempat ke satu tempat. Kalau difikirkan benda itu perlu diambil tindakan dan kuasa ada pada kita, patutlah diambil tindakan. Saya berkata begitu kerana berasa amatlah sedih di masa-masa yang lepas tentang perkara yang menjadi keperluan walaupun dalam benda-benda keperluan. Kawalan bekalan ini banyak tetapi yang menjadi keperluan kepada kita hari-hari ialah dua tiga empat jenis: beras, gula dan perkara-perkara lain lagi, tetapi gula dan beraslah yang menjadi satu benda yang amat perlu kepada tiap-tiap manusia. Dan benda inilah juga yang diheboh-hebohkan dan selalu disebut-sebutkan bahawa kawalan tidak cukup, tentang harga dan sebagainya. Tetapi walau macammana pun yang menjadi heboh sekarang tentang bekalan atau perkara ini tidak ada dalam simpanan. Perkara yang tidak ada disebabkan dua tiga perkara: satu boleh jadi perkara ini tidak betul; yang, kedua, perkara yang ditetapkan sebagai pembekal mereka cuai dan lebih tepatnya mereka pengkhianat pada negara, jika mereka menyimpan barang-barang yang berkenaan.

Untuk mengatasi perkara ini selain daripada Rang Undang-undang ini diadakan, saya syorkan selain daripada orang yang biasa menjadi pembekal yang berkenaan, saya merayu dalam Dewan ini, sebab saya dapat tahu di negeri saya sendiri, di Kangar, ada kilang gula dan ada beberapa orang yang menjadi pembekal atau agent-agent gula, setakat yang saya dapat tahu semua agent-agent yang berkenaan tidak ada langsung daripada bumiputra. Itupun tidak tahulah kalau sehari dua ini, kata orang zaman beralih, yang saya tahu tidak ada, tetapi hari ini boleh jadi ada, tetapi setakat masa yang lepas tidak ada. Satu langkah patutlah diambil oleh Menteri yang berkenaan pembahagi-pembahagi ini dikhaskan kepada orang bumiputra.

Yang kedua, mengawal bekalan, kalaulah benda itu ada, tetapi kalau benda itu tidak ada, ini yang menjadi kesulitan. Dengan sebab itu, saya tahu Menteri yang berkenaan berusaha sedaya upaya untuk mengawal sehingga tidak dibenarkan bawa keluar negeri atas niat Menteri yang berkenaan—saya tahu dari hati ke hati, kita ucapkan syabas dan terima kasih.

Selain daripada itu, saya titikberatkan bekalan gula, kerana ini yang menjadi masalah yang terlampau hangat, walaupun masalah lain benda ini biasa juga dicakapkan, tetapi gulalah ini menjadi masalah yang terlampau hangat.

Saya masih ingat semasa saya kecil dahulu, masa Jepun masa itu, gula putih ini tidak ada langsung. Orang yang membuat pada masa itu ialah gula daripada pokok nyior (pokok kelapa) dan satu lagi gula Thai. Saya sendiri pun biasa tengok orang-orang tua ambil daripada nira kelapa (nira Thai) tadi menjadi gula dan saya dapati gula ini amat manis, lazat dan bersesuaian sangat kalau dibuat makanan-makanan harian. Saya ingat lebih baik, kalau hendak dikatakan lebih baik daripada gula tebu. Ini menjadi satu daya usaha dari perusahaan pertanian dan saya yakin ini akan menambahkan hasil gula yang tidak mencukupi ini. Dengan sebab itu saya syorkan dan saya yakin kalau tempat nyior itu tidak begitu banyak, salah seorang daripada Yang Berhormat Timbalan Menteri kita dalam Dewan ini, kalau tidak salah saya ada mempunyai kebun kelapa. Kalau diagaknya gula kelapa ini boleh mendapat hasil yang begitu

baik dan cara prosesnya lebih kurang sama dengan gula tebu, saya ingat patutlah ini menjadi daya usaha. Saya sendiri tengok gula tebu di Perlis, pokok tebu itu kecil dan mengeluarkan gula sedikit. Saya ingat kalau hendak dibandingkan dengan gula kelapa harus gula kelapa boleh menguntungkan kalau cara prosesnya lebih baik lagi. Dengan itu, saya fikir untuk mengatasi kekurangan ini selain daripada menghadkan kawalan perbekalan untuk menambahkan bekalan-bekalan seperti gula patutlah dengan daya usaha Menteri yang begitu bersungguh-sungguh dapat meneruskan usahanya yang begitu baik untuk menstabilkan perbekalan yang sangat-sangat mustahak ini.

5.15 ptg.

**Tuan Lim Cho Hock (Ipoh):** (*Dengan izin*)

Mr Speaker, Sir, I have only a few points to raise. I understand the word "hoarding" has been defined in the main Control of Supplies Act. But the traders are not very happy because they are still not very certain with the definition of the word "hoarding", and the traders have always been harassed and victimised by the inspectors who call on them. They are quite afraid to order goods and store a reasonable amount for sale to the members of the public. I hope the Minister will be liberal and understanding and will not take too harsh an action on the traders. Furthermore, the traders themselves are not very sure as to the amount of goods they can store. If they store a bit more, then they may be caught by the inspectors; and if they store a bit less, then their business may suffer because they cannot meet the demand of the people. Mr Speaker, Sir, from experience, we know that demand for a certain type of goods differs from place to place. In a particular place, the demand for a certain type of goods may be more and therefore, the trader may have to stock more. In another place, the demand may be less for that particular type of goods, and therefore the trader may have to store less. So, I hope the inspectors concerned will be reasonable when they call on these traders and will not harass or victimise these traders unnecessarily.

Furthermore, if a trader would like to store up a certain type of controlled goods, they may have to apply to the Minister for a licence. But invariably, when they apply for a licence, they have to wait for a long time and they may have to wait for months before they can get a reply from the

Minister. In such a case, if they do not get a licence in a short time, or within a reasonable time, then there may be shortage of goods in his shop and as a result of which the prices of that particular category of goods may rise. Thus, it is not the fault of anybody but the fault of the Ministry concerned in not being able to process the applications for licences early. So, I hope the Minister concerned will look into this matter.

As to the price-tagging, Mr Speaker, Sir, lately the Government has told the traders to price-tag a number of goods. Now they have been given a certain time to do so. The traders are not very happy about this because they have been given too short a time to price-tag so many types of goods. They have held a few meetings, and I understand they have also communicated with the Ministry concerned about their problems of price-tagging so many types of goods within such a short period. I hope the Minister will give them more time. They are prepared to assist the Government; they are prepared to co-operate; but what they want is more time to do what the Ministry wants them to do.

Mr Speaker, Sir, the Court has been given the power to order confiscation of goods in case of a conviction for an offence under this particular Bill. From experience, the Court normally orders certain types of goods confiscated for disposal by the Police—the usual phrase is "for disposal by the Police." In certain cases, in particular those gambling cases, where tables, *mahjong*, *pakau* and so on and so forth have been confiscated, the Police do not know what to do with them. Some of these exhibits are left by the road side, or left outside the C.I.D. office or the police station. What are the Police going to do with the exhibits? The Court merely states "for Police disposal". Are they to be burnt or are they to be stored up in the store-room, or are they to be auctioned? Sir, I hope the Minister will liaise closely with the Legal Department as to what to do with the things that have been confiscated and to be disposed by the Police. I think specific orders should be given that either they should be auctioned and the amount collected to be credited to revenue or the items should be burnt or destroyed in a public place, and so on and so forth.

I am sorry to say that there are a lot of rumours going round that certain types of blue-films have not been destroyed. They

have been ordered to be destroyed, but they have not been destroyed. Sir, I hope in such cases, they should be destroyed openly in public so that everybody knows that such things have been destroyed and everybody is happy.

Lastly, Mr Speaker, Sir, I understand that road-blocks have been put up at various places such as at Kuala Kubu Bahru—Tanjong Malim Road Junction. They have been put up for some time now—I think for more than a year or so—and they are supposed to check on hoarders of these vital items from being transported or smuggled out of the country. But I have passed through these road blocks many a time, but apparently I have not even been checked at all and I see that the others also are not even being examined or checked.

**Tuan (Timbalan) Yang di-Pertua:** Because they know you are a good Member of Parliament.

**Tuan Lim Cho Hock:** Yes, I suppose so. But I see a lot of lorries also get through without really being checked. Of course, the road block serves a purpose, in the sense that it acts as a psychological warfare against these hoarders. It is a good thing. But I suppose by now these hoarders would have learnt that at certain places there would be road-blocks and so they would not take those routes. Why not we take off those road-blocks and only occasionally put them up and try to surprise the culprits, rather than having them put up throughout the year or over the next few years? They know that the road-blocks are there, and they will not carry the goods through that route. They will probably go by some other side-roads to bypass them. So, this is a matter for the Police to consider. Perhaps, there may be a better way to trap them rather than to have these road-blocks throughout the year.

5.22 ptg.

**Datuk Haji Hamzah bin Datuk Abu Samah:** Tuan Yang di-Pertua, terlebih dahulu saya menyentuh tentang perkara-perkara yang dibangkitkan oleh Ahli Yang Berhormat dari Mantin, dalam mana Ahli Yang Berhormat telah memberi pendapat tentang beberapa fasal ataupun perkara di dalam pindaan Rang Undang-undang ini.

Ahli Yang Berhormat menyatakan rasa ke-bimbangan ataupun keraguannya tentang definisi ataupun takrif perkataan “reasonable quantities”.

Di sini sukalah saya meminta izin supaya memberi penjelasan dalam bahasa Inggeris untuk makluman Ahli Yang Berhormat itu dengan lebih jelas.

(*Dengan izin*) Sir, the use of “reasonable quantities” as a definitive term, though not, I admit, satisfactory is the most practicable and effective way of defining the quantities. It would not be practicable to state any specific quantities, in view of the fact that this law, which we are proposing to amend, is intended to apply to various articles and various types of consumers. This is a case where it is best to resort to the exercise of good sense and discretion, instead of resorting to any rigid specification; and those who decide to prosecute will exercise their discretion judiciously on the facts and merits of each particular case. I would like to add here that a seller who acts honestly and in good faith should have no fear of the new Section 16A.

Ahli Yang Berhormat juga membangkitkan berkenaan dengan time limit. Here I would like to explain also that, where the law does not expressly provide the time limit, as it does not do so in this particular Act for the taking of any action, under the Interpretations Act of 1967, action has to be taken with all convenient speed.

Jadi, dengan adanya tafsiran ini di bawah Rang Undang-undang Pentafsiran, 1967 tidak perlu bimbang yang satu-satu kes di bawahnya itu akan dibawa dengan secepat mungkin yang boleh sebagaimana diberi tafsirannya (interpretation) di dalam Rang Undang-undang yang saya sebutkan tadi. In practice, it does not take too long to decide to prosecute; it is the actual trial that sometimes takes too long, but the Controller may always order the sales under Section 12 (1) (a) (ii) to prevent loss from deterioration or a drop in the price of the articles seized.

Teguran Ahli Yang Berhormat dari Kangar, saya minta maaf, Tuan Yang di-Pertua, kerana saya kurang faham sedikit telonya itu, sungguhpun saya lama tinggal di Perlis, tetapi mungkin pengertian yang saya perolehi daripada ucapan Ahli Yang Berhormat itu berlainan daripada yang ditunjukkan, tetapi kalau salah saya meminta

maaf. Saya meramalkan dan menganggap bahawa beliau bimbang dengan kuasa yang diberi kepada pegawai Polis di bawah pangkat Inspector, mungkin pegawai yang rendah pangkatnya ini agaknya menyalahgunakan kuasa yang diberi kepadanya.

**Tuan Shaari bin Jusoh:** Tuan Yang di-Pertua, saya minta maaf, barangkali Yang Berhormat Menteri tidak faham. Sebenarnya maksud saya, undang-undang itu baik dan dengan adanya pegawai-pegawai polis yang pangkatnya tidak rendah daripada sarjan diberi kuasa mengambil tindakan, maka akan lebih baik lagi. Itu maksud saya.

**Tuan (Timbalan) Yang di-Pertua:** Jadi Ahli Yang Berhormat menyokong.

**Tuan Shaari bin Jusoh:** Ya.

**Datuk Haji Hamzah bin Datuk Abu Samah:** Saya ingat beliau tidak menyokong (*Ketawa*). Kali ini saya faham sedikit kerana beliau bercakap perlahan sedikit, tadi laju sangat.

Saya juga menganggap bahawa Ahli Yang Berhormat mengesyorkan supaya gula biasa yang kita gunakan itu digantikan dengan gula kelapa, ini rasa saya adalah satu cadangan yang baik, memang kita galakkan kalau boleh. Pertamanya orang kurang sedikit menggunakan gula untuk mengatasi masalah kekurangan gula dan kenaikan harga gula, dan kalau sekiranya Ahli Yang Berhormat boleh menggerakkan satu projek di Perlis, di mana lebih banyak gula kelapa boleh dikeluarkan, ini saya percaya akan dapat mengatasi masalah kekurangan gula terutama di negeri Ahli Yang Berhormat itu sendiri.

Mengenai teguran Ahli Yang Berhormat dari Ipoh bahawa peniaga-peniaga tidak berpuas hati di atas takrif perkataan "hoarding", sukalah saya menyatakan di sini, saya mengakui bahawa ada pada mulanya berbangkit kekeliruan tentang perkataan hoarding ini dalam mana pada mulanya kita menjalankan kuatkuasa undang-undang ini, banyak orang-orang yang tidak memahami apa perkara yang masuk di bawah takrif makna hoarding ataupun tidak. Perkara ini telah diberi penjelasan dengan panjang lebar dan terserahlah kepada pegawai-pegawai yang berkenaan yang telah diberi panduan (*guide-line*) tentang makna

hoarding ini menentukan apa dia simpanan barang-barang yang masuk dalam makna takrif hoarding ataupun tidak.

Tentang perkara ini rasa saya Ahli Yang Berhormat tidak usahlah bimbang, kerana kalau sekiranya sesuatu perkara itu dibawa ke Mahkamah dalam mana orang yang dituduh hoarding ataupun menyimpan dengan salah barang-barang itu dituduh, dia berhak membela dirinya sendiri menerangkan kepada Mahkamah bahawa perbuatannya itu tidak termasuk dalam makna ataupun takrif hoarding.

Tentang harapan Ahli Yang Berhormat supaya Kementerian tidak menggunakan atau mengambil tindakan yang kasar terhadap peniaga-peniaga, di sini suka saya memberi jaminan bahawa Pegawai-pegawai Penguatkuasa di Kementerian sendiri menjalankan tugasnya, saya akui memang payah, memang susah bila seseorang itu memasuki sesuatu kedai, mengeluarkan barang, membongkar sesebuah kedai, menjalankan tugas dengan tidak mendapat satu-satu kemarahan daripada tuan punya kedai. Jadi, dalam pada ada cabaran-cabaran kasar bahasa, cakap-cakap yang pedih dan kasar daripada peniaga-peniaga yang kedainya telah dibongkar itu, saya suka menyatakan di sini bahawa pegawai-pegawai yang bertanggungjawab di atas perkara penguatkuasa itu telah menjalankan tugasnya dengan begitu sabar (*patience*) dan saya tahu mereka tidak hilang fikiran dengan membuat perkara yang saya katakan tadi di luar batas dari segi sopan santun, tetapi dalam pada itu kalau ada bukti keterangan pegawai yang ada membuat perkara yang tak patut dilakukan, saya berterima kasih kalau lapuran itu dapat dibawa kepada pengetahuan saya sendiri.

Tentang keraguan, kebimbangan kenyataan yang dibuat oleh Ahli Yang Berhormat bahawa peniaga-peniaga mengambil masa lama untuk mendapat lesen, di sini saya sukalah menyatakan bahawa kuatkuasa peraturan licencing itu belum dikuatkuasakan lagi, *is not yet enforced*. Peniaga-peniaga boleh menjalankan perniagaan terhadap barang-barang kawalan (*controlled goods*) selagi dia mendapat kebenaran ataupun pengakuan daripada Kementerian. Dan tentang pertimbangan untuk satu-satu kebenaran itu, sukalah saya menyatakan di sini bahawa sudah tentulah penyiasatan itu akan mengambil masa yang sedikit panjang, tetapi

dalam pada itu sukalah saya memberi jaminan di sini bahawa segala langkah akan diambil oleh Kementerian untuk mempercepatkan perkara memproses satu-satu permohonan yang dibuat oleh peniaga-peniaga itu.

Ahli Yang Berhormat juga menyatakan bahawa peniaga-peniaga tidak senang hati di atas tindakan meletakkan harga (price tagging) barang-barang di kedai-kedai yang telah dijalankan kuatkuasanya baru-baru ini. Dalam perkara ini sukalah saya menyatakan bahawa price tagging ini telah berjalan semenjak beberapa lama terhadap barang-barang yang tertentu. Buat masa ini barang-barang yang dikehendaki dikenakan price tagging, kalau tak salah saya, berjumlah 82 jenis semuanya dan sebagaimana saya katakan tadi dengan kerana sudah lama perkara ini berjalan, sudah tentulah peniaga-peniaga itu tidak menghadapi sangat apa-apa kesulitan untuk mematuhi peraturan yang baharu sahaja dijalankan kuatkuasanya.

Saya telah mendapat laporan bahawa wakil-wakil daripada peniaga yang telah berada di dalam Jawatankuasa-jawatankuasa yang telah mengkaji dengan mendalamnya masaalah price tagging ini, problem yang berbangkit mengenai price tagging ini dan di dalam mesyuarat-mesyuarat itu saya dimaklumkan bahawa wakil-wakil daripada peniaga-peniaga itu adalah berpuas hati di atas langkah-langkah yang telah diambil dan tidak ada mereka itu membawa teguran yang boleh menghalang perjalanan perkara ini dengan licin. Dalam pada itu baharu-baharu ini saya telah dimaklumkan ada kerumitan berbangkit dengan kerana di dalam kuatkuasa yang baharu dijalankan ini ada perkara-perkara yang dahulu tidak dijalankan. Umpamanya, sekarang ini diadakan peraturan juga supaya dikenakan price tagging kepada barang-barang yang dahulunya tidak ditaruh price tagging, umpamanya, barang-barang yang berlandaskan kepada beratnya barang-barang itu (weightage). Jadi, dengan kerana perkara-perkara baharu ini, saya telah memersetujui supaya kuatkuasa peraturan itu ditangguhkan selama satu bulan sahaja, dan saya telah menyatakan saya tidak mahu lagi memanjangkan masa tangguhan itu lebih daripada satu bulan, kerana satu bulan itu saya rasa adalah mencukupi bagi peniaga-peniaga itu yang saya telah katakan

tadi mempunyai pengalaman untuk mempelajari perkara-perkara baharu berkenaan dengan peraturan berkaitan dengan price tagging itu.

Tentang kenyataan Ahli Yang Berhormat berkenaan dengan barang-barang yang dirampas dan yang diperintahkan untuk dimusnahkan (dispose) atau dijual oleh mahkamah, sukacita saya menyatakan bahawa barang-barang yang dirampas dan dijadikan exhibit di Mahkamah oleh Bahagian Penguatkuasa Kementerian ini adalah di dalam jagaan pihak pegawai-pegawai yang berkenaan dalam Kementerian Perdagangan dan Perindustrian, bukan pihak polis. Mereka bertanggungjawab di dalam perkara perampasan ataupun penjualan barang-barang ini selepas satu-satu perbincangan itu ditamatkan. Kalau sekiranya perbincangan tidak dijalankan sebagaimana yang diperuntukkan dalam undang-undang, pegawai berkenaan itu akan mengarahkan supaya barang itu dijual ataupun diserahkan kepada tuan punya barang-barang itu. Kalau sekiranya barang itu dijadikan exhibit terpaksa barang itu disimpan sampai satu masa dalam mana kes itu akan dibicarakan di mahkamah dan kalau sekiranya ada hukuman daripada mahkamah supaya barang itu di dispose, maka tindakan sewajarnya akan diambil oleh pegawai yang berkenaan supaya menjual ataupun melong barang-barang itu mengikut hukuman yang dibuat oleh Mahkamah. Suka saya menyatakan di sini mengikut pengalaman saya barang-barang yang biasa dihukum di dispose oleh Mahkamah untuk di lelong, bukanlah dijual dengan sewenang-wenang sahaja oleh pegawai-pegawai yang bertanggungjawab, dan lelong itu dijalankan sebagaimana Ahli Yang Berhormat maklum dengan cara diedarkan kepada orang ramai, diberi maklumat yang awal tentang adanya pelelongan itu supaya kesemua orang yang agak suka membeli barang-barang lelong itu boleh mengambil kesempatan untuk membelinya.

Tentang syor Ahli Yang Berhormat supaya Kementerian saya berhubung rapat dengan Jabatan Undang-undang (Legal Department) supaya menjamin bahawa barang-barang yang dirampas itu dijahanamkan kalau dihukum untuk dijahanamkan dengan baik. Perkara ini saya rasa tak usahlah Ahli-ahli Yang Berhormat bimbang. Sebagaimana saya kata tugas ini adalah terserah kepada

pegawai-pegawai yang berkenaan dan pegawai-pegawai berkenaan akan diawasi supaya menuruti perintah pemusnahan satu-satu barang yang dibuat oleh Mahkamah itu dengan sebaik-baiknya.

Setakat yang saya tahu bahawa sekatan jalanraya (road block) diadakan oleh pihak Polis, pihak Pasukan Tentera Tempatan adalah selama ini diadakan untuk mencegah supaya jangan berlaku perkara menyeludup beras daripada satu daerah kepada satu daerah, bukan setakat untuk mencegah perkara berlakunya penyeludupan barang-barang untuk disimpan ataupun hoarding. Itulah sahaja penjelasan saya.

Usul dikemuka bagi diputuskan, dan di-setujukan.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Jawatankuasa*)

*Fasal 1 hingga 6* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan tidak ada pindaan: dibacakan kali yang ketiga dan diluluskan.

## **RANG UNDANG-UNDANG PEMUSNAHAN SERANGGA PEMBAWA PENYAKIT**

### **Bacaan Kali Yang Kedua dan Ketiga**

5.42 ptg.

**Timbalan Menteri Kesihatan (Tuan Abu Bakar bin Umar):** Tuan Yang di-Pertua, saya mohon untuk membentangkan satu Rang Undang-undang yang bertajuk Akta Pemusnahan Serangga Pembawa Penyakit, 1974.

Rang Undang-undang ini adalah bertujuan untuk mengadakan peruntukan mengenai pemusnahan dan pengawalan serangga-serangga yang membawa penyakit dan mengenai pemeriksaan dan rawatan perubatan terhadap orang-orang yang mengidapi penyakit yang dibawa oleh serangga-serangga dan mengenai perkara-perkara yang berkaitan dengannya.

Rang Undang-undang ini bertujuan untuk memberi kuasa kepada Ketua Pengarah Kesihatan Malaysia, semua Pegawai-pegawai Perubatan Kesihatan dan Inspektor-inspektor Kesihatan Awam, termasuklah mereka yang bekerja dengan pihak-pihak berkuasa tempatan.

Satu daripada jenis-jenis penyakit yang sangat merbahaya yang dibawa oleh serangga di zaman ini sebagaimana Ahli-ahli Yang Berhormat terlebih maklum ialah penyakit demam denggi yang disebabkan oleh nyamuk jenis *Aedes aegypti*. Untuk menghapuskan penyakit seperti tersebut, maka undang-undang ini memberi kuasa, kepada Ketua Pengarah Kesihatan Malaysia, Pegawai-pegawai Perubatan Kesihatan, Inspektor-inspektor Kesihatan di bawah Kementerian Kesihatan dan pegawai-pegawai yang bekerja dengan pihak-pihak berkuasa tempatan untuk memasuki dan memeriksa premis-premis, yakni rumah-rumah, bangunan-bangunan, tanah-tanah dan sebagainya supaya pemunya-pemunya dan penduduk-penduduk tidak membiarkan serangga membawa penyakit membiak dalam premis-premis mereka. Ini adalah dijalankan oleh pegawai-pegawai itu dengan memberi notis terlebih dahulu kepada pemunya-pemunya atau penduduk-penduduk yang berkenaan.

Dari kajian yang telah dijalankan oleh Kementerian Kesihatan menerusi kempenkempen di merata-merata kawasan baharu-baharu ini bahawa usaha-usaha untuk menghapuskan serangga seperti nyamuk *Aedes* tidak dapat dijalankan dengan penuh berhasil jika Kementerian ini hanya menggunakan penerangan-penerangan dan nasihat-nasihat sahaja kepada pemunya-pemunya dan penduduk-penduduk dan bergantung kepada kerjasama dari mereka itu. Usaha-usaha itu tidak memberi bekas. Oleh yang demikian, Kementerian ini telah mendapati adalah penting iaitu tanggungjawab untuk memusnahkan serangga-serangga pembawa penyakit di dalam premis-premis seperti nyamuk *Aedes* hendaklah diletakkan ke atas diri pemunya-pemunya atau penduduk-penduduk itu sendiri menerusi kuasa undang-undang. Oleh itu, sangat-sangatlah mustahak bagi pihak Kerajaan menubuhkan undang-undang ini supaya dengan cara tersebut mereka tidaklah boleh sentiasa berharap semata-mata kepada usaha dan tenaga Kementerian Kesihatan sahaja. Seperti ahli-ahli dalam masyarakat, pemunya-pemunya

dan penduduk-penduduk hendaklah mengambil bahagian menyertai usaha Kerajaan untuk memperbaiki kesihatan masyarakat amnya.

Dengan berkuatkuasanya undang-undang ini saya mempunyai keyakinan yang penuh bahawa orang ramai tidak dapat mengelak untuk memberi kerjasama yang sepenuhnya kepada Kementerian Kesihatan untuk mengawal dan menghapuskan serangga-serangga pembawa penyakit dalam rumah-rumah, bangunan-bangunan, tanah-tanah mereka dan sebagainya.

Fasal 11 adalah satu fasal yang penting yang akan memberi kuasa penuh kepada Ketua Pengarah Kesihatan atau Pegawai-pegawai Perubatan dan Kesihatan untuk menimbang dan menentukan kawasan-kawasan mana yang mungkin mengelakkan atau melindungi serangga membawa penyakit supaya mereka yang terlibat hendaklah mendapatkan kelulusan sebelum mereka itu menjalankan kerja-kerja pembangunan, memajukan tanah, mengorek dan sebagainya, dan mereka dikehendaki mengemukakan pelan-pelannya kepada Pegawai Kesihatan yang berkenaan terlebih dahulu.

Saya fikir tidaklah perlu bagi saya menghuraikan satu-persatu fasal-fasal yang terkandung dalam Rang Undang-undang ini untuk menjimatkan waktu kerana Ahli-ahli Yang Berhormat sekalian telahpun menerima Rang Undang-undang ini sebelum persidangan ini. Saya suka menegaskan di sini bahawa undang-undang ini sangat-sangatlah perlu dikuatkuasakan dengan secepat mungkin untuk mengelakkan kejadian dan merebaknya penyakit-penyakit yang dibawa oleh serangga seperti penyakit demam denggi yang telah menyebabkan beberapa kematian pada masa-masa yang sudah yang tidak patut berlaku jika sekiranya masing-masing telah berusaha mengambil berat sedikit untuk membersihkan rumah-rumah, bangunan-bangunan, tanah-tanah masing-masing dan kawasan-kawasannya supaya nyamuk-nyamuk tidak dapat membiak.

Kuasa-kuasa dalam undang-undang baharu ini tidak hanya terhad bagi penyakit demam denggi bahkan boleh digunakan bagi semua jenis penyakit-penyakit yang didatangkan oleh serangga-serangga pembawa penyakit.

Tuan Yang di-Pertua, saya mohon supaya Rang Undang-undang bertajuk Akta Pemusnahan Serangga Pembawa Penyakit, 1974 dibentangkan di Dewan ini sekarang dibaca kali yang kedua dan diluluskan.

**Dr Sulaiman bin Haji Daud:** Tuan Yang di-Pertua, saya mohon menyokong.

5.49 ptg.

**Dr Hee Tien Lai (Ayer Hitam):** Tuan Yang di-Pertua, saya bangun menyokong Rang Undang-undang Pemusnahan Serangga Pembawa Penyakit, 1974.

Saya ucapkan setinggi-tinggi tahniah kepada Yang Berhormat Menteri kerana mengambil pandangan begitu berat dalam hal ini dan dapat analisa dan cadangan-cadangan yang begitu detail tentang cara-cara bagi mengatasi dan menghapuskan serangga-serangga ini.

Tuan Yang di-Pertua, saya minta izin bercakap dalam bahasa Inggeris.

*(Dengan izin)* Mr Speaker, Sir, a subject of considerable concern and interest at the moment in Malaysia is the prevalence of the serious condition referred to as dengue haemorrhagic fever which, during the last two years, took the lives of many of our young children, as was mentioned by the Honourable Deputy Minister of Health. The following figures should help to elucidate the extent of its severity.

		Period	Cases	Deaths
Malaysia	...	1973 1st Jan. to 31st Dec.	969	54
		1974 1st Jan. till today	1,487	104
<i>Breakdown figures:</i>				
Johore	...	1974 1st Jan. till today	896	71
Batu Pahat (the worst-hit district)		1974 1st Jan. till today	395	43
Kuala Lumpur City		1974 1st Jan. till today	135	9

As you can see from the figures, about 28% of the cases came from Batu Pahat and that about 40% of the deaths were recorded in the same district. The deaths comprised of a large majority of young children averaging from 3 to 12 years old.

During the epidemic, the condition in Batu Pahat reached such a catastrophic proportion that many new wards were opened

just to house these unfortunate victims, and extra nurses were sent in to work round-the-clock shifts, fighting to save the lives of the dying children. The sight was pathetic; all the wards were packed with very ill or dying children and with mothers crying and praying that their children would not be the next to go. I was very fortunate in this, Sir, to have the opportunity to help the then physician of the hospital who worked day and night without sleep trying to prevent deaths with the limited means available to him. The work of the doctors and nurses and, in particular the then physician, deserves our praise.

Mr Speaker, Sir, what I want to emphasise today in our gracious meeting is that the action taken by the Health Ministry, though rather too slowly, in indoor spraying, fogging and serial ultra low volume spraying of insecticides in an attempt to bring down the population density of the vector (or *Aedes* mosquito) is not the long-term solution to the problem. It may be used as an emergency measure, but the most important and permanent control measure is the prevention of the breeding of *Aedes Aegypti* in domestic water containers. To achieve this, a carefully planned and professionally administered control programme integrating all means of control is necessary. Public health education should be made compulsory in schools, and more of the biological facts of the *Aedes* mosquito should be made known to the public. For instance, the public should be informed that merely emptying the vases and domestic containers will not destroy the eggs, as the latter are laid just above the level of the water in these containers. The people must be told that the inside of these containers must be scrubbed, otherwise refilling these containers again with water will allow the larvae to hatch out thus continuing the evil life-cycle of these mosquitoes. We must also obtain the co-operation of the rakyat for example, to participate in "gotong-roiyong" projects, etc.

Now, so much for the rakyat, What about the Government's responsibility? It is also the duty of the Government to make sure that our drains are frequently cleaned and scrubbed; that the playing fields are drained of the stagnant pools of water; that no long lallangs are allowed to grow in or near the drains providing ideal breeding grounds for these mosquitoes. I would also recommend

regular foggings in those badly affected towns rather than just fogging the towns only whenever deaths were recorded.

Also, law will be an ineffective weapon if there are insufficient law enforcement officers to carry out the objectives of these legislations. I suggest that the Government should recruit more of such personnel to carry out on-the-spot checks at random, if the law is to have any effect at all.

Another fundamental method of reducing the vector population is by the provision of adequate piped water supplies into homes, reducing dependance on storage containers. The squatter areas in large towns, estates, kampungs and particularly new villages, for example, in Yong Peng New Village where the most number of such cases were recorded in a single area, constitute one of the biggest health problems where the Government can do a lot to help improve the water supply and sanitation.

Another important disease-bearing insect—it is a different insect altogether which has lived with us for so long that we have taken them for granted is the housefly. A variety of unpleasant and dangerous diseases can be transmitted by flies which visit infected human faeces and subsequently contaminate foodstuff. These include typhoid fever, dysentery and cholera. It is the most difficult insect to exclude from food in the kitchen and dining room (unless, of course, you live in a fully air-conditioned house.)

The health officers and local authorities have a heavy responsibility to see that garbage is safely disposed of and, most important of all, a lot has to be done about the filthy, smelly and flies-ridden back-lanes in most of our Malaysian towns.

This morning the Chinese Charge D'Affaires who praised Georgetown for its cleanliness might, I think, have reserved his comments if he had been shown the "back-side" of the town. (*Ketawa*)

Maybe it is a good idea, in our flies eradication programme, to give monetary award for flies killed as an incentive, as has been done in some parts of China.

5.52 *ptg.*

**Tuan Lee Lam Thye:** Tuan Yang di-Pertua, saya bangun untuk membahaskan Rang Undang-undang Pemusnahan Serangga

Pembawa Penyakit dan sama minta izin berucap dalam bahasa Inggeris.

(*Dengan izin*) Mr Speaker, while I fully agree with the need for the public to cooperate with Government to carry out the destruction and control of disease-bearing insects which are injurious to public health, however, I observe that this Bill is heavily loaded with measures and penalties to be inflicted on occupants and owners of private premises which breed and harbour disease-bearing insects. I notice that this Bill is concentrated on private premises while no mention is being made of public property such as land or open spaces or drainage maintained by public authority.

Looking at Clause 23 of this Bill, I note that the penalty imposed on any person found guilty of breeding or harbouring disease-bearing insects is as follows: in respect of a first offence to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding three months or both; and in respect of a second or subsequent offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or both. I feel this is too drastic for any individual.

Mr Speaker, I have said before and I wish to say it again that such a law is quite unnecessary. Although its intention is appreciated, it is too drastic and, if this Bill is passed, it is going to be detrimental to the people, in particular the poor and the illiterate who live in the squatter and the slum areas of Kuala Lumpur and other parts of the Federal Territory.

Mr Speaker, nobody would like to breed or to harbour disease-bearing insects more so in their homes or in their own premises, but if the illiterate who live in the slums and the squatter areas are not aware of how they can destroy and control the breeding grounds of disease-bearing insects, then the answer is education and not by law. By passing a law such as this will never solve what is essentially an educational problem.

Mr Speaker, even if this Bill is passed and unnecessary hardship caused to the illiterate in the slums and the squatter areas, it will still not be able to remove all the breeding grounds of disease-bearing insects, for even if every owner or occupant of a premises takes

steps to destroy all the breeding grounds of such disease-bearing insects inside his home, such disease-bearing insects can still breed and harbour in public places, especially in places where there are no proper drainage facilities, in empty tins, cans, bottles or other receptacles lying in public places which are supposed to be maintained by the local health authorities.

Who then is responsible for removing such breeding grounds of such disease-bearing insects? Can the public and the private individuals be blamed? The answer is sure and simple. If such breeding grounds should exist in such places, then it should be the responsibility of the local health authorities and in this case the Dewan Bandaraya if it is in Kuala Lumpur.

Mr Speaker, Sir, for the information of this House, as a Wakil Rakyat who makes regular tours of my constituency, I am shocked to see the very unsatisfactory services performed by the Health Section of the Dewan Bandaraya in regard to public cleansing and public health. In many parts of my kawasan, especially in the squatter areas, Dewan Bandaraya does not provide adequate health facilities like proper drainage and refuse disposal. In most of these squatter areas where there is no proper sanitation, there are mosquito breeding grounds and the uncollected refuse in public places also give rise to breeding grounds for flies and other disease-bearing insects.

Mr Speaker, Sir, overgrown grass and undergrowth in public places, which not only breed and harbour disease-bearing insects but also reptiles, are not cut down and removed by Dewan Bandaraya. Such places of overgrown grass and undergrowth even exist in the vicinity of hotels and shopping complexes. A good example is Jalan Walter Grenier complex in my kawasan which is situated near Hotel Regent. Repeated pleas to Dewan Bandaraya by the public to cut down the grass and the thick undergrowth have fallen on deaf ears. Another example is Lorong Tingkat Tong Shin, which is just off Jalan Bukit Bintang. Breeding grounds for disease-bearing insects are also found in stagnant drains which are maintained by Dewan Bandaraya, where there is no regular cleaning. Even the City Hall authority is not able to provide regular insecticide to public ponds or

drains or pools in all the squatter areas of Kuala Lumpur to destroy disease-bearing insects.

Mr Speaker, in the light of the above, can only individuals be blamed for not doing enough to destroy breeding grounds of disease-bearing insects and must therefore such a Bill be passed to penalise them? What about the local authority itself? The places I cited above are public places, where the private individuals hold no responsibility, and it is up to the local authority to act.

Mr Speaker, in view of the above, I would suggest here that:

- (1) The local health authorities should first set the example in the destruction of all disease-bearing insects and their breeding grounds before compelling the private individuals to do likewise.
- (2) The Dewan Bandaraya Administration should provide more attention into the health environment of the squatter areas in helping the poor squatters to remove all these breeding grounds for disease-bearing insects.

6.03 ptg.

**Tuan Azahari bin Md. Taib (Kulim Bandar Bahru):** Tuan Yang di-Pertua, saya bangun menyokong dan mengalu-alukan Rang Undang-undang Pemusnahan Serangga Pembawa Penyakit, 1974.

Tuan Yang di-Pertua, tujuan Rang Undang-undang ini telah diketahui oleh Ahli-ahli Yang Berhormat sekalian ialah bermaksud hendak menghapuskan penyakit-penyakit, tetapi apa yang saya suka menarik perhatian ialah tentang cara melaksanakan Rang Undang-undang ini, saya menarik perhatian tentang pegawai-pegawai yang bertanggungjawab bagi melaksanakan bila Rang Undang-undang ini dijadikan undang-undang kelak.

Dalam melaksanakan undang-undang ini kita akan menghadapi dua masalah:

- (i) Tanah-tanah atau benda-benda yang dipunyai oleh Kerajaan atau Majlis Tempatan;
- (ii) tanah-tanah atau rumah-rumah atau kawasan-kawasan yang dipunyai oleh orang-orang perseorangan.

Saya sangat berharap supaya Kerajaan sewaktu melaksanakan undang-undang ini jangan cuba membuat seperti ketam mengajar anaknya berjalan betul. Pernah terjadi dalam Majlis-majlis Tempatan/Bandaran, tukang-tukang angkat najis yang malas membuang najis-najis ini di longkang-longkang.

Pernah kejadian dalam Majlis Bandaran juga pengangkut-pengangkut najis atau pengangkut-pengangkut sampah yang malas membakar perkakas-perkakasnya supaya dia tidak payah lagi membawa dan mengangkat barang-barang ini ke tempat pembakar yang dikhaskan.

Saya tahu perkara ini berlaku di dalam Majlis Tempatan dalam negeri saya sendiri, di mana sebahagian besarnya pembersihan lorong-lorongnya dijadikan kontrek. Bila dijadikan kontrek, kontrekter-kontrekter ini hendak mengurangkan tenaga pekerjanya atau hendak memudahkan kerja, sampah-sampah ini dikumpulkan di hujung-hujung jalan kemudian dibakar, maka tertinggallah tin-tin kosong, botol-botol yang tidak dimakan oleh api dan yang lebih malang sekali ialah pengangkut najis yang tengah-tengah malam, dinihari membawa najis-najis ini tidak pergi ke tempat yang patut dicurahkan tetapi dituangkan di parit-parit dan longkang yang berhampiran dan itu bukan sahaja membangkitkan masalah pollution bahkan masalah yang lebih teruk lagi dari segi kesihatan.

Saya sangat berharap sebelum kita melaksanakannya hendaklah pihak yang bertanggungjawab melaksanakan undang-undang ini atau khasnya kepada Kementerian yang berkenaan memilih dahulu kawasan-kawasan yang difikirkan menasabah dijalankan peringkat demi peringkat, kerana ada kawasan-kawasan dalam negeri kita ini yang saya ingat walaupun tujuannya baik, tetapi pelaksanaannya berbangkit-kerumitan atau salah faham. Ada setengah-setengah Majlis Tempatan atau Majlis Bandaran yang pegawainya tidak cukup hendak menjalankan dan ada setengahnya hingga orang ramai tidak mahu membayar hasil kepada Majlis Tempatan kerana servicenya tidak ada. Dia hendak memberi service tidak boleh kerana duit tidak ada. Dia hendak minta cukai, orang tidak mahu membayar cukai kerana tidak dapat service. Ini satu masalah yang rumit yang dialami oleh Majlis-majlis Tempatan. Masa melaksanakan undang-undang ini, saya

rasa haruslah kita mengadakan dua tiga tempat terlebih dahulu sebagai pilot scheme atau rancangan pemandu di mana kesilapan-kesilapan dan pengalaman-pengalamannya dapat dijadikan panduan bagi menjalankan kuatkuasa undang-undang ini seluruhnya. Dalam melaksanakan undang-undang ini, saya berharap supaya kejujuran, keikhlasan dan ketegasan mesti menjadi panduan kepada Kerajaan. Kalau pedoman yang seumpama itu tidak ada; saya merasa undang-undang ini indah khabar dari rupa sahaja walaupun tujuannya baik.

Akhirnya, saya sangat setuju dengan sahabat saya Ahli Yang Berhormat dari Ayer Hitam bahawa satu penerangan ataupun pengajaran sivik berkenaan macam mana orang ramai dapat menolong Kerajaan bagi melaksanakan tujuan undang-undang ini dan macam mana faedah kepada mereka itu harus dilancarkan dengan ber-sungguh-sungguh dan macam mana cara hendak melakukan supaya undang-undang ini dapat dijalankan dengan jayanya, mesti dijalankan dengan sebesar-besar dan seluas-luasnya supaya orang ramai dapat memberi kerjasama yang sebaik-baiknya.

6.09 ptg.

**Dr Ling Liong Sik (Mata Kuching):** Tuan Yang di-Pertua, saya bangun menyokong Rang Undang-undang Pemusnahan Serangga Pembawa Penyakit 1974. Terlebih dahulu saya mohon izin untuk memberi ucapan saya di dalam bahasa Inggeris.

*(Dengan izin)* Mr Speaker Sir, in the first instance, I would like to take to task the D.A.P. Members for Kuala Lumpur Bandar and Sungai Besi. The Member for Sungai Besi, for example, during the debate on the Health Ministry allocation cautioned the Government against the passage of this Bill. He implied in his speech that people were tax-payers and, therefore, the cleanliness of the society should be the sole responsibility of the Government. I contend, Mr Speaker, Sir, that the responsibility for a clean and healthy society is the responsibility of both—society and Government itself. We cannot have a situation where Government goes round cleaning up tins, filling up ponds, when we have an irresponsible few who are littering and digging up ponds and breeding mosquitoes and what-not. A healthy environment is definitely the responsibility of all, and I have read that even the D.A.P. top

leadership has at all times called for Government to be vigilant against diseases like malaria and dengue fever. Yet, I wonder Sir, that when this piece of legislation comes up which aims to wipe out these things, they oppose. I get the feeling, Mr Speaker, Sir, that there is Opposition within this House for the sake of Opposition, that one day when somebody says, "you can live on rice and water," somebody will stand up from the Opposition and say "No, you can live on love and sunshine". And obviously, D.A.P. will live during the day on sunshine and during the night on love!

Mr Speaker, Sir, in this Bill, I can see that the Government has taken into consideration the welfare of the majority as opposed to the irresponsibility of the irresponsible few, the irresponsible few, whose level of civic and health consciousness has not risen to the level of the people's expectations of the right to a healthy life and environment. Mr Speaker, Sir, we must recognise that in this country of ours, there is a tremendous amount of apathy amongst certain sections of our people, an apathy towards the civic consciousness and the health consciousness that they should exercise. We must recognise that certain sections of our people have no ideals towards a society of good health and clean environment.

The Government has tried a poster campaign; the Government has tried campaigns through the mass media to have a clean environment. The Ministers and leaders of our society have also tried and appealed to the people to receive a certain amount of education on health consciousness which should penetrate into their minds. But a lot of these appeals and campaigns have failed to penetrate certain resistant sections of our people.

I contend, Mr Speaker, Sir, that legislation, in many instances, has been the most effective instrument in engineering attitudinal changes. I must congratulate and commend the Government in general and the Ministry of Health in particular for this piece of legislation, which is aimed at bringing about a cleaner and healthier environment which, I believe, will breed cleaner and healthier minds.

Finally, Mr Speaker, Sir, I would like to urge the Minister and Government personnel, that in the execution of this Bill, let it be

pampered with justice; and where land owners are poor, let us not impose upon them too expensive or high-flown structures for them to build. In this respect, I wish to congratulate the Ministry again for having this clause 17 (2) in the Bill, which reads:

“The Ministry may confirm or vary or rescind the order or direct the measure of work specified therein shall be proceeded with, varied or abandoned as the case may be”.

In effect, this provision is a very farsighted provision. It is very typical, Mr Speaker, Sir, of the Barisan Nasional Government that we have, and I wish again to congratulate the Government in general and the Health Ministry particular.

6.15 ptg.

**Tuan K. Pathmanaban (Telok Kemang):**

Tuan Yang di-Pertua, saya mengalu-alukan Rang Undang-undang Pemusnahan Serangga Pembawa Penyakit yang dibentangkan oleh Yang Berhormat Menteri Kesihatan tadi. Saya menyambut baik peruntukan-peruntukan dalam Rang Undang-undang ini untuk memberi lebih kuasa dan kemudahan kepada pegawai-pegawai di Kementerian beliau untuk mencegah penyakit ini dan untuk memaksa sesiapa yang degil atau sesiapa yang enggan mengambil langkah-langkah yang mustahak untuk menjaga kesihatan awam.

Saya fikir sudah sampai masanya di mana Bill ini sangat mustahak jika kita hendak mengelakkan kejadian seperti tahun yang lalu dan awal tahun ini di mana beratus-ratus orang kanak-kanak dan orang-orang dewasa telah meninggal dunia kerana sakit dan lain-lain, dan masyarakat pada amnya telah dikejutkan pula oleh penyebaran penyakit dengue haemorrhagic fever dan lain-lain.

(*Dengan izin*) Mr Speaker, Sir, I might mention, that my first reading of the Bill sent me into some alarm and some concern, and I value the opportunity that the Honourable Minister provided to me and my friends to discuss the provisions in the Bill with his chief advisers and officers of the Ministry. In these discussions, a number of the fears that we have had and a number of the concerns and doubts that we have had, have been clarified, and I genuinely welcome the sincere attempt by the Ministry to provide for measures which can ensure or at least

take us very far on the road to ensuring that we can prevent the wild spread of a disease such as dengue haemorrhagic fever and more so, to allay the fear itself about the spread of disease in such a way that the community's or the nation's well-being can be secured.

There is a genuine fear, I think, among the authorities and among the professional officers of the Ministry and the professional personnel in the public that if we do not take severe steps, if we do not provide the officers with the powers and if the measures do not have “teeth” to bite we will again have this year probably a recurrence of dengue haemorrhagic fever in particular of greater severity than we had ever before. Therefore, I welcome the general intent of this Bill and the general provisions of this Bill.

However, Sir, I would ask that some of these provisions be implemented with understanding, with the humaneness that the Honourable Member speaking before me mentioned, particularly Cause 7 (2) of the Bill, which gives powers to the Director-General and other officers of the Ministry to arrest persons who, they feel, had given them false information or did not give any information concerning the identity of the offenders or the information relating to disease-bearing insects propagated in the area and so on. These are very drastic powers. There are also powers of entry into homes and various other things which could be serious invasions of privacy or freedom of individuals, if these are not implemented with care or with understanding. There could well be many instances, and I am sure that the areas which we speak of as being death-beds for these diseases are full of such instances where the people concerned are illiterate. During the day when the old folks are at home, who more often than not fear Government officers by their entry or appearance and have a general reluctance to state anything whatsoever, they will not state anything about diseases or about insects. I hope the authorities concerned will look into this and generally direct the officers who are responsible for enforcing these provisions to see to it that that particular Clause there is not to be seized upon as a first measure to implement the objectives of the Bill, but as a measure of last resort in order to ensure that these people do not pose a threat to the general community.

I also have fears concerning Clause 12 despite the existence of Clause 13 in the Bill. Clause 13 gives general instructions to those concerned that they shall not propagate or harbour or cause any conditions to exist which lead to the propagation of disease-bearing insects and so on—and it imposes a penalty. And you have a provision in Clause 12 which requires that under very detailed conditions of any work on any land—digging, cutting down vegetation, etc. they shall, two weeks prior to such work, inform the Director-General of the Ministry of Health of their intention to undertake such work. I can see the Director-General of Health being smothered by notifications by home gardeners, by rural dwellers, who, by necessity of occupation and livelihood, have perpetually to dig their ground in order to plant something or to drain their soil in order to ensure that their soil is plantable and so on. I do not think that the Honourable Minister had in mind that this particular Clause should be applied to such instances. I hope that the regulations that are to be provided will look into this matter and ensure that this is not another bureaucratic load on this exercise.

I also support the speakers earlier on who suggested that in this whole campaign stress should also be laid on proper planning of our dense residential areas, on the provision of amenities, such as drainage pipe water, and so on, as well as education of our people, so that the Government can help them to help themselves.

## USUL

### WAKTU MESYUARAT DAN URUSAN YANG DIBEBASKAN DARIPADA PERATURAN MESYUARAT DAN PENANGGUHAN MESYUARAT

**Timbalan Menteri Jabatan Perdana Menteri (Datuk Abdullah Ahmad):** Tuan Yang di-Pertua, saya mohon mencadangkan:

Bahawa menurut peruntukan Peraturan Mesyuarat 12 Dewan ini tidak akan ditangguhkan hari ini sehingga semua perkara urusan yang tertera dalam Aturan Urusan Mesyuarat telah selesai dipertimbangkan, dan apabila tamat mesyuarat, Dewan ini ditangguhkan kepada suatu tarikh yang tidak ditetapkan.

**Tuan Abu Bakar bin Umar:** Tuan Yang di-Pertua, saya mohon menyokong.

**Tuan (Timbalan) Yang di-Pertua:** Usul ini patut dikemukakan sebelum kita berbahas ataupun sesudah habis, tetapi nampaknya ada ramai lagi Ahli-ahli hendak bercakap, itulah sebabnya usul ini dikemukakan. Kalau tidak, Mesyuarat akan ditangguhkan pada pukul 6.30 petang.

Usul dikemuka bagi diputuskan, dan di-setujukan.

Diputuskan,

Bahawa menurut peruntukan Peraturan Mesyuarat 12 Dewan ini tidak akan ditangguhkan hari ini sehingga semua perkara urusan yang tertera dalam Aturan Urusan Mesyuarat telah selesai dipertimbangkan, dan apabila tamat mesyuarat, Dewan ini ditangguhkan kepada suatu tarikh yang tidak ditetapkan.

### RANG UNDANG-UNDANG PEMUS- NAHAN SERANGGA PEMBAWA PENYAKIT

*Perbahasan disambung semula.*

6.27 ptg.

**Tuan Lim Cho Hock (Ipoh):** (*Dengan izin*) Mr Speaker, Sir, I shall be very brief on this. First of all, I would like to stress here that I am not in the habit of praising anyone or rather flattering anyone. I would like to be very frank.

I think the Honourable Member for Mata Kuching is quite unfair when he said that we are opposing this Bill for the sake of opposing. We are not opposing this Bill; we are supporting this Bill in principle. However, we are pointing out to the Government that there are areas where the Government should be held responsible. For instance, in regard to the new villages, if the Honourable Member for Mata Kuching were to go to a new village, he would find that the drains are blocked up and are not well-kept; and in certain areas there is no piped water; and in certain areas roads are not being properly repaired, etc. These are the matters that are the responsibility of the Government, not the new villagers, because the villagers themselves cannot afford to repair, for instance, the drains or the roads or to put up water pipes, etc. So, in certain areas it is the responsibility of the Government to look after. Sure, this

problem is a problem, in which the people themselves must also come out and cooperate in order to do away with the disease-carrying insects.

In an area called Kampung Kuala Pari, which is under the control of the Ipoh Municipality, you will be surprised, if you go there, to see that there are no drains at all—completely no drains.

**Tuan (Timbalan) Yang di-Pertua:** Is there any water in the drain?

**Tuan Lim Cho Hock:** There is water, but no drains. There is pipe water but there are no drains at all. The water just flows all over the kampung. If the Honourable Member for Mata Kuching will not believe me, I would invite him one day to come with me and I shall show him around this particular kampung.

**Dr Ling Liong Sik:** On a point of clarification, Sir.

**Tuan (Timbalan) Yang di-Pertua:** (To Tuan Lim Cho Hock) Are you giving way?

**Tuan Lim Cho Hock:** Yes, Sir.

**Dr Ling Liong Sik:** Mr Speaker, Sir, I have been to new villages, and I have been to new villages also without drains—for example the Wellesley New Village in Province Wellesley.

**Tuan (Timbalan) Yang di-Pertua:** But the Honourable Member for Ipoh only refers to that particular new village.

**Dr Ling Liong Sik:** But I have been to other similar new villages, Sir, and I am very appreciative, as I have said in my speech, of a provision in the Bill whereby the Minister will have grounds to waive, to vary, or to rescind, and I have urged the Government to exercise restraint and magnanimity in the execution of this Bill. Thank you, Mr Speaker, Sir.

**Tuan (Timbalan) Yang di-Pertua:** Ahli Yang Berhormat dari Ipoh, please proceed!

**Tuan Lim Cho Hock:** Thank you, Mr Speaker, Sir. What I am trying to say is that the Government has also the responsibility to

see that certain areas are properly maintained, so that no breeding grounds exist in those particular areas.

Furthermore, Sir, if you go to Cameron Highlands, a place of holiday resort for tourists, you will find thousands—in fact millions—of flies. Now this problem, I am sure the Ministry of Health is aware of, and this problem has got to be tackled both by the people in Cameron Highlands and by the Government as well because the problem is so gigantic. If you go further up than Tanah Rata, you will see millions of flies and this is a clear-cut problem. Now, what is the Government doing about it? Surely, the Government should spray some insecticides on these flies and try to kill, if not all, at least part of them.

Another point is that there are a lot of mining ponds in our country. Who is responsible to see that these ponds do not become breeding grounds for insects? Is it the responsibility of the miners or the Government? What about the used-up mining lands which have become ponds? Who is in charge? Who is responsible? The miners or the Government? So, the Minister concerned has got to decide on this and not just to leave the matter as it is.

Furthermore, the division of powers and responsibilities of the various authorities is not very clear. Who is in charge of maintaining the health services in, say, a particular area? Who is in charge of destroying mosquitoes in, say, Ipoh? The people of Ipoh have been complaining to the Municipality of Ipoh that there are a lot of mosquitoes flying about, and there are a lot of areas which are breeding grounds for mosquitoes, etc. But the Municipality replied by saying that this is the responsibility of the State Government and when you approach the State Government, the State Government says, "It is not our problem. It is the "baby" of the Municipality because the ponds and the flies happen to be in Ipoh."

**Tuan (Timbalan) Yang di-Pertua:** Nobody wants to claim the "baby" mosquitoes?

**Tuan Lim Cho Hock:** Nobody wants to claim that sort of a "baby". The responsibility for the ponds has been kicked from one authority to another, and there is no end

to it. So, I hope the Minister concerned will also look into this particular matter and explain who is in charge of this.

The flies or mosquitoes do not say: "We want to come to Ipoh" or "We want to come to Kuala Lumpur". They just fly all over the areas and if the flies happen to be flying around Ipoh areas, probably it is the responsibility of the Ipoh Municipality. If they come to Kuala Lumpur Bandar, then probably the Dewan Bandaraya here will be responsible for destroying them. But somehow or other, I cannot get a solution to the problem and so somebody must be made responsible for the destruction of these insects.

That is all, Sir.

6.32 ptg.

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin (Sepang):** Tuan Yang di-Pertua, saya minta izin bercakap dalam bahasa Inggeris oleh kerana saya akan merujuk kepada beberapa fasal dalam undang-undang ini.

(*Dengan izin*) Yang pertama, Tuan Yang di-Pertua, I would like to point out a mistake committed by the Honourable previous speaker—I believe he is from Ipoh—he said that if the Government constructs anything with a view to take preventive action, therefore the burden of providing the money for the construction of such will be borne by the occupier or the owner. That may be so on first reading of the Bill. But may I refer to clause 15 (5) of the Bill which says:

"The Director General or a Medical Officer of Health may at his discretion partially or wholly exempt the payment of costs and expenses if he has reason to believe that the person required to make the payment does not have the means to meet such payment".

With that provision in the Bill, it is quite clear and apparent that the Government and in this particular instance the Ministry of Health, has no intention whatsoever to cause undue burden and hardship on any particular person or persons and if any necessary construction had to be made, then, as it would appear quite clear from the portion that I have just read, that the Ministry would take upon itself to bear the cost of expenses of such construction.

I quote that instance, Mr Speaker, Sir, purely to show an example of the behaviour of some of the Honourable Members of this House, particularly members coming from the DAP. The example which I have quoted shows that the previous speaker refuses to acknowledge the existence of that particular provision which empowers the Government to spend money should the necessary occasion arise. More particularly, the Honourable Member who has just spoken before me, dug out instances from the Act and, from the extraction of these provisions taken out from this context, used them to convince Members of this House and perhaps the public that the Government is not very responsible. His speech, more or less, implies that when the Government or particularly the Ministry of Health drafted this Bill, it had no regard for the welfare and interests of the public, particularly the less fortunate citizens of this country. Let it be said and let it be known by all, that Members of this House particularly from the Government, have the interest of the less fortunate in this country at heart. It is sad to be told again and again, to be reminded, as if we in this House have not the welfare and the interest of the less fortunate in this country. From the arguments that we have heard so far in this sitting of Parliament, it is clear that the Members of the Opposition particularly of the DAP, use every piece of legislation to capitalise, to exploit the situation and to project the image as if Members from the Barisan Nasional have not the interest of the less fortunate at heart. Even in regard to this particular legislation, a legislation drafted to protect the health of this nation, this legislation is used by the DAP Members to prove their unfounded theory that the Honourable Members of the Barisan Nasional have not the interest of the less fortunate of this country at heart.

Be that as it may, Mr Speaker, Sir, I would like to touch on one or two things in this Act which I feel need to be mentioned. The Bill no doubt gives extensive power to certain persons as referred to in this Bill. But I admit that the extensive powers are quite necessary for the smooth implementation of the Bill. However, I do beseech that in the implementation of the Bill, the Ministry of Health would take every consideration, every precaution, to protect the privacy of the individual.

I would like, particularly, to refer to clause 5 (3) which reads:

“Where it is necessary and expedient for the exercising of powers conferred by this Act to be performed outside the hours specified in subsection (1), the Director General, a Medical Officer of Health or an inspector may enter the premises for the purpose thereof after giving at least twenty-four hours’ previous notice to the owner or occupier thereof”.

That section is rather ambiguous in the sense that it is not quite clear whether the consent of the owner or occupier thereof is required before the Director General or a Medical Health Officer or a health inspector can enter the premises of a private individual after the hours of 6 o’clock in the evening and before 6 o’clock in the morning. It is ambiguous—they may enter with the consent or without the consent of the occupier or owner thereof. In the light of the ambiguity of this Clause, I do beseech and appeal to the Ministry of Health to use their discretionary powers as reasonably as possible and as justly as possible.

There is another clause which I would also like to refer, Mr Speaker, Sir, and that is Clause 22, which creates a vicarious liability to the owner and the occupier thereof, Clause 22 (1) of the Bill reads:

“Where an offence has been committed under this Act or any regulations made thereunder by any person other than the owner or the occupier of the premises, the owner and the occupier shall, notwithstanding that no one is charged for the offence, be deemed to be also guilty of the offence unless he can prove that the offence was committed without his knowledge, consent and connivance and that he had exercised all due diligence to prevent the commission of the offence”.

It is a prime fundamental principle of the Criminal Law that the burden of proof lies on the prosecution, and Clause 22 (1) seeks to shift the burden of proof on to the defence. It is not always done, though it has to be done on certain occasions. However, I respectfully feel that in this instance, perhaps, it is not quite wise to create a vicarious liability on the occupier and the owner of premises or on any person charged for the offence.

These are one or two instances which in my view, Mr Speaker, Sir, give extensive powers to officers of the Ministry of Health, and I do sincerely beseech, and I am sure that our responsible officers of the Ministry of Health would do within all their powers, in the course of implementation of this Act, to use their discretion with all reasonable care and precautions.

6.44 ptg.

**Raja Nasron bin Raja Ishak (Kuala Selangor):** Tuan Yang di-Pertua, saya suka hendak mengambil bahagian berkenaan dengan Rang Undang-undang Pemusnahan Serangga Pembawa Penyakit yang dibawa oleh Setiausaha Parlimen Kementerian yang berkenaan. Dari kaca mata orang-orang biasa yang datang dari hulu, bukan daripada doktor, bukan daripada peguam, saya suka hendak menyebutkan beberapa bahagian iaitu kalau tidak dapat penerangan barangkali boleh mendatangkan kekeliruan.

Di Bahagian II Fasal 5 (1) di muka 5, mengatakan: boleh memeriksa mana-mana premis, saya anggap kalau dikatakan mana-mana premis, mana-mana tempat barangkali termasuk tempat-tempat sembahyang, masjid, kuil, tokong, gereja dan sebagainya. Saya suka menekan dan menasihatkan supaya pegawai-pegawai yang bertindak hendaklah cermat, menjaga tatatertib dan menjaga adat-resam; kalau dia masuk ke masjid kerana kononnya sudah ada undang-undang ini berkasut dan sebagainya akan mendatangkan kekeliruan.

Saya juga suka membawa perhatian Kementerian yang berkenaan kepada Bahagian II juga muka 8, Fasal 8 (2) (g) mengatakan “menggunakan racun serangga pada kolam, perigi . . . .” Di sini saya suka menarik perhatian Kementerian kepada Fasal 9 (2) ada mengatakan: “Khususnya dan tanpa menyentuh keluasan makna seksyen-kecil (1) . . . . .” iaitu bila menggunakan ubat-ubat serangga ini mestilah tuan punya rumah itu menutup semua bahan-bahan makanan, menjaga api dan sebagainya. Pendekata, racun serangga ini kalau digunakan akan mendatangkan merbahaya. Merbahaya bukan sahaja kepada manusia, tetapi juga boleh merbahaya kepada harta-benda kita. Juga saya mengharapkan bila pegawai-pegawai bertugas hendaklah betul-betul ber-kawal supaya jangan nanti terjadi apa-apa

pula, sudahlah orang luar bandar miskin, rumah pula terbakar kerana ubat serangga ini, dan ada pula dua tiga ekor kambing atau lembu dan ayamnya mati, dan akan menjadi kes pula di bawa ke Mahkamah bicara menuntut rugi dan sebagainya.

Di bahagian II Fasal 10 (1) (c), muka 11 mengatakan: "mengarahkan supaya dibuat satu pemeriksaan post-mortem kepada sesuatu mayat . . ." Tuan Yang di-Pertua, orang-orang kampung bukan tidak hendak dipost-mortem, tetapi kalau dinasihatkan oleh pakar-pakar agama, kalau misalnya mesti dipost-mortem, mereka patuh. Apa yang selalu terjadi dan saya suka mengingatkan Kementerian yang tersebut, terutamanya pada hari Ahad kalau post-mortem, ada kalanya mayat itu sampai lapan jam tidak dapat dipost-mortem kerana doktor tidak ada. Ini mendatangkan kemarahan.

Kalau orang yang benar-benar terkena penyakit disebabkan oleh serangga ini, maka hendak dipost-mortem biarlah cepat dipost-mortem.

Saya juga suka menarik perhatian Kementerian yang berkenaan kepada Bahagian III, Fasal 12 iaitu muka surat 12. Di sini ada mengatakan iaitu larangan terhadap membersihkan tumbuhan bawah di dalam hal-hal dan lain-lain yang tertentu—dalam lingkungan 20 kaki. Disebutkan di dalam lingkungan 20 kaki itu hanya di seksyen 12 (1) (a) sahaja (b) dan (c) saya berpendapat tidak payah agaknya dalam lingkungan 20 kaki, kerana tidak ada tersebut di dalam (b) dan (c) termestinya yang tumbuh-tumbuhan itu dalam lingkungan 20 kaki. Kalau seksyen-seksyen yang saya sebutkan itu dijalankan dengan begitu ketat, dengan begitu halus, tidak flexibility, tidak ada timbang-rasa, maka saya fikir akan mendatangkan kerumitan, terutama kepada orang-orang di luar bandar. Saya merayu pada masa pegawai-pegawai Kementerian menjalankan tugasnya hendaklah juga bertimbang-rasa dan jangan ketat sangat. Saya percaya, apa yang telah dikatakan oleh Setiausaha Parlimen Kementerian yang berkenaan, timbulnya hasrat Kementerian untuk mengadakan Rang Undang-undang ini kerana demam denggi dan juga kerana nyamuk aedes. Orang kampung dan orang hulu seperti saya ini memang sudah kenal. Kami di kampung mengatakan nyamuk ini nyamuk iblis dan demam itu demam dengki. Apa yang kami hendak ialah

keterangan-keterangan yang selalu kami lihat, dalam talivesyen dan sebagainya, Menteri duduk dalam Land Rover menyembur ubat serangga ini di sana dan di sini, tetapi tidak ada benar-benar satu penerangan.

Kami fikir ini lebih untuk menunjukkan imej, bukan kerja Menteri itu hingga sampai sanggup dia pergi ke kampung-kampung, ke longkang-longkang, membuat kerja kononnya hendak menghapuskan demam denggi itu.

Apa yang kami hendak ialah penerangan, Tuan Yang di-Pertua, bagaimana cara nyamuk itu boleh dikawal atau dikurangkan, bagaimana demam denggi itu boleh dikawal supaya jangan mendatangkan maut kepada pesakit dan sebagainya. Inilah yang kekurangan dan saya sebagai seorang wakil daripada ulu meminta Kementerian mengambil perhatian dan saya tak hendak menimbulkan salah faham bahawasanya apa yang saya sebutkan tadi ialah satu penentangan, tetapi saya sokong supaya Rang Undang-undang ini dikuatkuasakan.

6.50 ptg.

**Tuan Abu Bakar bin Umar:** Tuan Yang di-Pertua, saya ucapkan berbilang terima kasih kepada Ahli-ahli Yang Berhormat yang telah mengambil bahagian di dalam perbahasan Rang Undang-undang yang saya bawa ke dalam Dewan ini pada petang ini. Saya mengucapkan terima kasih sekali lagi oleh kerana keseluruhan Ahli-ahli Yang Berhormat, baik daripada pihak Kerajaan dan juga pihak Pembangkang menyokong Rang Undang-undang yang dibentangkan dan yang disampaikan oleh saya sendiri. Oleh itu, saya tidak ingin menjelaskan satu-persatu perkara yang telah dibangkitkan oleh Ahli-ahli Yang Berhormat keseluruhannya, oleh kerana menjelaskan satu-persatu saya rasa akan mengambil masa yang amat panjang, dan Ahli-ahli Yang Berhormat sendiripun agaknya tidak berapa ingin lagi duduk dalam Dewan ini sampai pukul 11.00 ataupun 12.00 malam. Saya rasa memadai saya memberi jaminan kepada Ahli-ahli Yang Berhormat dan Dewan ini iaitu kepada segala syor-syor dan perkara-perkara yang baik yang telah dikemukakan oleh Ahli-ahli Yang Berhormat kepada Kementerian ini, yang mana belum dijalankan lagi akan dijalankan, yang sedang dijalankan akan diperhebatkan lagi perjalanannya untuk membasmi ataupun mengurangkan. Kalaupun tidak dapat membasmi kesemua nyamuk

ataupun lalat dan apa jenis serangga yang membawa penyakit kepada manusia dapat kita mengurangkannya.

Satu lagi saya ingin memberi jaminan kepada Dewan ini bahawa Rang Undang-undang ini adalah dibuat untuk memberi kuasa-kuasa yang akan digunakan dengan cermat, maknanya Rang Undang-undang ini dibuat untuk memberi kebaikan kepada seluruh rakyat jelata di dalam negara kita ini dan Undang-undang ini akan dijalankan dengan penuh tanggungjawab.

Akhir sekali, saya rasa selain daripada Kerajaan yang telahpun menggunakan mass-media untuk menghapuskan nyamuk Aedes ini, maka adalah menjadi tanggungjawab Ahli-ahli Yang Berhormat bersama-sama dengan Kementerian ini dan dengan Kerajaan untuk meluaskan lagi penerangan dan memujuk dan memberitahu kepada rakyat jelata ataupun kepada seluruh pengundi atau rakyat yang diwakili oleh Ahli Yang Berhormat semuga kita dapat bersama melaksanakan tujuannya, dan semuga undang-undang yang dibentangkan pada hari ini akan mendatangkan hasil yang sebesar-besarnya.

Itulah sahaja, Tuan Yang di-Pertua, sekali lagi saya ucapkan terima kasih kepada Ahli-ahli Yang Berhormat yang telah memberikan pandangan mereka kepada Kementerian ini, dan saya sekali lagi memberi jaminan bahawa segala penjelasan dan rayuan akan dipertimbangkan dengan sebaik-baiknya.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Jawatankuasa*)

*Fasal 1 hingga 27—*

**Tuan Abu Bakar bin Umar:** Tuan Pengerusi, saya mohon mencadangkan pindaan-pindaan berikut, sebagaimana yang

tersebut dalam kertas pindaan yang telah di-edarkan kepada Ahli-ahli Yang Berhormat:

Pindaannya itu adalah seperti di bawah ini:

- | <i>Fasal</i> | <i>Pindaan</i>   |
|--------------|--|
| 2 (1) ...    | (a) Potong perkataan "Perkhidmatan" yang terdapat dalam takrif "Ketua Pengarah".<br>(b) Gantikan takrif "merinyu" yang terdapat dalam naskah Bahasa Kebangsaan dengan yang berikut—<br>"inspekter" ertinya seseorang inspekter kesihatan dalam perkhidmatan Kerajaan atau perkhidmatan mana-mana pihak-berkuasa tempatan dan termasuklah seseorang lain yang ditetapkan secara bertulis oleh Ketua Pengarah atau oleh seseorang Pegawai Perubatan Kesihatan sebagai seorang inspekter bagi maksud Akta ini;" |
| 19 (2) ...   | dan berikutan dengan itu perkataan "merinyu" yang terdapat di mana jua selepas itu hendaklah digantikan dengan perkataan "inspekter".<br>Perkataan "mahkamah" di baris 12 hendaklah dieja "Mahkamah".  |

- | <i>Clause</i> | <i>Amendment</i>   |
|---------------|--|
| 2 (1) ...     | (a) Delete the word "Services" appearing in the definition of "Director General".<br>(b) Substitute for the definition of "merinyu" in the National Language text the following—<br>"inspekter" ertinya seseorang inspekter kesihatan dalam perkhidmatan mana-mana pihak-berkuasa tempatan dan termasuklah seseorang lain yang ditetapkan secara bertulis oleh Ketua Pengarah atau oleh seseorang Pegawai Perubatan Kesihatan sebagai seorang inspekter bagi maksud Akta ini;" |
| 19 (2) ...    | and, accordingly there shall be substituted for the word "merinyu" wherever it appears the word "inspekter".<br>The word "mahkamah" in line 12 of the National Language text be spelt as "Mahkamah".   |

Pindaan dikemuka bagi diputuskan dan disetujui.

*Fasal 1 hingga 27* sebagaimana yang dipinda diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan pindaan: dibacakan kali yang ketiga dan diluluskan.

### **RANG UNDANG-UNDANG PERBANDARAN DAN LEMBAGA BANDARAN (PINDAAN)**

**Bacaan Kali Yang Kedua dan Ketiga**

#### **PENGUMUMAN TUAN (TIMBALAN) YANG DI-PERTUA**

**Tuan (Timbalan) Yang di-Pertua:** Ahli-ahli Yang Berhormat, Rang Undang-undang yang baru sahaja dibacakan oleh Setiausaha, saya memperakukan supaya Rang Undang-undang ini di bawah Peraturan Perkara 79 (1), Perlembagaan Persekutuan. Perlembagaan Persekutuan dalam 79 (1) berbunyi:

“Jika pegawai yang mengetuai mana-mana Majlis Parlimen atau pegawai yang mengetuai Dewan Negeri berpendapat bahawa sesuatu Rang Undang-undang atau sesuatu pindaan kepada sesuatu Rang Undang-undang adalah mencadangkan supaya diubah undang-undang mengenai mana-mana daripada perkara yang disebutkan dalam Senarai Bersama, atau mengenai mana-mana daripada perkara yang disebutkan dalam Senarai Negeri yang mengenainya Persekutuan sedang menjalankan tugas-tugas mengikut Perkara 94, maka pegawai yang mengetuai itu hendaklah memperakui Rang Undang-undang atau pindaan itu bagi maksud-maksud Perkara ini.”

Saya juga berpuas hati bahawa oleh kerana Kerajaan-kerajaan Negeri telah diminta fikirannya oleh Yang Berhormat Menteri Kerajaan Tempatan dan Alam Sekitar, maka Rang Undang-undang ini bolehlah saya benarkan untuk diteruskan pertimbangannya pada semua peringkat dalam Mesyuarat ini juga mengikut Peraturan Peruntukan Perkara 79 (2), dalam Perlembagaan Persekutuan. Fasal 79 (2) Perlembagaan Persekutuan berbunyi:

“Sesuatu Rang Undang-undang atau pindaan yang diperakui di bawah Perkara ini tidak boleh diteruskan selanjutnya sehingga empat minggu selepas disiarkan, melainkan jika pegawai yang mengetuai itu membenarkan ia diteruskan selanjutnya atau alasan-alasan mustahak disegerakan, selepas ia berpuas hati

bahawa Kerajaan-kerajaan Negeri atau, mengikut mana yang berkenaan, Kerajaan Persekutuan telah diminta fikirannya.

Dengan sebab-sebab yang saya nyatakan tadi, maka saya perakukan bahawa Rang Undang-undang Perbandaran dan Lembaga Bandaran (Pindaan) ini untuk dikemuka dan dibahaskan di dalam Majlis ini.

Saya jemput Yang Berhormat Menteri mengemukakan Rang Undang-undang ini.

*7.05 mlm.*

**Menteri Kerajaan Tempatan dan Alam Sekitar (Datuk Ong Kee Hui):** Tuan Yang di-Pertua, saya mohon mencadangkan supaya Rang Undang-undang Perbandaran dan Lembaga Bandaran (Pindaan), 1974 dibaca bagi kali yang kedua.

Kementerian saya dan Kerajaan juga khuatir tentang kejadian beberapa kebakaran baru-baru ini di dalam Wilayah Persekutuan dan lain-lain tempat dan berpendapat bahawa adalah mustahak sekarang untuk mengadakan melalui “certificate of urgency” peruntukan-peruntukan yang lebih berkesan berhubung dengan pencegahan dan pemadaman kebakaran. Beberapa Ahli-ahli Yang Berhormat telah juga menyentuh perkara ini di dalam persidangan ini. Oleh yang demikian, Ordinan Perbandaran dan Enakmen-enakmen Bandaran adalah dipinda bagi maksud ini. Peruntukan tambahan ini akan membolehkan Menteri mengadakan undang-undang kecil baru yang telahpun disediakan dan akan dikuatkuasakan dengan secepat mungkin.

Kementerian saya dan Kerajaan juga bercadang hendak mengadakan peruntukan-peruntukan baru di dalam Ordinan Perbandaran dan Enakmen-enakmen Lembaga Bandaran, bagi menjalankan pengawalan berkenaan dengan “earthworks”, khususnya kerja-kerja menggali (excavations) supaya pemaju-pemaju mengambil langkah-langkah keselamatan yang cukup untuk menghalang runtuh-runtuhan tanah dan sebagainya yang membahayakan nyawa dan harta-benda. Undang-undang yang ada sekarang menyentuh perkara asas bangunan (foundations), tetapi tidak meliputi “earthworks” atau kerja berkenaan dengan tanah tapak bangunan. Rang Undang-undang ini akan menghendaki pemaju-pemaju mengemukakan pelan-pelan berkenaan dengan “excavations” dan “earthworks” termasuk juga

kerja-kerja yang sedang dijalankan sekarang. Seorang pemaju tidak dapat memulakan kerja-kerja tersebut sebelum pelan-pelan ini diluluskan oleh Pihakberkuasa Tempatan.

Butir-butir lanjut mengenai Rang Undang-undang ini adalah diberi dalam Huraian. Jadi, saya mengambil kesempatan ini menarik perhatian Tuan Yang di-Pertua berkenaan dengan beberapa pindaan yang telah saya kemukakan kepada Tuan Yang di-Pertua dan telah diedarkan di Dewan ini dan pindaan-pindaan itu saya akan kemukakan dalam Jawatankuasa kelak. Kerajaan-kerajaan Negeri telahpun diberitahu tentang Rang Undang-undang ini dan persetujuan mereka telahpun diperolehi.

Tuan Yang di-Pertua, saya mohon mencadangkan.

**Datuk Sri Haji Kamaruddin bin Haji Mat Isa:** Tuan Yang di-Pertua, saya mohon menyokong.

7.10 m/m.

**Tuan S. Samy Vellu (Sungai Siput):** Tuan Yang di-Pertua, saya suka mengambil bahagian di dalam perbahasan Akta Perbandaran dan Lembaga Bandaran (Pindaan), 1974 dan izinkan saya berucap dalam bahasa Inggeris.

(*Dengan izin*) Mr Speaker, Sir, I wish to support this Bill. The objects of the Act are welcome. I feel that if this Bill had been introduced in this House and passed some time ago, it would have reduced the number of court cases which are under the jurisdiction of the Courts today. Anyway, better late than never. While considering the provisions in the Bill, various factors to the advantage of the building industry in our country are involved, and I would like to express some of them here.

Firstly, the Bill will put a stop to the unnecessary and unwanted excavations for any type of development which involves earth-works. This would also control the topographical layouts for building sites.

Secondly, it would control indiscriminate digging of existing grounds and would also contribute in various ways to maintain a beautiful landscape for any site which is affected by its topographical conditions.

Thirdly, it would help avoid unnecessary erosions and water catchments to breed disease-bearing insects. In many parts of Kuala Lumpur, roads are sometimes covered with slimes eroded from the adjoining higher grounds. Many public monsoon drains filled with eroded materials such as earth, sand and slimes block the passage of waste water. We all have seen these and we have suffered from them due to the negligence of some unscrupulous developers. The Bill would ascertain the limit and extent of proposed cutting, precautions on the provisions of drainage and retention of eroding materials.

Mr Speaker, Sir, another fundamental technical advantage of this Bill is that it will provide safety to existing buildings and the landscape. In case an excessive excavation is proposed for development—take, for example, the proposed famous Belmont Towers—the authority will have the powers to demand safety measures . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Please repeat what tower is it?

**Tuan S. Samy Vellu:** The famous Belmont Tower. I am not here commenting on the merits of the case which has become very famous in Kuala Lumpur. A building project which is daily . . . . .

**Tuan (Timbalan) Yang di-Pertua:** No reference should be made to any matter which is *sub judice* . . . . .

**Tuan S. Samy Vellu:** I am not commenting on the case, Sir, To demand safety measures to avoid soil erosion . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Order, order. I have not finished talking.

**Tuan S. Samy Vellu:** Sorry, Sir.

**Tuan (Timbalan) Yang di-Pertua:** Let me read to you the relevant Standing Order. S.O. 36 (2) says:

“Reference shall not be made to any matter which is *sub judice* in such a way as might in the opinion of the Chair prejudice the interests of parties thereto.”

It is my opinion that if this is discussed here, it will prejudice any of the two parties. So, please restrain yourself from mentioning it.

**Tuan S. Samy Vellu:** Sir, I withdraw the words "Belmont Towers", and let me say just some buildings. This Bill will give authority to demand safety measures to avoid soil movements, or movements of low-lying strata due to pressure of water, etc. When such conditions of safety are not provided or neglected by the developers, the authority will have the power to take legal proceedings to punish the offenders. Sir, this is a good part of the Bill, which I welcome as I said just now.

Now, let us analyse in regard to the implementation of this Bill when it becomes an Act by local authorities. For example, Tuan Yang di-Pertua, let us take Dewan Bandaraya on whom is vested all the powers and authority to approve plans for roads, highways, sewerage schemes, car parking arrangements and so on and so forth. At the moment, Tuan Yang di-Pertua, one should be considered very lucky if he or she gets a plan for a proposed project approved within a month. There is no time limit as to how soon a proposed plan should be approved or can be approved. Every local authority would like to have at least a month or two before one gets complete clearance of his application. But in the case of Dewan Bandaraya, it will at least take four or five months before giving its approval of the proposed plan. If the additional authority is now to be vested into the hands of the Dewan Bandaraya which we are discussing at the moment under this Act, with its already heavy workload, I do not know whether it will be in a position to carry out the additional functions under this Act. In the case of small Town Boards, Tuan Yang di-Pertua, I would like to say that most of the Town Boards do not possess technical experts. In many cases, plans involving engineering technique are normally referred to the J.K.R. for comments. It takes at least three to five months for the approval of ordinary building plans. But plans involving engineering technique as stipulated in this Act like earthworks, etc. have to be referred to the Town Council for approval. In turn, if the Town Council refers this to the J.K.R. for approval, with the workload that the J.K.R. already has at the moment, I do not know what will be the period of approval for a development project of such nature. Finally, Tuan Yang di-Pertua, with all these added together, it will end up in a great delay

in getting the original proposal itself approved, i.e. a landscape or an earthwork to be approved at the initial stage of a building.

Sir, considering the shortage of staff in the Dewan Bandaraya, and especially the shortage of expertise, in works of this nature, be it piling or excavation, I would recommend that an extensive exercise of recruiting engineers from overseas be undertaken. I would also urge, in order to supplement the technical expertise in the Dewan Bandaraya and other local authorities, that a few experts be recruited to research and advise the Dewan Bandaraya on piling and excavation. As we are rapidly entering the age of high-rise buildings and on large-scale hill excavations in our country, if the Dewan Bandaraya and other authorities do not have the expertise, then we will be faced with the risk of many works being stopped or being delayed, thus adding to the cost of construction which the purchasers or the land-owners finally have to bear.

The other very important point I would like to raise here in connection with this Bill, is this. Tuan Yang di-Pertua, I am not clear as to whether the Bill will also apply to the Government Departments and the various statutory authorities. One of the biggest nuisances we have in this country is that Government Departments and statutory authorities take "turns" to dig up the same stretch of roads again and again. For example, the L.L.N. takes the first turn to dig the road, followed by the Telecommunications Department and then by the Water Works Department, etc. so much so that some stretches of roads are not usable by the public on a few days, or a continuous traffic jam occurs on certain roads of Bandaraya. I hope that the Commissioner will find some way to co-ordinate all the actions of these Departments by giving an early approval on all such projects and at the same time, I also hope that such speedy work would not also hinder the growth and development of our towns and cities.

**Tuan (Timbalan) Yang di-Pertua:** Boleh lagi seorang Ahli bercakap sebelum Yang Berhormat Menteri menjawab.

7.20 mlm.

**Tuan Ngan Siong Hing (Kinta):** Tuan Yang di-Pertua, saya minta izin berucap dalam bahasa Inggeris.

(*Dengan izin*) Mr Speaker, Sir, I have one or two things to comment on this Bill and I wish to draw the attention of the House to Clause 2 (12), last four lines, on pages 3 and 4, which reads as follows:

“ . . . . . and the certificate of the Commissioners in this regard shall be conclusive proof of the matters stated therein and shall not be subject to any appeal or review in any court.”

Sir, this is one Bill which I must say is arbitrary in so far as this Clause is concerned, because my belief is that nothing which is of a legal nature should be excluded from the jurisdiction of the Court. Clause 2 (12) expressly provides, and it is amply clear, that our Courts in this country are excluded from deciding on any matter regarding this Bill, even though the action taken is unfair, or, even though any decision referred to the Minister (or whoever the responsible authority may be) is unfair and unjust.

Then, Sir, Clause 2 (13) says:

“The provisions of this section shall not apply to earthworks commenced or carried out by or on behalf of the Government of Malaysia or a State Government”.

Again, I cannot understand why projects of Government or works done or carried out for and on behalf of Government Departments should be excluded from the provisions of this Act.

Sir, I think this Bill in a way is contrary to the letter and spirit of the Rukunegara which has always been championed by our Honourable friends from the Barisan Nasional; and, of course, I know that when I say all these, some gentlemen will stand up and swipe us for no reason. It is obviously clear that we are, in fact, acting contrary to the Rule of Law, the Rule of Law as we understand it in the Rukunegara and the Constitution. I hope the Minister concerned will do something about it to make this Bill more meaningful. At the same time I concede, that by and by this Bill will no doubt prevent some people from excavating, from doing earthworks or doing such works irresponsibly that may cause dangers and hazards to the public at large.

7.23 mlm.

**Datuk Ong Kee Hui:** Tuan Yang di-Pertua, oleh kerana kedua-dua Ahli-ahli Yang Berhormat memberi tegurannya dalam bahasa Inggeris, saya minta izin, Tuan Yang di-Pertua supaya saya dapat menerangkan perkara-perkara yang dibawa oleh Ahli-ahli Yang Berhormat dalam bahasa Inggeris juga.

(*Dengan izin*) Tuan Yang di-Pertua, the Honourable Member for Sungai Siput welcomes this Bill, and I would like to thank him for his support. We are aware of the delay in regard to complaints which had been put to us from time to time by developers who found themselves stuck with their plans; and this was one of the reasons why we have created the Wilayah Persekutuan, so that there is no division of functions and that land matters within the Wilayah Persekutuan would come directly under the same organisation. It was largely due to a general feeling of the weakness of this division of functions whereby land matters within the Wilayah Persekutuan had to be referred to the State Government concerned that we have decided to streamline the Administration in order to obviate all these delays created in the Federal Territory. We cannot build Rome in a day, neither can we change Kuala Lumpur overnight.

The Government is aware of the fact that the organisation of the Dewan Bandaraya, particularly now that it has been extended from 36 square miles to 94 square miles, would need strengthening and we are in the process of strengthening the organisation. But, as Honourable Members are aware, engineers, architects and planners are all in short supply and, although we may need them, we generally find that recruitment is at slow process and this is the limiting factor; and it is for this reason that we have tried to streamline the organisation by bringing in this Bill. This also answers the point raised by the Honourable Member for Batu Gajah about the arbitrary fashion in which certain provisions in the Bill . . . . .

**Tuan Ngan Siong Hing:** Sir, on a point of clarification.

**Tuan (Timbalan) Yang di-Pertua:** Is the Honourable Minister willing to give way on a point of clarification?

**Datuk Ong Kee Hui:** Sir, I think the time is a bit short for me.

**Tuan Ngan Siong Hing:** Sir, I am the Member for Kinta, not Batu Gajah.

**Datuk Ong Kee Hui:** Oh, I am sorry. I have got the constituency wrong.

**Tuan (Timbalan) Yang di-Pertua:** Well, if it is on a point of clarification, under the Standing Orders, the Member speaking must be willing to give way. (*Kepada Datuk Ong Kee Hui*) Are you willing to give way?

**Datuk Ong Kee Hui:** Sir, he just now said that I made reference to a wrong person.

**Tuan (Timbalan) Yang di-Pertua:** Oh, I see, you made a wrong reference.

**Datuk Ong Kee Hui:** He is not the Honourable Member for Batu Gajah, but he is the Honourable Member for Kinta—I could not see the name of the constituency so well, and I apologise.

The Honourable Member for Kinta raised this point about the arbitrary manner in which certain provisions of the Bill are designed, that the Bill does not provide for any appeal and that the decision of the Minister or the authority concerned is final in so far as such works are concerned. But this does not, in fact, impinge on the rights of the individual, because he is protected by the Constitution and if the person feels that he has been unduly deprived of his rights, he has still the recourse to the Court. But these provisions are there in order to prevent the developers from taking advantage of any weaknesses in the law and trying to escape it by delaying tactics questioning the right of the Ministry concerned or the local authority concerned to issue such orders which the local authority deems it necessary in the public interest, and that is why the provisions are made in such a manner.

As regards the exclusion of projects of Federal Government Departments or the State Government Departments from the provisions of the Bill, I think the Honourable Member must accept the fact that Governments, whether State or Federal, are responsible bodies; they are answerable to Parliament and the officers are also answerable to the Governments for any acts they do, and, the Honourable Member should not

question therefore the responsibility of the Government in regard to guarding or safeguarding the public interests. It is because of our concern of the Public interest that we have brought this Bill on a certificate of urgency to this House.

I think this answers the points raised by both Honourable Members.

Tuan Yang di-Pertua, saya mohon mencadangkan bahawa Rang Undang-undang ini dibacakan kali yang kedua.

Usul dikemuka bagi diputuskan, dan disetujui.

Rang Undang-undang dibacakan kali yang kedua dan diserahkan kepada Dewan sebagai Jawatankuasa.

Dewan bersidang sebagai Jawatankuasa.

Rang Undang-undang ditimbang dalam Jawatankuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Jawatankuasa*)

*Fasal 1 hingga 6—*

**Datuk Ong Kee Hui:** Tuan Pengerusi, saya mohon mencadangkan iaitu pindaan seperti yang diedarkan kepada Ahli-ahli Yang Berhormat di Dewan ini diluluskan.

Pindaannya seperti berikut:

<i>Fasal</i>	<i>Pindaan</i>
1 ... ..	Gantikan tajuk ringkas dengan "Akta Perbandaran dan Lembaga Bandaran (Pindaan), 1974".
2 (1) ...	(a) Potong perkataan-perkataan "and obtained the earthworks" yang terdapat dalam seksyen-kecil (1) yang dicadangkan itu. (b) Gantikan perkataan "the" yang terdapat dalam seksyen-kecil (16) yang dicadangkan itu dengan perkataan "any".
3 (1) ...	Potong perkataan "itu" yang terdapat di baris 4.
4 (1) ...	Gantikan perkataan "purpose" dalam perenggan (h) yang dicadangkan itu dengan perkataan "purposes".
6 (2) ...	Gantikan perkataan-perkataan "Town Board" and "Chairman" yang terdapat di baris 4 dan 5 dalam perenggan (a) dengan perkataan-perkataan "Town Board or Chairman"

Pindaan dikemuka bagi diputuskan, dan disetujui.

*Fasal 1 hingga 6* sebagaimana yang dipinda diperintahkan menjadi sebahagian daripada Rang Undang-undang.

*Jadual Pertama hingga Keempat* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

*Pendahuluan* diperintahkan menjadi sebahagian daripada Rang Undang-undang.

Rang Undang-undang dilapurkan dengan pindaan: dibacakan kali yang ketiga dan diluluskan.

## USUL

### SURUHANJAYA PILIHANRAYA— KETIDAK-PERCAYAAN

7.32 *mlm.*

**Tuan Lim Kit Siang:** Tuan Yang di-Pertua, saya bangun mencadangkan:

Bahawa Dewan ini, memandangkan pembatalan pendaftaran pengundi-pengundi secara besar-besaran dan pengundi-pengundi yang layak yang tidak didaftar dalam Pilihanraya Umum, 1974 yang melemahkan seluruh proses demokrasi dan prinsip Perlembagaan yang berbunyi:

“importance of securing an Election Commission which enjoys public confidence”.

seperti tercatat dalam Fasal 114, Ceraian (2), Perlembagaan Malaysia, melahirkan ketidakpercayaan terhadap Ahli-ahli Suruhanjaya Pilihanraya.

Dalam ucapan saya ini, saya minta izin menggunakan bahasa Inggeris di samping Bahasa Malaysia. Selepas Pilihanraya selama sebulan lebih perkara yang sangat panas dicakapkan ialah perkara keciciran pengundi-pengundi daripada Buku Pendaftaran Pengundi-pengundi di mana lebih kurang 200,000 orang warganegara yang ada hak membuang undi tidak dapat kesempatan menggunakan hak mereka oleh kerana nama mereka telah tertinggal atau dipotong daripada Buku Pendaftaran Pengundi-pengundi ataupun mereka tidak didaftarkan.

Pada masa itu ada beberapa orang tokoh Barisan Nasional ada mengeluarkan perasaan concern mengenai peristiwa ini dan di

antara mereka termasuk Menteri-menteri seperti Menteri Pelajaran yang ada sekarang—masa itu belum masuk Kabinet, Timbalan Menteri Undang-undang—masa itu pun belum masuk Kabinet, Pengerusi PETRONAS, Bendahari UMNO, Yang di-Pertua PAS iaitu Menteri Tanah, Galian dan Tugas-tugas Khas dan Menteri Penerangan. Mereka semua telah menyuarakan pendapat mengenai beratus-ratus ribu warganegara hilang hak mereka membuang undi yang melemahkan proses demokrasi yang mengakibatkan satu suasana di mana rakyat-jelata tidak ada kepercayaan kepada ketulinan proses demokrasi. Tetapi saya tidak tahu sebab-sebabnya mengapa selepas sebulan semua tokoh-tokoh Barisan Nasional diam sahaja dan tidak lagi mengeluarkan suara-suara mengenai mustahaknya memperbaiki proses demokrasi atau menyiasat mengenai perkara ini. Perkara ini mesti diambil perhatian. Sungguhpun ada tokoh-tokoh UMNO dan PAS ada mengeluarkan perasaan concern tetapi nampaknya tokoh-tokoh parti dalam Barisan Nasional seperti M.C.A., M.I.C. dan Gerakan semuanya sangat berpuas hati atau tidak berani mengeluarkan concern mengenai perkara yang sangat pokok dan basic ini. Sekiranya dalam negara kita berkehendakkan proses demokrasi dengan erti sepenuhnya kepada rakyat-jelata, kepada warganegara, satu syarat utama yang tidak boleh dielakkan ialah seluruh rakyat-jelata mesti boleh mengambil bahagian dalam proses membuang undi.

Kita semua tahu apabila Parlimen bersidang pada bulan November dan Disember, perkara ini ada dikemukakan dalam masa soal-jawab dan masa perbahasan, tetapi saya sangat kesal kerana kita tidak dapat satu jawapan atau jaminan yang memuaskan hati bahawa tindakan konkrit akan diambil untuk menyiasat, kenapa perkara keciciran nama beratus ribu warganegara daripada Buku Pendaftaran Pengundi-pengundi. Apakah tindakan-tindakan akan diambil di masa hadapan untuk menjamin dan memastikan supaya setiap warganegara boleh mengundi. Kita tahu ada Menteri-menteri dan tokoh-tokoh Kerajaan berkata bahawa perkara ini sedang dikaji; satu Jawatankuasa telah ditubuhkan di mana dua orang Menteri telah dilantik untuk berhubung dengan Suruhanjaya Pilihanraya, tetapi setengah daripada kita telah lama ada dalam Dewan ini dan saya sendiri berada dalam Dewan ini sudah

satu term. Kita tahu bahawa jaminan-jaminan itu selalunya tidak disokong dengan tindakan yang memuaskan hati. Itu bukan kali yang pertama. Jikalau sesiapa berkehendakkan contoh-contoh tidak susah hendak mencarinya.

Dengan sebab itu, saya dengan perasaan yang sangat serious bangun dan mengemukakan usul ini oleh kerana, kita semua tahu bahawa ini bukan satu cadangan yang biasa, tetapi satu cadangan substantive yang akan merakamkan perasaan tidak percaya kepada Suruhanjaya Pilihanraya. Saya dan parti saya berharap bahawa pihak yang berkuasa boleh mengambil sikap yang betul-betul serious atas perkara ini. Dan janganlah perkara ini diambil satu sikap di mana sungutan-sungutan rakyat-jelata di dengar dengan telinga yang tuli, lihat dengan mata yang buta, fikir dengan kepala yang batu. Saya sendiri tahu bahawa Suruhanjaya Pilihanraya ada menghadapi banyak kesulitan dan mengalami desakan-desakan daripada pemerintah walaupun desakan-desakan itu akan dinafikan. Apa yang kita mahu ialah mengikut Perlembagaan negara kita dan mengikut Perlembagaan kita, Election Commission ialah satu badan yang mesti impartial.

(*Dengan izin*) Mr Speaker, Sir, in order to gain the confidence of the people, the Election Commission must not only be impartial but also it must be efficient and it must be competent. But it is in all these areas where the Election Commission has failed in the 1974 General Elections. General Elections are held once in five years, not once every month, and therefore, we cannot ignore or pretend that what happened in the 1974 General Elections is something that can be forgotten or can be taken lightly. As I said, I am aware that the Election Commission worked under pressures not from the Opposition parties but from the ruling party; and attempts were made, of course, to influence the Election Commission, for instance, in order to hurry its work, so that the General Elections could be held in August 1974 which, I am sure, must have thrown a spoke in the works of the Election Commission and which led to many inefficiencies and incompetencies. Among these was the illegal attempt to try to raise the deposits of contestants for State Assemblies and the Dewan Rakyat beyond the Statutory

limit, and it was very clear from the statement of the Election Commission, which had to retract such a gazetted notification after the D.A.P. was taking action to challenge its legality in the High Court, that it was not done out of its own free will but because of pressure on the part of the ruling party which tried to make it impossible for many Opposition candidates to contest, impecunious as we are. As a result of this we have also this problem of voters being left out in large numbers. The seriousness of it can be seen by the fact that this is not something that has just cropped up in the 1974 Elections.

In 1972 and in 1973, I had attempted to bring to the attention of this House that every year the exercise to register voters and to revise the voters' list, was an exercise which resulted in a massive disenfranchisement of the right to vote of Malaysian citizens, and this can be seen from the Parliament records. But no action was taken. The Election Commission was aware of the annual complaints of the public that their names were left out and that they could not get their names inserted because of the process of the mechanics of registration in 1972, 1973 and then, of course, in 1974.

Now, although I am happy that the Honourable Prime Minister in this House has said that two Ministers have been appointed to look into this matter, we cannot ignore the fact that in the General Elections on 24th August, 1974, a heinous, a very grave ineptitude had been committed by the Election Commission, which has gone a long way to undermine the credibility of the electoral process; and to detract from the meaningfulness of the 1974 electoral result. As a result of that, large numbers running into 200,000 people were not able to vote and participate in this once-in-five-years electoral process to decide who should run the Government and who should be elected their representatives. The 1974 Election results were lopsided. It was because of this probably that the Government, believing that the mandate of the people in the 1974 Elections was indeed a whole-hearted one, within a short period of three or four months found the situation turning sour without expectation. One reason is that the electoral process was not a fair one and it was not a valid ascertainment of the political vision and will of the people.

So, I do hope that the Cabinet, through the two Ministers, would be able to overhaul the entire electoral process whereby every citizen can be able to go and vote in every forthcoming by-election and general elections. This is not beyond human ingenuity. If it is beyond the ingenuity of the Election Commission or the Government, we in the D.A.P. are prepared to offer our free services to devise a system for them. But, as I said, when this Government came into being under the new Prime Minister, in 1970, we were told, "No more will we sweep unpleasant things under the carpet", and I do hope that this is still the motto of the present Government that they will not sweep things under the carpet. Therefore, I say, "Let us not sweep things under the carpet".

On 24th August, 1974 the democratic machinery was greatly weakened because of the loss of the eligible voters, which resulted in the loss of confidence in the democratic process. This is exactly what I have said in my Motion, and I hope that all Members, especially Members on the Government side, would be able to take part and support such a Motion, which is moved without partisanship. We were told yesterday by one Member, during the debate on the increase of allowances for Members of Parliament, that Members of Parliament owe to their constituents not only their industry but their judgment. Up to now, I have not seen the Honourable Member himself and others exercise the judgment, which saying he quoted Edmund Burke. Let us therefore all show the people that we are capable of exercising our judgement.

I am aware that by standing up and moving this Motion members of my party and I open ourselves to accusations and even very fierce attacks even exceeding what happened yesterday which went beyond the bounds of rationality and reason. Yesterday, for instance, we were told that we were actually *hasut-hasutan*; maybe today we will be told we are anti-national but, as we were told yesterday or as we got the injunction yesterday, we owe it to the constituents not only our industry but our judgment. So, let us, therefore, show that we too are capable of exercising our judgment.

**Tuan Lee Lam Thye:** Tuan Speaker, saya menyokong usul itu.

**Tuan S. Samy Vellu:** (*Dengan izin*) Tuan Yang di-Pertua, having heard the Member for Kota Melaka speak in support of the Motion and make some unfounded allegations against the Election Commission, I feel I am compelled to oppose the Motion.

Mr Speaker, Sir, it must be borne in mind that the Election Commission is an independent body vested with limited quasi-judicial functions, and it is required to take into account certain principles laid down in the Thirteenth Schedule of the Constitution relating to the delimitation of the constituencies. It must be emphasised here that it is not its duty to aim at giving . . . .

**Tuan Lim Kit Siang:** On a point of order, Sir. My Motion does not refer to the delimitation of constituencies as stipulated in the Thirteenth Schedule of the Constitution.

**Tuan (Timbalan) Yang di-Pertua:** Are you giving way, Yang Berhormat dari Sungai Siput?

**Tuan Lim Kit Siang:** I am raising a point of order—on relevancy that we are not referring to the delimitation of constituencies here.

**Tuan S. Samy Vellu:** I will go on to the allegations made by him, Tuan Yang di-Pertua.

**Tuan (Timbalan) Yang di-Pertua:** Please proceed.

**Tuan S. Samy Vellu:** The second allegation which was made by the Honourable Member is that thousands of voters have lost their right to vote owing to bias attitude or discrimination on the part of the Election Commission. Mr Speaker, Sir, while having regard to the desirability of giving all electors reasonably convenient opportunities of going to polls, a detailed study of the fact reveals that between 1969 and 1974 electoral rolls were revised in 1971, 1972 and in 1973; and that after each revision, they were displayed for public inspection, i.e. in early 1972, in October, 1973 and in March, 1974. In fact, to the best of my knowledge and information, since the Emergency was lifted, at least 1,500,000 new applications had been received by the Election Commission, and reasonable

opportunities had been given to all those eligible to register themselves. For the first time, computer technique was used to detect duplication of registration, and the application of the new techniques had brought to light more than 244,000 duplicate or double registration in the whole country. This alone is a complete answer against the allegation that there was bias on the part of the Election Commission. It must also be borne in mind that owing to development and other changes, there has been a considerable movement in the population especially from the rural to the urban areas, and the resultant change of addresses of many electors has caused their names to be omitted. Therefore, the exact size of those assumed to be missing cannot be ascertained by comparing the previous figure with the present figure.

We should await the result of the Commission's study into this question before we can comment on this. However, the fact that there were only about 4,000 replies from the public when the Commission invited complaints is indicative that the number missing cannot be very large, and certainly cannot be in the proportions stated by the Honourable Member for Kota Melaka. The general apathy of those concerned is also shown by the poor response received by the Election Commission.

It must not be forgotten, Tuan Yang di-Pertua, that the people from all walks of life and of all shades of opinion had complained that their names had been missing. Even Honourable Ministers and some of us did not find our names in the electoral rolls. Therefore, it is mischievous to even suggest that there has been a bias on the part of the Election Commission. The Honourable Prime Minister has on more than one occasion clarified this matter, and the matter should have been allowed to rest there. Tuan Speaker, Sir, the fact that there were almost a quarter million double or duplicate registration shows that there are subversive elements within our midst whose sole aim is to disrupt the parliamentary democratic system of our government.

The motive of the Honourable Member for Kota Melaka in tabling this Motion is only known to him. To my mind, the Election Commission should be commended, rather than condemned for detecting the large number of double registration of voters.

Therefore, I am sure that the Honourable Member for Kota Melaka must have had his tongue in his cheek when he arose to propose this Motion. People in glass houses should not throw stones. I would, therefore, suggest to the Opposition Members to assist the Commission to carry out its functions properly, so that all electors have reasonable and convenient opportunities of going to the polls.

Mr Speaker, Sir, having miserably failed in the recent elections, the Democratic Action Party (D.A.P.) Members are trying to find a scapegoat for their dismal performance. The fact is that the electors have rejected the D.A.P.'s policy and all their attempts to sidetrack the issue. They cannot fool the people anymore (*Tepuk*). This Motion is actually a departure from the usual tactics adopted by the D.A.P. Normally they oppose the Government policies and programmes, but now they have run out of ideas and they have thought it fit to attack the Election Commission which is appointed by His Majesty the Yang di-Pertuan Agong. Proposing a vote of no confidence against the Election Commission is an act of political bankruptcy on the part of the D.A.P. (*Tepuk*) and I have no doubt that the D.A.P. will meet the same fate as the Pekemas in the next General Elections. (*Tepuk*).

7.58 mlm.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim** (*Dengan izin*) Mr Speaker, Sir the main objective of the Election Commission is to uphold the parliamentary system of democracy by ensuring that every citizen is given the opportunity to be registered and to vote. The Election Commission also has the responsibility to ensure that every citizen, including even supporters of D.A.P., abide by the law and does not abuse the privilege of registration by voting more than once. It is to the credit of the Election Commission that it has been able to devise a system by which it can and did in fact effectively detect this malpractice and infringement of the law by resorting to the use of computers for the first time and making the national identity card numbers as the basis for the compilation of the new electoral rolls.

This year, the Election Commission has been able to "clean" the electoral rolls by deleting duplications, striking out the names

of voters who had died and those who have lost their voting right for some reason or another—either they have moved out of the district or of the State and so on. As a result of the cleaning up operation, we are told that—and on the admission of the Election Commission itself—something like 389,000 names were deleted from the electoral rolls.

The Election Commission should be commended, should be congratulated instead of being censured for doing such a good job of it. For only by doing this, can it be ensured that the process of democracy is justly and impartially carried out by the Commission.

In the process of elimination, members and supporters of all parties have been affected. Even Cabinet Ministers have not been spared, and they have even complained that they have been excluded from voting because their names have been removed from the electoral rolls. What had actually happened was that the part-time staff, who had been employed by the Election Commission in its efforts to keep the electoral rolls up to date, had operated on a rule of thumb without using their heads sufficiently perhaps. They went to each house to check up if the persons whose names appeared on the electoral rolls were still resident there. That at least they did very thoroughly and whatever shortcomings—I may add that I am convinced—were not deliberately intended at dropping people out but what they did was in fulfilment of their duty to ensure that those who were no longer living there should not remain on the electoral rolls.

They simply asked if the person whose name appeared on the electoral roll was still living at the address shown on the electoral roll. They did not tell the people the purpose of this enquiry. They did not tell them that they were making this enquiry for the purpose of revising the electoral rolls; and due to the honesty of our people, the credibility of our people, the answers they got were equally honest and straight. Whenever a man had moved to Kuala Lumpur or elsewhere they were told, “No, he is not living here any more, he is living in Kuala Lumpur.” As it happens, all Ministers have to live in Kuala Lumpur and we all know that they maintain a house or a home in their home constituency though, of course, we know none of them, as far as I am aware, maintains another wife.

However, if the men making the enquiry had clearly indicated to the people in the house that they were trying to revise the electoral rolls, I am sure, they would have been told, “Yes, the Minister is living in Kuala Lumpur, but he still comes home very regularly and we think he would want to be registered here, because he wants to vote in the place where he has lived before or where he is contesting”. I think it is a very important point to remember that the Commission's workers should not be blamed because they worked on a rule of thumb.

They were told, “Your job is to go out and find out if all the people, whose names appear on these rolls, are still living where they should be living, so that they could remain; if the name is not there, you put a line across the names, so that they could be deleted.” They did just that.

However, I hope that this point will be noted in future, if we continue with the present system, to ensure that the workers from the Election Commission inform householders the purpose of the enquiry, so that those who prefer to remain as electors while they maintain their homes—their second and third homes, whatever may be—in that area should be allowed to do so, providing of course that there is a safeguard as in the present system, against duplication, through the use of the national registration identity card number as the basic number. Once it is guaranteed that no one person can vote in two places, then I think that is a sufficient enough safeguard.

However, I think we, from both sides of the House, in the interests of democracy and with a genuine desire to ensure that the Election Commission functions properly, have a right, nay a duty, to make suggestions and proposals and even criticisms. Perhaps, we can here offer a few criticisms ourselves. I have already mentioned about the need to explain to householders about the exercise.

However, the other point that perhaps could be improved on is the fact that, though the Election Commission has rightly, properly and in conformity with the law, resorted to the regular annual practice of making available the draft electoral rolls for public inspection, they tend to be placed in post offices, police stations, balai-balai Penghulu, and other Government centres, and they are

exposed for the statutorily required one-month period. While we can say that the Election Commission has done aright, it is perhaps the fault of the people who had this one month period to inspect, including some Ministers too, who did not or forgot to inspect and had their names left out; perhaps the fault lies not with the Election Commission but with the citizens themselves.

I would like here to make a suggestion that, from my own experience, I went to the Pulau Tikus Post Office and I spent a full half-hour going through the electoral rolls trying to look for my name. I almost gave up, but tried again and ultimately discovered that my name was in. The Post Office staff were very friendly and they happen to be personal friends. They also tried and they wanted to help; they went through the books themselves, but they too in the beginning did not succeed. I am only explaining this in such detail to show that this whole exercise of inspecting the electoral rolls to ensure that a person's name is on it, is not a very easy process, not something which everybody at all can do unless he is determined, and is prepared, as I was, to spend half-an-hour going up and down the rolls trying to find his name. Therefore, there may be a case, Mr Speaker, for the Election Commission to consider, to be more generous regarding the number of copies of these draft electoral rolls being made available, so that they are not only placed in public places like post offices, police stations, balai-balai penghulu and so on, but also that sufficient copies are made available to every political group and party in this country, whereby at least every State constituency branch of the party can have a copy. It would be even better if each "cawangan", if each ward area of the party can also have a copy, so that party workers could then, with a bit of training and guidance, help the citizens, or the supporters or anybody who want to find out whether their names are on the list or not. Of course, it will mean a lot more money, but this is the price that we have to pay for freedom and democracy. I think an investment in the larger number of copies made available to political parties and asking political parties to help, will overcome the kind of feeling that some people may have about voters not having sufficient help or sufficient opportunities to check their names on the electoral rolls.

Further, Mr Speaker, Sir, regarding the time; though by statutory requirement the Election Commission need only put up electoral rolls for public inspection for a period of one month, however, I feel that there is nothing lost if the Election Commission can be more generous regarding the time and let the people have two months or three for inspection. I think that also may be a great help in the interest of democracy.

I would like to emphasise that these remarks are mere suggestions and they are not to be interpreted as an effort in trying to join our friends on the Opposition benches and because of the remark that the Honourable Member for Kota Melaka has just made, it neither frightens me nor goads me into doing anything which my judgment does not dictate. I can assure him that my remarks were typed last night, that these ideas were formulated last night, even before I knew what he was going to say, and they are not the result of his influence or appeal to better judgment.

Another important point, Mr Speaker, Sir, that I would like to point out is that the statement made by the Honourable Member for Kota Melaka, that there are 200,000 people who are left out, is perhaps a statement which is factually not quite an exactitude in the sense that, on the basis of the report and material made available to us in the thick book on the Budget regarding the work of the Election Commission, the Election Commission itself has stated that as a result of its own research, it is estimated that more than 15% of the eligible voters are still unregistered and that in terms of numbers there are therefore still some 600,000 eligible voters who are not on the register. Now, when we move a Motion of no confidence against any organisation or anybody, I take it that we take such an action because we think they are bluffing, we think they are lying, or we think they are not doing a good job. But here is a clear proof for anyone to reason out things, because the Election Commission does not say, "We are afraid, we are hiding, we are doing something wrong". No. While our Honourable Member for Kota Melaka yells and cries about losing 200,000 voters, the Election Commission says, "We openly admit, we are still looking around for 600,000 people who have not registered". Now I think the Commission is honest, and if it is honest, should it be

censured? I think that is an important point to bear in mind while considering the Motion that has been put forward for our consideration. Again, the Election Commission, on the basis of its own report, says that every year it expects to cope with a further 180,000 new voters, people who have attained the age of 21.

Now, I think, Mr Speaker, Sir, that there may be a good case for some serious consideration to be given to some possible reorganisation of our present system of registration. I venture to be bold enough to make a suggestion that it might be worthwhile to consider a system of automatic registration. Now that the Election Commission has used the National Registration Identity Card numbers as the basis for the electoral rolls, and through the use of computers and the use of these numbers, it is now possible to ensure there is no duplication. One other method perhaps may be to base the electoral roll on the basis of our identity cards whereby anyone who has attained the age of 21 would automatically go on the electoral rolls. However, this is not easy to be introduced, nor something that can be done immediately, I appreciate, because our system of national registration itself needs to be revised. I go about carrying an identity card with an address which I had some fifteen years ago—and it is not illegal, I am told and lot of people do this—and I am told that if I want to go and have this card revised so that I have my present address, not only would it take time but also I would lose my original number and things of that sort. I am mentioning this because after having made the suggestion, I appreciate that there are problems connected with its implementation. However, I feel that these problems and obstacles are not insurmountable if we can have a system where the National Registration personnel can ensure that people change their addresses quickly and that their original identity card numbers are carried through no matter how many times they change their addresses, so that there will be no confusion. If we do this, then I think we may be getting somewhere and may perhaps have an easier system of registration. However, that is not the only system, there may be others.

Though we on this side of the House feel that this Motion has been introduced for certain reasons, however, we feel grateful

that it affords an opportunity for this matter to be discussed here on at least as regards the constructive aspects of it, and so we are grateful to the Honourable Member for Kota Melaka. However, I feel that for the D.A.P. to censure the Election Commission and to move a vote of no confidence after it had been so clearly rejected by the people, and had been given such a severe beating in the recent elections, is another matter altogether. Such action may be comparable to that of a child who has not learned how to lose—a child blames everything and everybody but himself after losing a game. It is like blaming the referee when you lose the match. It is an indication, perhaps, of the lack of confidence of the D.A.P. members in themselves to be able to win according to the rules. I deplore this action if in fact that is the motive, because if the motive is a serious one of censuring the Election Commission and in that process puts into question the whole electoral process, the whole democratic process, the whole parliamentary system that we have, then. . . . .

**Tuan Lim Kit Siang:** Sir, on a point of order. S.O. 36 (6) says: "No member shall impute an improper motive to any other member". The Honourable Member is imputing an improper motive and then going round to discuss whether it is so or not.

**Tuan (Timbalan) Yang di-Pertua:** My ruling is this: that so far, up to the stage he has spoken, he has not imputed any improper motive. Please proceed.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** Mr Speaker, Sir, I was just saying that I deplore this for one reason: that this would do a serious harm to the national image and prestige of this country. Of course, in this country the people of Malaysia know the answers and they do not worry about them. But I am more worried about the impact of such a move overseas. In other countries, people do not know what really happens here and, if this kind of news gets into the papers that the Opposition accuses the Election Commission of not being proper and so on and that a vote of no confidence has been moved against it, then the whole basis of our democratic society, our whole political fabric, will be questioned overseas. I think this is not a good thing and for which I deplore the action of the D.A.P. in introducing this Motion.

Now, I am glad that the Barisan Nasional has not given us any directive through the Whips on this Motion and, therefore, all of us are able to vote according to our individual judgment, and according to our own conscience. However, I appeal to all Members—and I do not think I need to appeal to all Members—and I am confident that all Members of this House, except the defeated ones, will give an indication of the extent to which they deplore this unsporting, “spoilt-child”, attitude of the Mover of the Motion and reject this Motion without any more ado.

8.23 mlm.

**Tuan Ngan Siong Hing:** Tuan Yang di-Pertua, saya minta izin bercakap dalam bahasa Inggeris.

*(Dengar izin)* Mr Speaker, Sir, I think, I for one, can bring myself to support this Motion, and I can assure this House that there is nothing improper in bringing up this Motion. What we want in this House is to discuss some of the things that have now gone past, and to discuss with maturity what actually transpired in the 1974 General Elections.

I regret that a gentleman like the Honourable Member for Sungai Siput who spoke like a hero, who talked like a hero, just to please his boss who was in front of him, has got so fed up that he has now left.

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin:** Tuan Yang di-Pertua, on a point of order, the Honourable Member is imputing improper motives against another Honourable Member of this House!

**Tuan (Timbalan) Yang di-Pertua:** That is all right. Proceed.

**Tuan Ngan Siong Hing:** Thank you, Mr Speaker, Sir. Well, I think in these days publicity is hard to come by, especially for somebody from the M.I.C. and this has to be the way, that is to say, to talk and talk and talk, just to please, to amuse, and to make a fool of himself, little realising that he won by a small margin of 666 votes.

**Tuan (Timbalan) Yang di-Pertua:** I do not like the phrase “make a fool of himself”—it is quite unparliamentary! Withdraw that phrase!

**Tuan Ngan Siong Hing:** Yes, Sir, I withdraw that phrase. Well, anyway I suppose, as far as the M.I.C. is concerned, this is the sort of politics they are playing, besides the usual behaviour of throwing chairs and breaking down windows and all these things. *(Ketawa)* But, Sir, I do not wish to waste too much time on this gentleman whom I suspect is all out to eye something.

Before I finish with him, please permit me to say one or two things about a literature book which I had read some ten years ago, a book called “Animal Farm” by George Orwell. It is a very good satire, where some people are very fond of saying, when they stand up . . . . .

**Tuan (Timbalan) Yang di-Pertua:** You may quote it so long as it is relevant to this Motion.

**Tuan Mohamed Sopicie bin Sheikh Ibrahim:** It is all right!

**Tuan Ngan Siong Hing:** Can I carry on, Sir?

**Tuan (Timbalan) Yang di-Pertua:** Well, please proceed!

**Tuan Ngan Siong Hing:** Sir, as far as this literature book is concerned, there is a hero called Napoleon and each time the leader Napoleon gives any directive, all his followers would stand up and repeat what the leader says. If Napoleon says, “Four legs are good,” all his followers will also say that “Four legs are good”, even though they know that four legs are bad. When Napoleon says “two legs are good”, the same followers, the same gentlemen, will say that “two legs are good”, even though they know that two legs are bad. This shows that these are men without principle, people who do not have the guts, who do not have the courage to face facts and to discuss facts as they ought to be discussed in this august House—the word “august” was used by the Honourable Member for Jelutong, who is absent now. But if this is an august House, let us talk sense. Let us not mudsling at each other for no reason.

**Tuan (Timbalan) Yang di-Pertua:** The Honourable Member for Jelutong has not spoken on this Motion. You are referring to the wrong Honourable Member.

**Tuan Ngan Siong Hing:** But I just want to tell this House.

**Tuan (Timbalan) Yang di-Pertua:** Yes, but you must tell the truth! (*Ketawa*).

**Tuan Ngan Siong Hing:** That is the truth, Sir—it is in the *Hansard*. Anyway, Mr Speaker, Sir, coming back to the Motion, I think the Election Commission should be condemned, because in the 1974 General Elections, thousands of people were deprived of the right to vote, and I think this is a sad thing. We are not talking in the abstract, because this is one occasion on which we can talk nothing but the truth.

For instance, Sir, in a certain area in my constituency of Kinta, in a little place called Tambun, which is well-known in this country for its pomelos, in a family of twelve persons only one was able to vote and the remainder eleven of them were in the house; they never went anywhere else and they had voted in the past three General Elections. How is it that on this occasion their names were not found in the electoral rolls? This no doubt implies that something must have gone wrong somewhere in so far as the election machinery is concerned.

Sir, let us not be afraid to admit that much of the fault lies with the workers who went from house to house to register the voters, and I am afraid and rather sad to say—and, Sir, if you think that I am infringing upon the Standing Orders, please do not hesitate to stop me—that, in so far as the registration of the voters is concerned the Commission used hired workers, most of whom were Malays. Now, it is not suitable to use our friends who are mostly Malays to register voters in, say, the Chinese villages, because, when they enter the villages and go from house to house to enquire, ask and talk to the residents, it is impossible for them to communicate effectively with those whom they put their questions to. As a result of this, there may be some misunderstanding arising between the person to whom the question is put and the person to whom the answer is given. Sir, in such a situation, I believe that the breakdown of communication by using the wrong people to do the job in particular places has been one of the causes of the large disenfranchisement of eligible voters.

If the Election Commission is honest in wanting to correct this state of affairs, then I would suggest that it should, in fact, make sure that this does not happen again. This is a very important thing, because when we send somebody from, say, place A to place B in another constituency in another area to register voters, there is no doubt that the person thus sent to that place to register the voters to do a job for the Election Commission, has not got sufficient local knowledge of the area. But if, say, in a particular village we get the people from the village itself to register the voters, then the local people would be able to know who is in the house, who has got married to whom, where and when, and that would make a world of a difference in registering the correct number of voters. But this has not been done, and there is no possibility that this will be done in future.

Among other things, there are those who have registered years back and they have received acknowledgement cards, but when they come to look for their names in the electoral rolls on the polling day, they find that their names are missing. Sir, what has happened to their names? Something must have gone wrong somewhere! If it were not the workers' fault when they first registered them, then the fault must lie with the Election Commission itself, because it is the very place where all these names are checked and re-checked before they are arranged and finally entered into the electoral rolls. That means that something is, again, wrong somewhere. Why has this situation developed now, when this had not happened during the past two or three General Elections? More so, when we claim to be independent for 18 years, we should be more matured, more efficient and more competent, but instead we seem to move backwards all the time. It is no excuse to say that, just because the Election Commission has admitted its error and its inefficiency, we must, therefore, forgive the Commission. They are public servants, Sir, we put them there because we want them to do a job for the country. We do not want them to do a job just for the D.A.P. and that was how the Honourable Member for Kepala Batas construed the Motion. I am surprised that a man of his standing, a man of his stature, having been a former High Commissioner, should so misunderstand a simple thing. We condemn, and we pass

a motion of "no confidence", on the Election Commission because we are not happy with them. It is not because we do not like Ahmad Perang—we have nothing against him. What we are saying is this: that the Election Commission as a whole has failed to do its job properly and efficiently. Therefore, we hope that by passing this motion in future this sort of thing would not be repeated in the national interest, not in the interest of the D.A.P. If anybody thinks that we are tabling this Motion in this House only in the interest of the D.A.P., then I think that something is wrong with the gentleman somewhere.

Coming back to the question of admitting its fault and inefficiency, as I have said earlier, it is no excuse. Why did it happen? Which gentleman in this House has given us an answer? So far no one. We are anxious to get an answer, we want an answer to know why it happened now and why it did not happen in the past General Elections. No one has given us an answer. Each time when we raise a point like this, some members of the Barisan Nasional start accusing us, scolding us, condemning us and, of course, connecting us with subversive elements. I do not understand, Sir, although the word is found in the Oxford Dictionary, what is the meaning of "subversive". Why is it that anything that the D.A.P. says which the Barisan does not like to hear, is regarded as "subversive". I have the feeling that people more dangerous, more subversive and more wicked than us are, in fact, those who say that we are subversive, because those who say that we are subversive do not know that they are more subversive; and it is a fashion, it is a popular thing today to use the word "subversive" on anyone whom you do not like, on any party whom you do not like, and this is what we so often get in the newspapers. Tomorrow, if the Barisan loses, some gentleman can easily stand up and say, "Look, so and so, the Prime Minister is subversive". So, Sir, the word "subversive" is over-used. It is a word which has no meaning, it is a word of style, diction and that is about all. If we are subversive and if passing this motion in this House in the proper manner is subversive, then I call on the gentlemen who used that word to talk to the Minister of Home Affairs to take us to the proper place.

**Tuan (Timbalan) Yang di-Pertua:** If it is subversive, you would not have had the opportunity to debate it here—the Motion would not have been debated here at all.

**Tuan Ngan Siong Hing:** That is right. In other words, it is not subversive, Mr Speaker, Sir. But I hope that Honourable Members from the Barisan, though they have to support their party and follow the crowd in the party, when they use certain words like "subversive", "anti-national" and all those Barisan "cliches" at least they must use them clearly, properly and not simply use Parliamentary immunity in this House to cast aspersions at other people, especially at the Members of the Opposition—and I am sure when they say "Members of the Opposition", they mean no more than the D.A.P., because they know that the Pekemas is finished and very soon the gentleman from Sungai Siput will also be finished if he does not talk sense. (*Ketawa*)

Sir, coming back to the Election Commission, there is another point I would like to refer to. Up to a certain point, I appreciate—and in fact, I like—some of the points and sentiments raised by our Honourable friend from Kepala Batas. He might not have had this experience, but I can tell him that the Election Commission is not only inefficient but could be construed as "deliberate". Sir, I will give you a very simple example. For instance, again, in the constituency of Kinta, there is a place called Sungai Raya. Sungai Raya formerly included a place called Kopisan which has now been moved to the town of Gopeng. Sir, these people from Kopisan were formerly registered as voters in Sungai Raya, but when the village was moved to Gopeng, which is some five or six miles away from Kampung Kepayang, the voters in Kopisan automatically went to the new area, and their names were deleted from the electoral rolls in Sungai Raya and they became voters of the Gopeng constituency, both for the State seat of Gopeng as well as the Parliamentary seat. But the gentleman will be surprised if I were to tell him now that many voters, who voted in Gopeng in the last Election, suddenly found their names in the electoral rolls in Sungai Raya. How did this happen? I do not understand, and I hope the Honourable Member for Kepala Batas would have a word with the Chairman of the Election Commission who is not accessible to us because we are "subversive".

Sir, it is not fair again to find a scapegoat in the D.A.P. just because what we say in this House kicks, just because what we say in this House hurts, and hurts sometimes very badly but, of course, only within the four walls of this House. But it is not good to find a scapegoat in the D.A.P. and blame us for raising this Motion just because as somebody said (which is totally not true) that we were badly rejected. We were not badly rejected and, in fact, the total number of voters who voted for us were far more than those who supported us in 1969. I have got a sheet of paper to prove this but anyway, that is enough for the time being.

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin:** Sir, can we have the figures as alluded to by the Honourable Member?

**Tuan (Timbalan) Yang di-Pertua:** But the Honourable Member declined to give the figures. Please proceed.

**Tuan Ngan Siong Hing:** If the gentleman wants the figures, then I can give them to him outside the House. Well, that shows that we did not do that badly, and I can say that, if not for the fraud committed by the Election Commission, half of those gentlemen in the Barisan Nasional would not be here.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** Sir, on a point of order. Perkataan "fraud" itu parliamentary atau unparliamentary?

**Tuan (Timbalan) Yang di-Pertua:** Don't use the word "fraud". Proceed.

**Tuan Ngan Siong Hing:** I would not be surprised, because this is what is called democracy in this country. Democracy means, to some people, preservation of their power base, democracy means winning by hook or by crook, democracy means killing the Opposition by whatever means; and this is exactly what is happening in this country.

Sir, when they knew that more people would vote for the Opposition, then they came out with all sorts of devices like changing electoral boundaries, refusing to register the young voters . . . . .

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** On a point of order. Tadi waktu Ahli Yang Berhormat dari Sungai Siput

sedang bercakap menimbulkan soal pembahagian constituency, Ahli Yang Berhormat dari Kota Melaka telah bangun atas point of order dan Tuan Yang di-Pertua telah memberikan perintah bahawa perkara ini tidak harus dibangkitkan. Jadi, saya juga membangkitkan soal point of order apabila dibangkitkan soal pembahagian constituency.

**Tuan (Timbalan) Yang di-Pertua:** (*Kepada Tuan Lim Kit Siang*). Apakah dibangkitkan soal pembahagian constituency tadi?

**Tuan Lim Kit Siang:** Tidak ada perintah yang dibuat oleh Tuan Yang di-Pertua. Barangkali dia mimpi.

**Tuan (Timbalan) Yang di-Pertua:** (*Kepada Tuan Mohamed Sopiee bin Sheikh Ibrahim*). Perkara itu tidak ada dibangkitkan. Please proceed.

**Tuan Ngan Siong Hing:** They came out with all sorts of devices, as I said earlier, like the changing of electoral boundaries, failure to register voters who should be registered, because it is their right to be registered and then to vote at the proper time, and these are devices . . . . .

**Tuan (Timbalan) Yang di-Pertua:** I must warn the Honourable Member for Kinta that he must not repeat the same things too often.

**Tuan Ngan Siong Hing:** Yes, Sir, that is the way in which one can make the other side know what one is talking about.

**Tuan (Timbalan) Yang di-Pertua:** Otherwise, I will limit your time.

**Tuan Ngan Siong Hing:** Yes, I appreciate that. Well, that is what somebody would say democracy is, but, I think, Sir, that is not democracy. That is hypocrisy. Democracy means that those who are eligible to vote should be given the right to vote, and it is no excuse again to say—and this was said by the Election Commission—that just because you have a blue identity card, it does not mean that you can vote. Yes, it is true, there may be one or two in the midst whose blue identity cards may not have been obtained in the proper manner. But how many of such people are here? That is again, casting aspersion on us to say that the citizens of this country are not honest. In

every country we find a few dishonest citizens. In every country, we find a few people who will not care for the law and who as long as they have this or that, they are satisfied. That is the reason given by the Election Commission. It does not come from me, and that is not a good reason I should say. We contend that those who are of the right voting age should be given a chance to vote and if they had not voted in the last Election through no fault of their own, then I think this Motion stands and the Election Commission should be condemned.

Lastly, Sir, one more point, and it is in regard to the last 1974 General Elections. It is true that in these days there is greater mobility of people in that they move from one place to another and I think the present system of registering voters is most inefficient, because these days many people from the villages, from the kampungs, from the estates, move out of their usual places of abode to towns, to urban areas, to industrial sites to get jobs, and then if that area is too far away they may not be at home at particular times of the year. So for instance, if the registration of voters is carried out say some time in mid-year, in June or July, these people may not be found at home. Therefore, whose fault is that? It is, again, the fault of the Election Commission. What it should have is an all-year registration system to provide for those who are out-station, for those who have gone out to work in other places, to register when they return to their kampungs, when they return to their villages and when they return to their small towns. I think that is one of the best ways in which the Election Commission could exonerate itself by showing its sincerity, if it was sincere and if it will prove itself to be sincere in the near future. But from what has happened in the past during the 1974 General Elections, I think it is not too much if we say that the Election Commission as a whole should be censured by this House, so that those who take over from them would not repeat the sins committed by them in the 1974 General Elections.

8.47 *mlm.*

**Datuk Engku Muhsein bin Abdul Kadir (Ulu Trengganu):** Tuan Yang di-Pertua, saya merasa cukup bangga menjadi Ahli Barisan Nasional oleh kerana jikalau mengikut

aturannya bila sampai pukul 6.30 tadi sepatutnya urusan-urusan Kerajaan telah habis, dan pada amalan biasanya tidak perlu disambung lagi apa-apa perbahasan, tetapi sebagai sebuah Kerajaan yang didukung oleh parti yang betul-betul mengamali dan berani menghadapi kebenaran dan kejujuran, maka satu cadangan supaya masa ini dilanjutkan untuk membolehkan usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka dibahaskan. Inilah satu tanda yang dengan terang menafikan dengan sejelas-jelasnya apa yang dikatakan oleh Ahli Yang Berhormat yang bercakap sebelum daripada saya tadi, jikalau beliau mengatakan: *democracy means killing the Opposition by whatever means.*

Sebenarnya, apa yang dibuat ini dengan sendirinya, dengan tidak payah bercakap panjang menunjukkan kita menjalankan betul-betul amalan demokrasi dan ucapan beliau itulah yang sebenarnya ucapan hypocrisy ataupun munafik. Kenapa tidak? Beliau membangkitkan perkara-perkara yang memang Ahli Yang Berhormat dari Kepala Batas pun mengakui ada berlaku perkara-perkara yang selagi dunia ini dinamakan dunia, selagi makhluk dinamakan makhluk memang ada berlaku kesilapan-kesilapan, tetapi kesilapan-kesilapan itu yang bukan sahaja dideritai, ditanggung oleh pihak Pembangkang, oleh pihak D.A.P., tetapi juga ditanggung oleh pihak kami, bahkan Menteri-menteri kami seperti Yang Berhormat Menteri Tanah dan Galian tidak dapat mengundi suami-isteri. Jikalau kami hypocrite, jikalau pihak Suruhanjaya Pilihanraya ini berat sebelah sudah tentu Menteri-menteri ini tidak mengalami kejadian-kejadian yang demikian.

Yang keduanya pula, kalau tidak silap saya, sebelum adanya Pilihanraya pada bulan Ogos, 1974 ini ada berbangkit masalah beratus-ratus ribu nama-nama dalam Pendaftaran Undi yang berulang-ulang (duplication). Ada nama di Pulau Pinang, ada nama di Kuala Lumpur. Perkara-perkara ini terpaksa dihadapi oleh Suruhanjaya Pilihanraya dengan begitu susah-payah, kalau tidak silap saya, dua ratus ribu dan akhirnya dapat diselamatkan. Siapakah yang membuat telatah-telatah ini? Saya tidak mengecam dan tidak menuduh parti Pembangkang atau D.A.P. membuatnya, tetapi jikalau dikaji tempat-tempat yang terjadi itu ialah tempat-tempat yang kebanyakannya dipengaruhi

ataupun tempat-tempat stronghold parti D.A.P. Inilah telatah-telatah yang telah terjadi yang cuba hendak disembunyikan oleh pihak parti D.A.P. dan perkara inilah yang patut diterangkan dengan sebenar-benarnya kepada rakyat. Saya tidak mengatakan penipuan, tetapi satu permainan songlap, silap mata, yang telah terjadi, sedang terjadi dan mungkin akan terjadi jikalau tidak diawasi oleh Suruhanjaya Pilihanraya yang kita mesti beri pujian, kerana dapat menyelidik dan menyiasat nama-nama yang berulang kali diketepikan.

Ahli Yang Berhormat yang baharu bercakap tadi juga membangkitkan berkenaan dengan ucapan Ahli Yang Berhormat dari Sungai Siput, yang katanya telah bercakap bagi pihak tuannya, seolah-olah Ahli ini tidak mempunyai pendirian sendiri, dan membangkitkan beliau sebagai Ahli Yang Berhormat daripada M.I.C. yang tidak beberapa kerat yang kononnya akan pergi tidak berapa lama lagi. Saya merasa bangga Ahli dari Sungai Siput bercakap begitu, bahkan jikalau dibandingkan dengan D.A.P.; M.I.C. 4 orang masuk calon, 4 orang menang 100% (*Tepuk*) kalau dibandingkan dengan ucapan Yang Berhormat baharu sekejap, kononnya, buatlah keluar satu nota daripada dalam poket bajunya hendak menceritakan berapa bilangan ahli, tetapi entah hypocrite entah munafik itu tidak ada figure yang sebenarnya dapat menerangkan. Ini contoh-contoh permainan daripada D.A.P. yang cuba hendak mengelirukan, bukan sahaja Ahli-ahli Yang Berhormat di sini, tetapi hendak menggunakan peluang ini sebagai mencari publisiti bukan dalam Dewan ini, tetapi ialah untuk kepentingan golongan-golongan yang boleh disesatkan dengan kata-kata yang indah dan molek yang tidak dapat dibuktikan. Apabila diminta figures atau angka-angkanya tidak dapat dikeluarkan. Ini satu lagi tanda permainan-permainan silap mata, songlap dan sebagainya.

Yang Berhormat membangkitkan perkataan sabversif dan lain-lain yang kononnya pihak Kerajaan selalu menuduh terhadap pihak Pembangkang. Sebenarnya, saya mengikuti daripada awal perbahasan ini tidak banyak tuduhan-tuduhan sabversif dalam perkara ini. Kepada beliau boleh kita ibaratkan: kalau seorang itu mencuri, membuat silap soal trafik, lampu motokar tidak dibuka Polis tahan dia, kerana kesilapan itu, tetapi kerana dia perompak atau pencuri, dia

tidak mengaku. Kita tidak kata dia sabversif, pihak Ahli Yang Berhormat sendiri walaupun dengan tidak secara langsung merasa dirinya atau partinya sabversif berulang kali mengatakan yang pihak kita mengatakan sabversif. Kalau hendak mengaku, mengakuilah sabversif. Inilah tandanya sebagaimana kata Tuan Yang di-Pertua tadi jikalau mereka itu sabversif tentulah tidak dapat bercakap di sini dan motion ini pun tidak dapat dibahaskan di sini. Dengan sebab itu, saya sedar sebagaimana kata Ahli Yang Berhormat dari Kepala Batas ada kesilapan, ada perkara-perkara yang mesti diperbaiki, tetapi pada keseluruhannya saya merasa patutlah Dewan ini memberi tahniah sebesar-besarnya kepada Suruhanjaya Pilihanraya yang telah berjaya pertama sekali membuang beberapa ratus ribu orang-orang yang berdaftar lebih daripada satu kali. Yang kedua, dapat menjayakan pilihanraya walaupun sedikit-sebanyaknya berlaku kesilapan dan sebagainya. Bahkan saya merasa dalam region ataupun dalam kawasan Tenggara Asia ini, kitalah satu-satunya negara yang boleh megah dan boleh kata orang menghadapi muka dengan mana-mana negara lain dalam region ini bagi mengamali satu pemerintahan demokrasi yang boleh dikemukakan dengan sebaik-baiknya, bahkan boleh bertanding samada negeri-negeri barat, negeri-negeri Timur Tengah, Afrika, Amerika Selatan dan lain-lain lagi. Saya rasa pihak D.A.P. bernasib baik dapat duduk dalam negeri ini, dalam sebuah pemerintah yang mengamalkan dasar-dasar yang dengan itu dapatlah beliau pada hari ini bercakap mencurahkan rasa hatinya dengan tidak takut dan gentar, kerana kami memang betul-betul sebuah parti dan sebuah Kerajaan yang mengamalkan demokrasi, berjuang untuk demokrasi, dan berjuang untuk kepentingan rakyat negara ini. Dan bukan berjuang untuk segelintir golongan manusia yang sama ada dengan sengaja atau tidak sengaja hendak mempurak-perandakan, menjahanamkan atau boleh jadi hendak menjadi alat kepada golongan-golongan yang dikatakan sabversif itu.

8.56 mlm.

**Tuan Lee Boon Peng:** Tuan Yang di-Pertua, saya bangun mengambil bahagian di dalam perbahasan ini, dan saya mohon izin bercakap di dalam bahasa Inggeris.

(*Dengan izin*) Mr Speaker, Sir, I wonder whether the Honourable Member for Kinta, as usual, has a chip on his shoulder. He was saying that the Honourable Members on this side of the House have always had aspersions cast upon them. I do not know whether everyone of them has a chip on his shoulder, because when the Honourable Member for Kota Melaka moved the Motion itself, he had already started to make aspersions on the M.C.A., the Gerakan and the M.I.C. in this House by saying that they were, "takut" to express their concern over the missing voters. Now, if that itself is not a case of casting aspersions, Mr Speaker, Sir, then I don't know what else the Honourable Member for Kinta means by casting aspersions.

As the Members from the D.A.P. well know, the M.C.A. members have already stated their concern over the missing voters. We know that in the 1974 Election about 600,000 voters were missing and we have seen in the newspapers that even a Cabinet Minister's name was missing. Even in 1969, when the D.A.P. scored a success in Seremban Town—and when we also went to campaign in Seremban Town, we found certain names of voters missing—they did not bother to mention about missing voters because they won in Seremban Town. That is not the way to go about it. If we want to be constructive, then let us be constructive. The Election Commission is composed of a group of people. They are independent people. They have not been impartial as alleged by the Member for Kota Melaka. I do not know whether there is any evidence as to impartiality because if there is an all-out deliberateness to prevent potential D.A.P. voters from voting, then I can say there is partiality. But the mere fact that there are nine Members here representing the D.A.P. itself shows that—and I do not think any Honourable Member in this House can deny it—there is impartiality. If there is impartiality, then there would not be groups of voters in one area voting for the D.A.P. They would have been . . . . .

**Tuan Lim Kit Siang:** Mr Speaker, Sir, is the Honourable Member saying that the Election Commission is impartial or partial, because I cannot understand him?

**Tuan Lee Boon Peng:** Anyway, the D.A.P. can say that they are impartial, incompetent and inefficient.

**Tuan Lim Kit Siang:** Sir, I think the Honourable Member does not know the difference between the two words "partiality" and "impartiality".

**Tuan (Timbalan) Yang di-Pertua:** (*Kepada Tuan Lim Kit Siang*). You do not have to interrupt. Proceed.

**Tuan Lee Boon Peng:** I would like to say here that censuring is not a constructive measure. We all know that there are missing voters, and we appreciate the efforts made by the Cabinet which has appointed two Ministers to look into the matter and to overhaul the machinery of the Election Commission. Isn't that enough remedy? Must we now look for a scapegoat? If we are now looking for a scapegoat, then we cannot proceed with generalities and we must be able to give details of specific acts that have been done by any member of the Election Commission. We all know that even in certain places—and I am speaking from my experience on this, Sir—where a voter who voted in 1964 had his name left out from the electoral rolls in 1974; and he might have been a voter for the Barisan Nasional, or he might have been a voter for the D.A.P. There is no guarantee in the present sophisticated society today that a voter will be always a voter for one party. Therefore, if there is any remedy to be done at all now, then I suggest that the remedy does not lie in moving a motion of censure against the Election Commission, because it would mean that the independence of the Election Commission as guaranteed under the Federal Constitution has been nullified. I would, therefore, support the Member for Kepala Batas who has suggested some constructive measures such as registering voters based on their identity card numbers and I also support the Honourable Member for Kepala Batas in regard to the various other constructive measures that he has proposed.

9.02 mlm.

**Tan Sri Abdul Aziz bin Yeop (Padang Rengas):** Tuan Yang di-Pertua, saya bangun membangkang usul yang dikemukakan oleh Ahli Yang Berhormat dari Kota Melaka. Tetapi, sebelum saya memberi pandangan saya, saya suka memberi pandangan berkenaan dengan perkara yang telah dikatakan sebentar tadi oleh Ahli Yang Berhormat dari

Kinta. Katanya, mereka selalu dimarah, di-singkir dan macam-macam lagi. Pada pengalaman saya daripada apa yang saya telah alami dalam 5-6 minggu dalam Dewan yang mulia ini ialah tiap-tiap kali kebanyakan Ahli-ahli Yang Berhormat dari pihak Pembangkang apabila bercakap dengan marah, maki-hamun dan kata-nesta. Semalam kita telah dengar bermacam-macam tuduhan yang telah dilemparkan kepada Ahli-ahli Yang Berhormat dari Barisan Nasional dengan bongkak dan sombong. Jadi, oleh sebab keadaan yang demikian, kalau sekiranya dalam ucapan yang saya akan beri ini, dia berharap ucapan itu berupa seperti ucapan daripada satu orang yang dia kasih atau cinta atau daripada sahabatnya, dia akan very disappointed.

Tuan Yang di-Pertua, soal adakah atau tidak berlaku dalam masa Pilihanraya Umum yang baru lepas pembatalan pendaftaran pengundi-pengundi secara besar-besaran dan adakah atau tidak banyak pengundi-pengundi yang layak yang tidak didaftarkan tidak menjadi soal utama dalam perbahasan kita, yang menjadi soal utama ialah bahawa kononnya kerana pembatalan dan ketinggalan majlis yang telah berlaku, kita dan sidang Majlis yang mulia ini diminta melahirkan ketidakpercayaan terhadap Ahli-ahli Suruhanjaya Pilihanraya.

Selepas saya mendengar ucapan Ahli Yang Berhormat dari Kinta tadi, saya cuba baca usul ini kalau ada menyebut untuk national interest, tetapi saya dapati tidak ada tersebut demi kepentingan bangsa dan negara.

Tuan Yang di-Pertua, jawab kepada soal pembatalan dan ketinggalan pendaftaran seperti yang saya sebutkan tadi telahpun dijawab dalam Dewan yang mulia ini oleh Yang Amat Berhormat Tun Perdana Menteri sendiri pada 6hb November, 1974. Jawapan itu sungguhpun ringkas, tetapi telah menyebutkan dengan jelas dan nyata sebab-sebab pembatalan dan ketinggalan telah berlaku dan juga telah menyatakan langkah-langkah yang telah diambil oleh Suruhanjaya Pilihanraya untuk menyiasat dan membetulkan hal ini. Kita tadi dengar keterangan-keterangan tambahan yang telah diberi oleh Ahli-ahli Yang Berhormat dari Sungai Siput dan dari Kepala Batas yang pada orang yang berfikiran siuman rasanya cukuplah memuaskan hati melihatkan dalam keadaan masa yang macam-macam terpaksa Suruhanjaya Pilihanraya ini menjalankan tugas-tugasnya.

Tuan Yang di-Pertua, nampaknya seperti yang kita dengar tadi Ahli Yang Berhormat dari Kota Melaka dan rakan-rakannya masih tidak puas hati. Ini kita tidak berasa hairan dan tidak ragu-ragu, sebab saya percaya apapun penjelasan yang diberi, apapun yang dikatakan dan diterangkan kepada Ahli-ahli Yang Berhormat itu tentu sekali tidak berkesan, sebab dalam soal ini seperti juga soal-soal yang lain. Ia dan rakan-rakannya akan membekukan kepala mereka, jadikan batu hati mereka, kerana penerangan yang diminta bukannya dibuat dengan hati yang ikhlas dan bukan dengan tujuan sama-sama hendak menyelamatkan, membina negara kita, tetapi semata-mata mencari salah untuk didakychkan kepada rakyat dalam negeri ini. Ketenteraman, kebahagiaan dan kemakmuran negara pada mereka hanya berupa sebagai buah cator yang boleh dipermain-mainkan untuk kepentingan mereka sendiri dan untuk kepentingan parti mereka.

Tuan Yang di-Pertua, saya mohon izin untuk meneruskan ucapan saya dalam bahasa Ingeris. Ini bukannya disebabkan saya lebih petah dalam bahasa asing, tetapi ialah dengan tujuan dan harapan segala apa yang saya katakan akan dititik-beratkan dengan betul-betul oleh pihak Pembangkang.

**Tuan Lim Kit Siang:** Tuan Yang di-Pertua, tidak payah—saya faham.

**Tuan (Timbalan) Yang di-Pertua:** (*Kepada Tuan Lim Kit Siang*) jangan mengganggu ketika Ahli lain bercakap. Boleh mengganggu mengikut Peraturan di bawah Fasal 37 (a) atau (b) sahaja. (*Kepada Tan Sri Abdul Aziz bin Yeop*) Teruskan.

**Tan Sri Abdul Aziz bin Yeop:** (*Dengan izin*) Mr Speaker, Sir, I am sad and distressed to see that the Honourable Member for Kota Melaka has seen it fit to bring before the House a Motion in these terms. As I have stated here earlier in Bahasa Malaysia, explanation and reasons have been given in this House to questions on this subject. I will not elaborate on the explanation and reasons given because, to my mind, you can go on explaining until the cows come home, but the reaction and the response from the Honourable Member and his friends will still be the same. Why? It is because it is crystal clear that after the resounding defeat of the Opposition parties in the last General Elections they are now licking their wounds

and as desperate men they will cling to any plausible excuse, however dangerous, however petty and vicious it may be in order to boost up the flagging morale of their members and followers and at the same time to continue the campaign of painting a false and untrue picture on the conduct of affairs in this country. Mr Speaker, Sir, during this session of the Dewan Rakyat, we have been witness of their posturing in this honourable House, assuming the role of heroes defending the fundamental democratic rights of the citizens of this country and casting around indiscriminately wild accusations and aspersions. Just to hear them, one would think that we are living in a country gripped in an iron rule with its citizens bewildered and oppressed by the inhumanities of wicked and depraved people in the ruling party and with the basic fundamental freedoms of person, freedom of property and freedom of association non-existent and unknown like in the Dark Days. But, Tuan Yang di-Pertua, I would like to remind the Honourable Members of the Opposition that Malaysians in general, other than those who deliberately choose to be mental rejects and those gullible enough and foolish enough to swallow without thinking the falsehoods, whisperings and blandishments of people whose true intention would not withstand the light of day, can and do think for themselves. So, I sincerely urge the Honourable Members of the Opposition, since the people of this prosperous and beautiful country of ours have made their choice, to assist and cooperate with the party in power in building up a modern, progressive, Malaysia wherein there is a place for all loyal and honest Malaysians, and in moving—which, whatever you may say, we are clearly and honestly doing—towards the elimination of diseases, dissension, ignorance and hunger and the creation of a higher standard of living enjoyed by all Malaysians irrespective of race, creed or colour.

Tuan Yang di-Pertua, I submit and stress that the issue before this House is not whether or not there had been mass de-registration or non-registration of eligible voters during a period when there was this exercise of re-delineating our State and Federal Constituencies, but the issue is whether such de-registration or non-registration, as had taken place, was of such degree and magnitude as to justify the passing of

this Motion of no confidence on the members of the Election Commission. Tuan Yang di-Pertua, to me, on many counts, this Motion does not deserve the support of this House, or for that matter, of any sincere and honest Malaysian who really has the interests of this country at heart, and who places the interests of people and country as a whole before personal or sectional interests.

Tuan Yang di-Pertua, we know that the Chairman and members of the Election Commission are men of standing and wide experience. We know that they are people who are honestly and sincerely undertaking and performing the difficult tasks and assignments that have been allotted to them. But however dedicated you are and however diligent you are, there can be no guarantee that errors and omissions would not creep in off-times dictated by circumstances beyond human control. Show me any man who says that he is perfect, that he has always achieved 100% satisfaction, and I shall tell him that he must have come perhaps from another world—Mars, or perhaps hell itself—where he should be 100% the other way. (*Ketawa*). What is important is that the magnitude and degree of the omissions must not be such as to defeat the real objectives of the exercise or to nullify the genuineness of the result at the end of the light. Tuan Yang di-Pertua, to say that the omissions that had taken place recently in regard to de-registration and non-registration of eligible voters had seriously affected the results of the last General Elections would, I maintain and submit, be verging on gross absurdity. There is no need for me to elaborate further on this as this matter is clear, and should be clear not only to us but also to Honourable Members of the Opposition parties, to the Press, the people and to the world at large. I mention “world at large” because it is clear to us that by introducing this motion, the Opposition wants to give the impression to other countries that our General Elections in Malaysia were not really democratic and were manipulated. I dare say, Tuan Yang di-Pertua, as far as free and democratic Elections go, our record is high. Most countries overseas, in fact, have looked upon Malaysia as one of the few successors in the exercise of democracy. We not only have the Constitution and laws and the structure of democracy, but the world at large knows that

these are not mere trappings and facades stated in laws and the Constitution but really serving on democratic ends. Of course, the Constitution and laws have to be hedged around with provisions made to ensure that freedom does not become a licence in that they do not become the tools of those whose real aims and interests are alien to the aims and interests of Malaysia and, lastly, that they do not easily lead themselves to the manipulation of fishermen in muddy and murky waters. But fundamental freedom and basic rights, Tuan Yang di-Pertua, are and will continue to be safeguarded and protected.

Tuan Yang di-Pertua, I would also like to take this opportunity to clear one other matter, and this is not only necessary but also vital. While I urge that the Motion be rejected—and I have no doubt that it will be rejected—it then becomes necessary and vital that the Chairman and members of the Election Commission must be, and must be seen to be people in whom the public can continue to place the highest of confidence. Therefore, in the course of this debate, I had hoped to see that there would be no imputation of improper motives; but after having heard the ucapan from Yang Berhormat Ahli dari Kinta, I am sad and distressed that there has been this imputation against men of standing and men who more or less are prepared to work for the cause of our country and for the cause of our people. But I would like to take this opportunity to say that such imputation is baseless and made without proper basis and reason.

Tuan Yang di-Pertua, as I have said earlier, the Chairman and Members of the Election Commission are men of standing in the community whose integrity is well-known and without doubt. They are in the "clear" and I hope they are seen to be in the "clear". This, I submit, is vital not only in their own interest and in the interest of fairness and justice but also in the interest of our country and of our people.

Tuan Yang di-Pertua, in the Constitution there are Articles thereof which are provided for to ensure that Members of the Election Commission operate and carry out their assignments free of interference and quite independent of other people. For example, they cannot be removed except when they reach the age of sixty-five and before that age, they can only be removed in

like manner as a Judge of the Federal Court. A Member must not be an undischarged bankrupt, must not engage in any employment outside the duties of his office, and must not be a Member of either House of Parliament or of the Legislative Assembly of the State.

Tuan Yang di-Pertua, daripada apa yang saya katakan ini tentulah lahir dengan nyata bahawa Ahli-ahli Suruhanjaya Pilihanraya dijagai dengan cukup supaya bertugas dan dapat bertugas dan nampak kepada ramai bertugas dengan kebebasan. Ini adalah mustahak dan penting. Dan usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka ini, saya harap tidak akan mengelirukan dan mengabui mata orang ramai yang akibatnya akan jadi tidak baik kepada kita, negara dan rakyat keseluruhannya. Kami dari pihak Barisan Nasional pun faham dan mengetahui bagaimana pentingnya kita berpegang teguh kepada prinsip demokrasi seperti mengadakan pilihanraya-pilihanraya yang bebas dan nampak bebas, dan menjaga supaya Suruhanjaya Pilihanraya kita sentiasa dihormati dan diyakini oleh orang ramai dalam negeri ini.

Kami tahu bahawa ini kaitannya ialah dengan satu daripada kebebasan hak asasi warganegara sesebuah negeri yang berpegang dan patuh kepada prinsip-prinsip demokrasi iaitu kebebasan berkwang dan bersaingan antara satu dengan lain. Tetapi hal ini tidak kami laung-laungkan sahaja. Kami tunjukkan dengan bukti, jikalau sekiranya tidak benar bukti yang telah diberi semenjak Malaysia merdeka, keadaan dan corak pemerintahan dalam negeri ini selepas 15 tahun merdeka akan menjadi lain sekali. Misalnya, kita telah lihat dalam Dewan yang mulia ini, Ahli-ahli Yang Berhormat dari pihak Pembangkang tentulah tidak boleh mengkritik dengan melulu memanggil kami Barisan Nasional berdana dan sebagainya seperti yang mereka telah buat dan juga tidak boleh bercakap dengan kata-kata yang bertujuan semata-mata menghina dan mengeji kami dalam Barisan Nasional. Dengan adanya Ahli-ahli Yang Berhormat yang begitu ramai dalam Dewan Rakyat ini, dengan suara yang begitu banyak macam-macam boleh dibuat. Kami telah tahu apa pihak Pembangkang akan buat. Jikalau kami tidak tahu apa pihak Pembangkang akan buat, jikalau mereka dapat peluang yang serupa ini, tetapi ibarat kata Ahli Yang Berhormat dari Kuala Selangor

semalam, bahasa menunjukkan bangsa. Jadi, jikalau sekiranya mereka dapat peluang ini, kami harap demi kepentingan jenerasi ini dan jenerasi-jenerasi yang akan datang, Allah yang maha kaya akan jauhkan rakyat dan negara kita masuk dalam cengkaman yang demikian.

Tuan Yang di-Pertua, akhirnya, oleh sebab selalu kita mendengar . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Tadi lastly; sekarang ini akhirnya.

**Tan Sri Abdul Aziz bin Yeop:** Ini yang last, Tuan Yang di-Pertua. Kita dengar bermacam-macam perkataan daripada pihak Pembangkang di sini yang mengatakan kita ini bodoh dan kepala beku. Saya suka menyebutkan satu perkara sahaja iaitu saya diberitahu manusia ini ada empat macam. Mereka yang tahu tetapi tidak tahu yang mereka tahu; inilah orang yang bahaya sekali. Mereka yang tahu dan mereka tahu mereka tahu; ini bagus. Mereka yang tahu, tak tahu mereka tahu, dia tidur (*Ketawa*) dan mereka ada yang tak tahu, mereka tahu mereka tak tahu, mereka malas. Jadi, kepada saya daripada tingkah-laku Ahli-ahli Yang Berhormat daripada pihak Pembangkang ini, bukannya daripada segi kelulusan tinggi (pass degree) dan sebagainya, tetapi dari segi memimpin negara dan mengawasi hal ehwal rakyat, mereka ini adalah orang yang tidak tahu dan tidak tahu yang mereka tidak tahu. Kalau orang yang seperti ini selalu melaung-laungkan kepada negeri, boleh jadi bukan semuanya orang yang tahu, boleh jadi ada juga orang yang tidak tahu. Inilah yang menjadi bahaya yang sangat-sangat besar kepada kita dalam negeri ini.

Dengan itu, saya bangkang usul ini.

**Tuan (Timbalan) Yang di-Pertua:** Saya hendak tahu berapa ramai lagi Ahli-ahli yang hendak bercakap (*Beberapa Ahli bangun*). Saya akan tangguhkan Dewan ini buat sementara sebentar lagi. Ahli Yang Berhormat dari Telok Anson.

9.25 mlm.

**Tuan Au How Cheong (Telok Anson):** (*Dengan izin*) Tuan Yang di-Pertua, I rise to oppose the Motion moved by the Honourable Member of the Opposition. I oppose it simply because the Motion is "unsupportable", if there is such a word.

Tuan Yang di-Pertua, if you read the Motion carefully, the last line says:

" . . . . . expresses no confidence on the members of the Election Commission."

The word "all" is not there, but the implication is there. Tuan Yang di-Pertua, surely it is not correct to say that every member within the Election Commission did not do his job. The fact that the last General Election was held without any incident or accident, and even to the extent that some Opposition Members were elected to the House, indicated that it was a job fairly well done, if not very well done.

Tuan Yang di-Pertua, also the time-factor is missing there. It does not indicate whether we express no confidence in the past Election Commission or the present Election Commission or the future Election Commission. By that implication, does it mean that we have no confidence in all Election Commissions? Does it mean that we are going to do without the Election Commission? I think that would be a very sad day if there is no Election Commission in the country thereby no election can be held.

Tuan Yang di-Pertua, I am convinced that ways and means will be found to overcome all the problems arising out of the de-registration of eligible voters, etc. The Election Commission might have done a bad job, but to enable it to correct any errors we should co-operate with the Election Commission, and we should bring forth its short-comings and suggest methods by which we can overcome the mistakes, so that the situation may be rectified and that the same errors will not be repeated.

Tuan Yang di-Pertua, "to err is human", but not to correct our mistake is not human.

Tuan Yang di-Pertua, some of the constructive and concrete steps we can take to assist the Election Commission and the citizens as well are:

- (1) To submit to the Election Commission names and addresses of the missing voters to be included in the revised electoral rolls. In this respect, Partai Gerakan Rakyat Malaysia has submitted to the Election Commission more than 1,000 names and addresses in the K.L.F.T. (Kuala Lumpur Federal Territory) alone.

(2) To advise the voters to check up with the Election Commission at the time when the electoral rolls are open for inspection. The people should not take things for granted. There is no compulsory voting in our country (at least not yet). Therefore, those who are politically interested, those who want to exercise their sacred right to vote, to choose their own representatives, owe themselves a duty to see that their own names are not missing and not excluded from the electoral rolls.

Tuan Yang di-Pertua, it is evident here that the Opposition can say much more than what they can do; and what they cannot do, they tend to destroy. For these reasons, I oppose the motion moved by the Honourable Member for Kota Melaka.

Tuan Yang di-Pertua, before I sit down, I would like to say that we have to defend the Election Commission here in this House and there is not a shadow of doubt that we shall successfully defend the Commission. The Election Commission, therefore, owe the citizens a duty to pull up their socks, to sit up and make an extra effort to do a better job and not let the people down again. Thank you very much.

**Tuan (Timbalan) Yang di-Pertua:** Saya tempohkan Majlis Mesyuarat ini selama 10 minit sahaja.

*Persidangan dtempohkan pada pukul 9.32 malam.*

*Persidangan disambung semula pada pukul 9.50 malam.*

(Tuan (Timbalan) Yang di-Pertua *mem-pengerusikan Mesyuarat*)

*Perbahasan disambung semula.*

*9.50 mlm.*

**Datuk Albert Mah (Bukit Bendera):** *(Dengan izin)* Tuan Yang di-Pertua, I rise to oppose the Motion. The Honourable Member for Kota Melaka has made very serious allegations against the Election Commission. These allegations have not been substantiated in any way. This being so, we cannot permit this to breeze through this House without

being challenged. The Motion before this House, briefly, centres around the following:

- (a) mass disenfranchisement of registered voters;
- (b) non-registration of voters who were eligible for registration for the 1974 General Elections; and
- (c) suggestion of no confidence on members of the Election Commission.

First, I would like to deal with this so-called "mass disenfranchisement of voters". The best way for me to go about it is to refer to the speech of the Honourable Member for Kota Melaka which he made in this House on the 6th of November when he said that in his constituency at least 10,000 persons were struck off the electoral rolls although they had previously voted in previous elections. This figure represents 22.54% of the voters in Kota Melaka. In this respect, it is pertinent for me to refer to the election results of the Parliamentary constituencies in Malacca and with your permission, Mr Speaker, Sir, I would like to quote results of election in the various constituencies in the State of Malacca, for the information of this House. One cannot take on matters which have been spoken so freely without any basis or fact, and if we were to put up a motion, it must be substantiated. If it is not substantiated, then it is all nonsense.

There are four parliamentary constituencies in the State of Malacca, i.e. Alor Gajah, Batu Berendam, Jasin and Kota Melaka. In the constituency of Alor Gajah there was a total of 35,663 voters. The election result showed that 77.81% of the people of Alor Gajah voted. In the case of Bukit Berendam, there were a total of 37,148 voters. The result of the election showed that there were 70.16% of the voters voted in that constituency. In Jasin, there were 35,591 voters. The number of voters who voted amounted to 77.9%. In Kota Melaka, the total number of voters was 44,370 votes. The total number of voters who voted was 78.59%.

From the number of voters who voted in the recent elections in the State of Malacca, it shows that the average percentage of voters who cast their votes in Malacca is 79.05%. This is the average of voters in most of the other constituencies.

In the constituency of Kota Melaka, out of a total of 44,370 voters, a total of 34,738 persons voted. This gives us a balance of

9,632 persons who have not voted. The Honourable Member for Kota Melaka claimed that at least 10,000 voters were struck off the electoral rolls.

Mr Speaker, Sir, I would like to inform this House that there were not at least 10,000 voters struck off, as claimed by the Honourable Member, but the actual number of people who did not vote was 9,632, and this gives us a percentage of 21.71%.

**Tuan Lim Kit Siang:** Tuan Speaker, untuk penjelasan.

**Tuan (Timbalan) Yang di-Pertua:** Are you willing to give way?

**Datuk Albert Mah:** No.

**Tuan (Timbalan) Yang di-Pertua:** Proceed.

**Datuk Albert Mah:** It is now four months since the last General Elections, and I am sure if there were 10,000 persons who were struck off the electoral rolls as claimed by the Honourable Member, he should be able to produce the names and particulars of these so-called 10,000 voters to substantiate his allegation. If this is not done, then I would put to this House that this allegation is false and mischievous. Nobody denies the fact that there were some errors made. But to err is human, Mr Speaker, Sir, and we must ask ourselves whether the errors made by the Election Commission are so enormous as to cause the alleged mass disenfranchisement of the voters. In all my adult life, I had never heard so much exaggeration of facts and events until I came to this House. I would like to appeal to the Honourable Members from the Opposition not to turn this House into a studio in Hollywood where facts and events are exaggerated to create sensationalism for the purpose of entertainment. (*Tepuk*). We are here to do serious business. Whatever we say or do ultimately goes back to the rakyat who have put us in this House. It is time for the Honourable Members from the Opposition to stop playing the same old broken record over and over again. To claim that 10,000 voters had been struck-off from the electoral rolls is to belittle the intelligence of the rakyat and the Members of this House.

The landslide victory of the Barisan Nasional Government clearly shows that the people have faith in its leadership and

whatever false exaggeration or information put forward by Members of the Opposition will not achieve what they hope to achieve, but will only erode the faith that people have in them. I put it to this House that there was no mass disenfranchisement of voters as claimed by the Honourable Member for Kota Melaka.

Having disposed of this so-called mass disenfranchisement of registered voters, I will now deal with the question of non-registration of voters in the 1974 Elections. The Election Commission has given sufficient publicity to the rakyat of Malaysia to register themselves as voters. If the people have not registered themselves, there is very little the Election Commission could do because we do not have a law to compel every citizen to register himself as a voter.

Having disposed of these two main points, as alleged by the Honourable Member for Kota Melaka, the vote of no confidence on the members of the Election Commission becomes invalid.

On reading his Motion carefully, I am forced to arrive at the conclusion that this Motion is meant to mislead the rakyat and the Members of this House. This is a serious allegation and not substantiated by any evidence. This being so, one is forced to look into the motive behind it. I, therefore, come to the conclusion that this Motion is made with insincerity. It is mischievous and evil and it is moved with the motive of misleading this House and the rakyat. The errors made by the Election Commission are not so enormous as to cause mass disenfranchisement of voters, but the exaggeration of the facts of events heard in this House would outdo the best performance carried out in the studios in Hollywood.

*10.00 mlm.*

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin (Sepang):** Tuan Yang di-Pertua, saya minta izin bercakap dalam bahasa Inggeris disamping Bahasa Malaysia.

**Tuan (Timbalan) Yang di-Pertua:** Dizinkan.

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin:** Terima kasih. Tuan Yang di-Pertua, saya berasa amat dukacita sekali kerana saya tidak dapat menyokong usul ini.

Mula-mula saya berasa tidak payahlah hendak berucap, tetapi setelah mendengar hujjah-hujjah yang telah dikeluarkan oleh pihak Pembangkang maka saya fikir bahawa I will be failing in my duty if I do not stand up to expose the futility of bringing this Motion.

Tuan Yang di-Pertua, perkara yang pertama yang harus kita memahami ialah bahawa tokoh-tokoh politik yang mula-mula sekali menyuarakan tidak kepuasanhati mereka di atas pembatalan beberapa pengundi ialah daripada tokoh-tokoh UMNO dan juga daripada tokoh-tokoh parti-parti Barisan Nasional. Selepas daripada itu, baharulah suara-suara lantang yang dikeluarkan, yang disuarakan oleh tokoh politik Barisan Nasional ini disambut oleh tokoh-tokoh politik daripada parti Pembangkang, terutama sekali daripada parti D.A.P. Dengan itu, bermakna bahawa pada kesimpulannya semua parti berasa bimbang, berasa curiga di atas apa yang telah berlaku dan hasil daripada suara-suara yang tidak puas ini, maka beberapa tindakan telahpun berjalan.

Satu daripadanya ialah bahawa pendaftaran baharu dijalankan.

Yang kedua, ialah penubuhan suatu Jawatankuasa yang telahpun dilantik, yang mana dua orang Menteri Kabinet ada menganggota Jawatankuasa ini.

Itu tindakan-tindakan yang telahpun diperbuat dan ini menunjukkan betapa seriousnessnya Kerajaan memandang hal ini sehinggakan mengarahkan penubuhan dengan segera suatu Jawatankuasa Penyelidikan. Apabila Jawatankuasa ini telah tertubuh bermakna kita terpaksa menunggu apakah pendapat-pendapat Jawatankuasa ini, apakah tindakan-tindakan baharulah kita pula dapat membuat fikiran-fikiran setelah Jawatankuasa ini membuat penyelidikan dan tindakan-tindakan yang wajar. Inilah yang wajar daripada pihak Kerajaan, tetapi bandingkan apakah pula telatah pihak Pembangkang di dalam hal ini. Untuk mengatasi masalah ini mereka membawa suatu usul tidak percaya kepada Ahli-ahli Suruhanjaya Pilihanraya.

(*Dengan izin*) Tuan Yang di-Pertua, from here, we can see a clear differentiation between the responsibility of the Honourable Members of the Barisan Nasional and the Honourable Members from the Opposition

parties (*Tepuk*). We on this side of the House have taken immediate action to set up a Committee to study into this serious occurrence. What have the Honourable Members of the Opposition done, Mr Speaker, Sir? They have brought to this Honourable House a Motion of no confidence against the members of the Election Commission. From there, we can clearly discern the difference between the calibre of those Honourable Members who come from the Barisan Nasional and those who come from the other parties.

Mr Speaker, Sir, let us go into further details on this unfortunate Motion—I repeat “unfortunate”. The Motion seeks to put the blame on two grounds on the Election Commission: firstly, on the non-registration of eligible voters and, secondly, on the disenfranchisement of registered voters. As regards the first ground, i.e. the non-registration of eligible voters, it is not the fault of the Election Commission, and it might be due to the fault of potential voters themselves whereby they did not take enough interest to come forward to register themselves or it could be due to some other causes. But certainly it cannot be its mistake and certainly we cannot put the blame on the Election Commission for that. So, the first ground is completely out.

Now, we come to the second ground, i.e. the disenfranchisement of registered voters. I respectfully submit, Mr Speaker, Sir, that disenfranchisement of registered voters *per se* cannot be the ground of a Motion of no confidence on the distinguished members of the Election Commission. The grounds must at least be more than that: for instance, it could be suggested that either the number of voters who were disenfranchised was so great, was so numerous, as to upset the election process; or that any member or members of the Election Commission in concert did something or did instruct verbally or in writing any one member of the staff of the Election Commission to disenfranchise any of the potential voters. Now, if the Mover of this Motion, the Honourable Member for Kota Melaka, can come forward with evidence to prove that any or all of the members of the Election Commission had done anything towards the disenfranchisement of any one voter, I would certainly like to hear it in this honourable House. If the Honourable Member for Kota Melaka cannot produce

any evidence to that effect, it is his duty to withdraw this Motion (*Tepuk*). If he can prove, again, to this House that any member of the Staff of the Election Commission has received any instruction whatsoever to disenfranchise voters in this country, then I invite most respectfully the Honourable Member for Kota Melaka to produce this evidence in this august and Honourable House and, should he fail to do so, to withdraw the Motion. That is the call of this House.

Mr Speaker, Sir, an Honourable Member of this House—to be exact the Honourable Member for Kinta—has said that we on this side of the House purport to kill or intend to kill the D.A.P. by all means. Yes, of course, we intend to defeat them but by democratic means, and he forgot Sir, to include in his speech the word “democratic”. But certainly, it is our aim to represent the people in this country by democratic means. However, the statement of the Honourable Member for Kinta to the effect that we in this House would like to kill them by all means exposes the mental attitude of the Members of the D.A.P. It exposes them, it exposes the manner, the way, in which they think.

Now, Mr Speaker, Sir, they purport to impute that the landslide victory, which the Barisan Nasional has achieved in the recent General Election, is due to the fact that the Election Commission was partial. What an accusation indeed! Many Honourable Members of this House have said of them that they are poor sportsmen, and I echo that feeling indeed that the Members of the Opposition, particularly Honourable Members from the D.A.P., are poor sportsmen. You have lost the elections badly, take it in your stride, and take it like gentlemen. Perhaps, your defeat is caused because of your policies and so try to change your policies. Or perhaps, your policies could be too racist for the electorate, and so change them. It could also be possible that the electorate has rejected the D.A.P. because of its chauvinism, and so change it too. These are the things which the D.A.P. should have done consequent upon their heavy defeat in the recent elections but certainly not by bringing this unfair Motion on the august Suruhanjaya Pilihanraya—it is most unfair. The D.A.P. members should do an investigation unto themselves, do an analysis in the

party, find out where they failed, and perhaps, in the next elections, try again; and I wish them good luck, good luck to them. After they have studied and modified their policies and having taken the necessary corrective measures, then let them face the oncoming elections with confidence, and I, for one, wish them luck.

But I deeply regret the manner in which the Honourable Member for Kota Melaka has brought this Motion of no confidence, because a Motion of no confidence against the members of the Suruhanjaya Pilihanraya is a very serious accusation, Mr Speaker, Sir. It is a Motion that must be brought with great caution. It cannot be brought to this august House at the most flimsy of grounds. Before any Honourable Member of this House can bring such a serious Motion as this which is before the House, the Honourable Member must be sure of his facts, be sure of his grounds, be sure of the accusation; and then by all means, bring it to this House. But to bring this Motion to this House with such flimsy and groundless accusations, will only do dishonour to this august House. Indeed, Mr Speaker, Sir, the motion raises a doubt as to the very essence of democracy in this country. Democracy in this country, Mr Speaker, Sir, requires not only members of the Government but members of the Opposition to behave in a responsible manner. Not only that, democratic Malaysia needs a responsible Government and a responsible Opposition, not just an Opposition but a responsible and constructive Opposition which has the national interest in their hearts at all times. But many an occasion have we seen in this honourable House in which Members of the Opposition have decided to place their own party interests before the interests of this beloved nation of ours. And today, what we suspected all this while has become clear in that the Members of the Opposition have not used the democratic process in a democratic manner. Mr Speaker, Sir, I pray and appeal to the Members of the Opposition, since this is the last day of the sitting of this session of Parliament, that after we adjourn they go back, sit down, and think deeply and thoughtfully and act as responsibly as they could, so that we can be proud that we have in this country not only a responsible Government but also a responsible Opposition. In that way, and in that way alone, Mr Speaker, Sir, can democracy

flourish in this great nation of ours. I sincerely appeal to all Members of the Opposition to act in concert, and let us see at our next sitting that they will behave in a more responsible manner worthy of Honourable Members of the Opposition. I do most sincerely beseech of them, and I do hope that the day will not be far when this House will see a truly democratic process going on. We have already a responsible Government, and what we need now is only a responsible Opposition. We have gone half-way; it is only the other half of the way that we have to achieve. Once we are able to get a responsible Opposition, then that will be a wonderful day for all of us and on that day all of us in this House can pray to the Almighty God and say, "Thank God, we have now at least achieved a responsible Opposition." I thank you, Mr Speaker, Sir.

10.16 m/m.

**Tuan Haji Abdul Wahab bin Yunus (Dungun):** Tuan Yang di-Pertua, saya juga turut membangkang usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka berhubung dengan kutukan yang dilafaskan oleh Ahli Yang Berhormat itu terhadap Suruhanjaya Pilihanraya yang kita kenal selama ini adalah satu Suruhanjaya yang telah menjalankan kerjanya dengan baik dan sempurna.

Tuan Yang di-Pertua, saya fikir bahawa usul yang dibuat ini sebenarnya bukan kerana pihak Pembangkang (D.A.P.) hendak menyatakan perasaan tidak puas hati dan sebagainya, bahkan ini adalah satu cara atau satu langkah untuk menunjukkan kepada orang ramai tentang apakah yang dijalankan oleh D.A.P. dalam Dewan yang mulia ini kononnya untuk membela orang-orang yang tidak boleh mengundi.

Tuan Yang di-Pertua, saya ingin menyatakan dan melafaskan ucapan tahniah dan pujian setinggi-tingginya kepada Suruhanjaya Pilihanraya yang telahpun menjalankan kerjanya dengan baik dan yang telahpun menunjukkan kejayaannya yang cemerlang dalam mengendalikan pilihanraya kita baharu-baharu ini.

Tuan Yang di-Pertua, sebagaimana kita ketahui sungguhpun Parlimen kita dibubarkan pada akhir Julai, 1974 di mana sebelum itu pihak Kerajaan, Yang Amat Berhormat

Perdana Menteri tidak pernah menyatakan tarikh akan diadakan pilihanraya, tetapi setelah dibubarkan Parlimen ini maka disaat itu barulah diperintahkan kepada seluruh jentera kerajaan, khasnya Suruhanjaya Pilihanraya untuk menyiapkan segala kerja bagi menghadapi pilihanraya. Hasilnya apa yang dijalankan oleh Suruhanjaya itu adalah memuaskan, samada dalam perkara menyiapkan kertas undi, tempat mengundi, nama pengundi dan juga dalam perkara-perkara yang lain dalam masa hanya lebih kurang 24 hari sahaja.

Jadi, Tuan Yang di-Pertua, saya fikir perkara ini memang disetujui oleh semua Ahli Dewan ini samada daripada Barisan Nasional, samada oleh pihak Pembangkang bahawa kerja-kerja yang dilakukan oleh Suruhanjaya ini memang bersungguh-sungguh.

Jika tidak masakan boleh dilaksanakan kerja yang begitu berat. Saya dapat tahu ramai Pegawai-pegawai Suruhanjaya Pilihanraya yang bekerja sampai larut malam, malah pegawai-pegawai ataupun wakil-wakilnya diperingkat negeri dan daerah pun terpaksa bekerja hingga larut malam, dengan cara memberi kursus dan sebagainya untuk menyiapkan kerja-kerja Pilihanraya Kebangsaan kita baru-baru ini. Sepatutnya kita mengucapkan berbilang-banyak terima kasih kerana tidak ada kekacauan dan tidak ada apa-apa yang tidak memuaskan hati, yang tidak puas hati satu perkara sahaja iaitu banyak nama dalam senarai pengundi-pengundi tidak ada. Perkara ini berlaku bukan dalam kawasan Pembangkang sahaja, bukan dalam kawasan yang dipenuhi kononnya ramai pengundi-pengundi China sahaja? Kawasan saya pun banyak juga, dan ada Menteri yang namanya tidak ada. Kita tidak boleh katakan ini satu cara menjalankan demokrasi untuk membunuh orang lain. Tidak boleh kata begitu, Tuan Yang di-Pertua. Kalau begitu hujjahnya, kami dari Barisan Nasional boleh buat kira-kira awal-awal lagi di mana kawasan boleh menang dan di mana kawasan akan kalah dan memotong nama pengundi-pengundi supaya tidak boleh mengundi sebab kita ada jabatan penyiasatan tetapi kita tidak buat begitu. Yang sebenarnya, ada Menteri yang tidak dapat mengundi. Kesilapan ini bukan daripada Ibu Pejabat Suruhanjaya Pilihanraya, mungkin kerana cara pendaftaran. Itu satu kesalahan padahal ada beratus-ratus yang baik, takkanlah kerana hilang beberapa nama pengundi kita

merosakkan semua kerja Suruhanjaya Pilihanraya. Ini sudah melampau. Saya rasa tiap-tiap seorang Ahli Dewan, samada dari pihak Kerajaan ataupun pihak Pembangkang tentu ada buat benda yang tidak betul, takkan satu benda tidak betul semua yang lain tidak betul. Tidak ada orang yang memikirkan begitu, sebab seorang itu memang ada yang betul dan ada yang tidak. Dalam ugama Islam ada menyatakan tidak ada seorang manusia yang tidak membuat kesilapan, sebab itu ugama Islam ada satu rukun iaitu minta ampun, bila kita buat salah kita boleh minta ampun kepada Tuhan. Tuhan boleh memberi ampun, inikan pula kita manusia yang salah sedikit, sedangkan yang baik beribu. Ini hanya satu cara untuk menunjukkan kerja-kerja yang dijalankan oleh Pembangkang dalam Dewan yang mulia ini.

Saya ingin juga menyentuh beberapa perkara, sebab saya dari Barisan Nasional. Kami dituduh oleh Ahli Pembangkang iaitu kami bercakap mengikut arahan ketua sahaja. Itu tidak benar, kami diberi kebebasan oleh ketua kami iaitu Yang Amat Berhormat Tun Perdana Menteri untuk menyuarakan pendapat-pendapat kami di dalam Dewan ini. Kalau sekiranya kami tidak diberi kebebasan, maka sudah tentu tidak ada Jabatan Kerajaan yang kena kritik, tidak ada Menteri yang kena kecam, ramai Ahli-ahli Kerajaan yang mengancam Menteri-menteri, atau kadang-kadang antara Ahli Dewan dengan Tuan Yang di-Pertua, pun ada berbalah juga. Ini menunjukkan kebebasan.

**Tuan (Timbalan) Yang di-Pertua:** Dengan Tuan Yang di-Pertua jangan berlawan.

**Tuan Haji Abdul Wahab bin Yunus:** Tuan Yang di-Pertua, ini kebebasan yang ada dalam Barisan Nasional. Jadi, inilah asasnya demokrasi kita, di mana kita dapat menyuarakan segala fikiran mana yang baik untuk dijadikan polisi negara bagi kepentingan rakyat. Dengan sebab itulah pihak Barisan Nasional membenarkan Ahli Pembangkang daripada pihak DAP bercakap dengan bebas daripada mula membahaskan Titah Ucapan Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong, selepas itu Anggaran Belanjawan, 1975 dalam perbahasan umum dan dalam Peringkat Jawatankuasa. Dan kadang-kadang kami dari

Barisan Nasional hendak marah kepada Tuan Yang di-Pertua, kerana terlampau banyak memberi peluang kepada pihak Pembangkang.

Kebebasan yang diberi oleh pihak Kerajaan kepada pihak Pembangkang memang sudah banyak dan tidak boleh dinafikan, tetapi kalau tidak mahu bercakap itu lain masaalah. Begitu juga kami dari pihak Kerajaan sendiri telah diberi kebebasan seluas-luasnya untuk menyuarakan fikiran-fikiran yang dikehendaki oleh rakyat. Inilah perkara-perkara yang perlu difikirkan oleh pihak Pembangkang. Tambahan pula sebagaimana yang kita tahu bahawa Suruhanjaya Pilihanraya ini memang satu badan yang dilantik bukan oleh sesiapa, tetapi oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong, yang telah memberi kepercayaan sepenuhnya kepada pihak Pengerusi Suruhanjaya Pilihanraya. Ini menunjukkan kepercayaan Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dan Kerajaan. Ini satu penghormatan yang tinggi. Jadi, kita lawan pula, kita kata dia tidak baik dan begitu-begini. Saya rasa ini satu penentangan terhadap perlantikan yang dibuat kepada Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong. Perkara ini tidak menyenangkan dan tidak patut. Bukan bererti tidak boleh kritik? Kita boleh mengkritik dan kesalahan itu dimasa akan datang dapatlah diperbetulkan satu demi satu, sedikit demi sedikit sebab seperti kata pepatah: "Tidak ada gading yang tidak retak; tidak ada tanah yang tidak ditimpa hujan". Tidak ada seorang manusia yang tidak membuat salah. Tidak ada pejabat yang tidak membuat kesilapan, sebab itulah kita memerlukan Dewan yang mulia ini untuk mengadakan perbahasan-perbahasan demi faedah kita dan rakyat semua.

Tuan Yang di-Pertua, saya setuju benar kalau sekiranya wakil dari Kota Melaka itu setelah berbahas begitu panjang, menarik balik usulnya demi untuk faedah kita bersama, selepas itu kita bersurai dari Dewan yang mulia ini dengan keadaan selamat. Sebab kita sama-sama Ahli Parlimen, sama-sama manusia tentulah kita tahu mana yang betul dan tidak; mana yang salah dan tidak salah. Oleh sebab marah kepada satu-satu hal, maka kita kritik. Penjelasan yang terang telah diberi, sebagaimana yang diterangkan oleh Yang Berhormat dari Padang Rengas. Saya rasa itu adalah sebagai penawar untuk

menyejukkan hati pihak Pembangkang (DAP) dan menyatakan bahawa beliau sudah melakukan sedikit kesalahan dalam membawa usul ini kerana terlampau marah. Jadi, kita berharap selepas mendengar penerangan ini Yang Berhormat itu tarik balik usulnya, maka selamatlah sidang ini dengan keadaan yang baik, dan di masa akan datang kita sambung dengan tidak ada perasaan yang syak wasangka yang buruk terhadap Kerajaan dalam menjalankan polisi dan pentadbirannya.

Tuan Yang di-Pertua, yang saya katakan perasaan tidak puas hati, perasaan yang berat dalam hati Pembangkang itu kerana seperti hujjah yang diberikan oleh wakil dari Kinta tadi kononnya Kerajaan hendak bunuh parti Pembangkang (DAP) dan bercakap dalam Dewan ini akan dituduh menjalankan sabversif. Yang sebenarnya, Kerajaan tidak pernah berkata begitu. Kebebasan memang diberi untuk bercakap, tetapi jangan menghasut orang dengan tunjuk perasaan hentam Kerajaan dengan cara kekerasan. Kita boleh bercakap dan berbahas dalam Dewan ini lepas itu kita undi, undi itu tidak paksa. Sekiranya kami Barisan Nasional hendak menyokong usul ini tidak apa, tetapi kalau tidak betul sudah tentu kami tidak akan menyokong. Jadi, Tuan Yang di-Pertua, kebebasan itu ada, kalau benda itu betul sudah tentu akan di sokong oleh semua, orang baik pihak Kerajaan mahupun pihak Pembangkang. Tetapi benda itu tidak betul sebab itu kami menentang.

Pada akhir sekali, saya dengan ini menyatakan kami menentang usul yang dibuat oleh wakil dari Kota Melaka. Saya mengucapkan berbanyak-banyak terima kasih dan memberi kepujian setinggi-tingginya di atas kerja-kerja yang telah dijalankan oleh Suruhanjaya Pilihanraya dalam mengendalikan Pilihanraya Kebangsaan baru-baru ini.

*10.31 mlm.*

**Tan Sri Haji Mohd. Said bin Keruak (Kota Belud):** Tuan Yang di-Pertua, sebenarnya pada mulanya saya tidak bercadang bercakap dalam Dewan yang mulia ini, sebab apa yang saya telah dengar daripada Ahli-ahli Yang Berhormat semuanya telahpun berucap dengan hujjah-hujjah satu-persatunya bagi memberi penerangan atas usul yang dibawa oleh Yang Berhormat dari Kota Melaka itu.

Suruhanjaya Pilihanraya ini telah menjalankan tugas-tugas dan tanggungjawabnya yang begitu baik beberapa kali pilihanraya yang telah lalu dan belum ada undi tidak percaya kepada Suruhanjaya Pilihanraya ini dikemukakan, baik daripada pihak yang memerintah ataupun dari pihak Pembangkang. Jadi, apabila saya mendengar hujjah yang dikemukakan oleh pencadang saya sangat sedih, apakah sebabnya pula usul tidak percaya ini sekarang telah dibawa ke dalam Dewan ini menuduh Suruhanjaya Pilihanraya telah tidak menjalankan tugasnya dengan begitu baik, sebab banyak pengundi-pengundi telah tidak didaftarkan. Kalau kita fikir dengan sebaik-baiknya dan dengan sehalusnya, maka dapatlah kita ketahui apakah sebab-sebabnya pengundi-pengundi ini telah tidak didaftarkan, tetapi kalau kita fikir dengan ringkas sahaja sebab-sebabnya boleh jadi atas kekalahan kita dalam pilihanraya ini kita tidak puas hati, maka kita bawa satu perkara dengan satu alasan kerana tidak memuaskan, pada pendapat saya adalah mengelirukan kepada pengundi-pengundi kita sahaja. Di mana-mana negeri pun yang telah mengadakan pilihanraya ini ada juga sungutan-sungutan yang kita dengar mengatakan yang mereka tidak didaftarkan. Apabila kita mendengar Ahli Yang Berhormat dari Sepang telah mengatakan dan menceritakan tadi semua pendaftaran nama-nama pengundi ini pun telah dibuka supaya sesiapa juga pengundi-pengundi yang berkelayakan yang tidak ada nama mereka di dalam buku pendaftaran itu bolehlah mengadu kepada pihak yang berkuasa. Apabila masanya telah tamat dan tidak ada pengaduan dibuat, maka bermakna perkara-perkara ini telah dijalankan dengan sebenarnya, dan tidak ada sungutan yang nama mereka telah tidak didaftarkan. Kita patut mengucapkan dengan setinggi-tinggi terima kasih kepada Suruhanjaya Pilihanraya, kerana mereka itu adalah sebuah badan yang bebas dan tidak berat sebelah, baik kepada pihak Kerajaan ataupun kepada pihak Pembangkang. Pada pendapat saya mereka itu telah menjalankan tugasnya dengan sebenarnya.

Sekarang dikemukakan undi tidak percaya kepada Suruhanjaya Pilihanraya. Saya fikir sudah terlambat kerana sudah hujan baru kita mencari payung. Bukankah baik sebelum

pilihanraya diadakan pemeriksaan nama-nama pengundi ataupun penyokong-penyokong dari mana-mana parti, manakala tidak ada didaftarkan diminta penyokong-penyokongnya supaya mendaftarkan namanya. Akan tetapi sesudah keputusan diumumkan dan sudah nyata Parti Barisan Nasional telah berjaya dengan gilang-gemilang, maka dikemukakan usul tidak percaya kepada Suruhanjaya Pilihanraya.

Suruhanjaya Pilihanraya ini telah menjalankan tugas-tugasnya dengan baik dan adil sehingga pada masa sekarang ini. Kalau tidak adil tentu kita tidak nampak Ahli-ahli Yang Berhormat daripada pihak Pembangkang yang ada di dalam Dewan ini bercakap sekarang ini.

Yang kedua, Ahli Yang Berhormat yang membawa usul ini berkata: Suruhanjaya Pilihanraya ini bekerja kepada Barisan Nasional, bukan bekerja kepada Pembangkang. Tuduhan yang semacam ini tidak berasas sama sekali, kerana kita faham Suruhanjaya Pilihanraya adalah sebuah badan yang bebas menjalankan tugasnya. Oleh itu, saya menyokong dengan sepenuhnya ucapan Ahli Yang Berhormat dari Kepala Batas dan juga ucapan Ahli-ahli Yang Berhormat dari Barisan Nasional.

Pengundi-pengundi yang telah tidak dapat didaftarkan kerana telah beralih tempat ataupun mereka telah kahwin di lain negeri dan tinggal di sana dan tidak mahu mendaftarkan nama lagi dan tidak memeriksa nama mereka, atau mereka itu kebanyakannya telah pindah dari satu kawasan ke satu kawasan lain, dari satu negeri ke satu negeri dan sudah bekerja dengan senang-lenang di tempat itu dan tidak perlu bagi mereka untuk memeriksa nama mereka adakah telah didaftarkan ataupun tidak.

Dengan sebab-sebab itu, pada pendapat saya bukanlah kesalahan Suruhanjaya Pilihanraya, kesalahan itu terpulang kepada mereka yang tidak mahu mendaftar, tidak mahu memeriksa namanya dan tidak mahu bekerjasama. Saya ada terdengar di tempat-tempat yang tertentu mereka tidak pergi mendaftar, mereka berkata iaitu apa guna kita mendaftar nama bukan ada bergaji dan kalau boleh mengundi sahaja. Perkara ini sudah berlaku. Boleh jadi di kawasan yang disebutkan oleh Yang Berhormat itu, ada orang yang buat semacam itu, itulah sebabnya nama-nama mereka telah tidak didaftarkan.

Kita mendengar sebegitu banyak nama yang telah didaftarkan. Kalau Yang Berhormat itu dapat buktikan, maka menasabahlah Yang Berhormat membawa usul ini, dan pada pendapat saya patutlah kita fikirkan, tetapi beliau tidak dapat tunjukkan siapa yang telah tidak didaftarkan namanya, dan adakah betul-betul begitu banyak nama yang telah tidak didaftarkan?

Oleh itu, pada pendapat saya tidak payah usul ini di bawa oleh Ahli Yang Berhormat dan tarik balik supaya dapat melicinkan perjalanan mesyuarat ini.

Ada satu perkara lagi yang dibangkitkan oleh Yang Berhormat dari Kinta yang mengatakan di dalam pilihanraya tahun 1969 partinya telah mendapat banyak penyokong-penyokong dan mendapat lebih undi, tetapi bagi tahun 1974 ini apabila berlaku kejadian semacam ini partinya telah tidak mendapat undi yang lebih banyak. Saya percaya boleh jadi pengundi-pengundi itu tidak mempunyai kepercayaan kepada partinya sehingga telah terjadi semacam itu.

Saya tidak hendak memanjangkan ucapan saya lagi, maka dengan itu saya membangkang usul ini.

**Tuan (Timbalan) Yang di-Pertua:** Mengikut senarai, sebelum daripada Majlis ini ditempokkan tadi, ada tiga orang sahaja lagi Ahli Yang Berhormat yang hendak bercakap iaitu Ahli Yang Berhormat dari Kangar, Ahli Yang Berhormat dari Kuala Selangor dan Ahli Yang Berhormat dari Mata Kuching. Sekarang saya jemput Ahli Yang Berhormat dari Kuala Selangor.

*10.41 mlm.*

**Raja Nasron bin Raja Ishak (Kuala Selangor):** Tuan Yang di-Pertua, saya membuat teguran-teguran dan nasihat-nasihat atas usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka itu dengan hati dan perasaan yang ikhlas dan kasih. Sebenarnya, Tuan Yang di-Pertua, saya kasih kepada Yang Berhormat itu especially his dimpled smile.

**Tuan (Timbalan) Yang di-Pertua:** Baguslah berkasih-kasih di antara satu sama lain.

**Raja Nasron bin Raja Ishak:** Saya mengamalkan muhibbah. Tuan Yang di-Pertua, sungutan-sungutan yang saya dengar yang dibawa oleh beliau itu yang pertamanya lebih

kurang 200,000 orang tidak dapat menggunakan hakmutlak mereka mengundi, di antaranya adalah juga tokoh-tokoh daripada Barisan Nasional. Beliau juga mengatakan mengapa pada mula-mulanya tokoh-tokoh Barisan Nasional ini sudah menyebutkan dan mengemukakan perasaan-perasaan tidak puas hati di atas kerja-kerja yang dibuat oleh Suruhanjaya Pilihanraya, tetapi selepas daripada itu diam sahaja. Yang kedua, Yang Berhormat mengatakan apa yang disuarakan oleh beliau ialah perasaan tidak puas hati, teguran dan sungutan daripada rakyat. Beliau bersungut bahawa suara beliau setiap tahun di dalam Dewan yang mulia ini telah mengata dan mencadangkan cara-cara bagaimana pendaftaran pengundi itu boleh diperbaiki, tetapi tidak dihiraukan oleh pihak Kerajaan, dan juga beliau mengatakan kekalahan parti beliau iaitu D.A.P. ialah kerana kehilangan 200,000 pengundi-pengundi yang disebutkan itu.

Ahli Yang Berhormat dari Kinta pula, saya dengar tidak ada satu pun hujjah-hujjah yang boleh saya anggap sebagai hujjah-hujjah yang membawa apa-apa erti, selain daripada emosi sahaja.

Tuan Yang di-Pertua, soalnya di sini ialah :

- (i) Adakah sebenarnya Suruhanjaya Pilihanraya itu dengan sengaja meninggalkan nama bakal-bakal pengundi itu?
- (ii) Adakah mereka berpendirian berat sebelah ataupun bias?

Di sini, Tuan Yang di-Pertua, saya suka menggambarkan bezanya di antara pihak D.A.P. dengan Barisan Nasional. Bezanya ialah kami daripada Barisan Nasional mempunyai pendirian dan mempunyai pemikiran yang rational. Kami daripada Barisan Nasional tidak takbur, tidak angkuh dan tidak menduakan Tuhan. Kami berpegang teguh kepada kepercayaan bahawa Tuhan sahajalah yang tidak membuat salah.

Tuan Yang di-Pertua, saya suka memperingatkan kepada Ahli Yang Berhormat iaitu janganlah mereka lupa bahawa pendaftaran itu bukanlah satu perkara compulsory. Kita sebagai individu apabila sahaja cukup umur kita 21 tahun, tahu akan hakmutlak kita mendaftarkan nama kita. Pembatalan Pendaftaran Pengundi-pengundi juga ada sebab-sebabnya, to expect the officers of the Suruhanjaya to go on their bended knees to every house to ask pengundi-pengundi is I think, asking too much.

Nilah barangkali yang dihasratkan oleh Ahli Yang Berhormat sebab ada penukaran-penukaran alamat, kerana pengundi-pengundi itu pada suatu masa kononnya duduk di tempat A, sekarang berpindah di tempat B, tetapi oleh kerana dia tidak mengambil penduli dan tidak hendak mengambil tahu hak-mutlaknya, maka dia sendiri bersalah kerana tidak menggunakan borang-borang yang tertentu untuk mendaftarkan namanya di tempat yang baru itu. Memang diakui ada kesilapan, ada kelalaian sebagaimana yang saya katakan tadi, siapa yang tidak pernah membuat silap, tetapi kesilapan yang dibuat oleh Suruhanjaya Pilihanraya itu bukanlah sewajarnya pula boleh kita mengemukakan usul vote of no confidence, sebagaimana yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka itu.

Di sini saya suka mengingatkan terutama Ahli Yang Berhormat dari Kinta, beliau selalu bangkit dua tiga kali dalam Dewan ini mengatakan Ahli-ahli Yang Berhormat dari Barisan Nasional pak turut sahaja. Pak turut sebagaimana barangkali kerbau, ditambah hidung ditarik oleh tuannya mengikut sahaja. Ini anggapan beliau. Saya sangat-sangat dukacita kerana kalau beliau betul-betul mengerti bahasa Kebangsaan kita, barangkali dia akan faham, boleh memetik hujjah-hujjah yang dikemukakan oleh Ahli-ahli Parlimen daripada Barisan Nasional yang bukan sahaja mencaci, mengecam dan mengkritik Menteri-menteri, Timbalan-timbalan Menteri hingga Perdana Menteri pun dikritik dengan hebat oleh kita di Dewan yang mulia ini, tetapi dukacita, Ahli Yang Berhormat dari Kinta itu tidak fasih dalam bahasa Malaysia. Jadi saya menasihatkan kepada Ahli yang muda itu; banyak lagi masanya barangkali untuk beliau belajar, belajarlah sungguh-sungguh bahasa Malaysia supaya tahu dan mengerti dan jangan dibuat tuduhan melulu sahaja.

Saya memandang bahawa usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka itu hanya untuk menarik pandangan ataupun perhatian rakyat. Rakyat pada masa ini tidak boleh lagi dirabun-rabunkan matanya, tidak boleh lagi diumpan-umpan dengan kata-kata dan propaganda sebagaimana yang telah disebutkan oleh Ahli Yang Berhormat itu. Saya mengatakan di sini bahawa suara Ahli Yang Berhormat dari Kota Melaka itu bukanlah suara rakyat

sebagaimana yang dikatakannya, tetapi sebenarnya ialah suara partinya sendiri, parti D.A.P. dan tidak seharusnya kita layan usul itu, kerana bukan suara 11 juta warganegara Malaysia di negara yang kita cintai ini.

*10.49 mlm.*

**Tuan Chin Hon Ngian (Renggam):** (*Dengan izin*) Mr Speaker, Sir, I rise to oppose the Motion moved by the Honourable Member for Kota Melaka. I would say that this Motion is at best mischievous and frivolous and it ought not to have been brought to this House at all.

Mr Speaker, Sir, the Motion states that the mass disenfranchisement of registered voters and the non-registration of eligible voters has undermined the whole democratic process. If that is true, the Honourable Member for Kota Melaka and the other Members from his party would not be here in this House today. The very fact that they are here proves beyond reasonable doubts that the Election Commission has conducted the last General Elections in an impartial and in as efficient a manner as possible.

Mr Speaker, Sir, according to Article 55 (3) of the Constitution, I quote, "Parliament, unless sooner dissolved, shall continue for five years from the date of its first meeting and shall then stand dissolved". Mr Speaker, Sir, the tragic event of May 13, 1969 could have led to a long period of rule by decree only and not by a popularly and democratically elected government and also, according to this particular Article in the Constitution, the Government could have delayed the holding of the recent General Election until 1976. However, the Honourable Prime Minister, who could have postponed the Election to 1976, did not do so because of his high sense of justice and fair-play and also because he felt that he should not only lead the country with legal and constitutional justifications but also with moral authority. That is why the Honourable Prime Minister conformed to the convention and the spirit of the Constitution by calling for a General Election five years after 1969 and not, as he could have done, after 1971. Because the Honourable Prime Minister had called for the Election two years earlier, we found that the Election Commission had to belabour under very strong pressures to get ready the

election machinery in order to conform with the parliamentary democratic practice, i.e. to hold a General Election to enable the political parties to return to the people and obtain their support to govern the nation.

Mr Speaker, Sir, it is clear, from what I have said just now, that the Election Commission had too short a time to prepare for the 1974 General Election because, according to the provisions of the Constitution, the Election was not due yet until 1976. However, the Election Commission, though it was pressed with time, had done reasonably well. Moreover, due to an amendment to the Constitution, the delineation of the Parliamentary and State constituencies had to be reviewed again and because of this delay was also inevitable. As such, Mr Speaker, Sir, I would say that, although there was some disenfranchisement and there were some eligible voters not being registered as voters as stated in the motion, there is no reason for us in this House to allege that the Election Commission has undermined the whole democratic process in this country.

Mr Speaker, Sir, the Honourable Member for Kinta said that it was because 200,000-odd eligible voters did not have the chance to vote that half the number of the Barisan Nasional candidates were returned. I would say that this is rather presumptuous. I say it is presumptuous because he thought that if those two hundred thousand eligible voters could have had the chance to vote, they would have voted for D.A.P. members. We all know that to make such a claim is, to say the least, "absurd".

Mr Speaker, Sir, from the statement pertaining to the Election Commission as contained in this Expenditure Budget 1975, I could say that in this country there is a total of four million voters. Now the 200,000 missing voters consist of 5% of the total number of voters. If this 5% of the total number of voters can affect the composition of this House as it is now, I would say that that claim certainly does not hold water, because of the four million voters, 75% or roughly three million have turned out to vote, and the majority of them have voted candidates from the Barisan Nasional under the leadership of the Honourable Prime Minister. Had the majority of these voters voted the Members of the D.A.P. the motion today

would have been one of praise and the Motion would have said that the Election Commission had done a good job. If the results that the Members of the D.A.P. wanted were in favour of them, then they would have claimed that the Election Commission was brave and had upheld the whole democratic process in a fair and just manner. In short, this motion would have been worded entirely in a different manner. Mr Speaker, Sir, such a Motion as presently worded shows the attitude and the mentality of the Members from the D.A.P. which is led by the Honourable Member for Kota Melaka.

Mr Speaker, Sir, I wish to point out that in this country we are practising a genuine type of democracy. If the Government wanted, as I said earlier on, because of the tragic event of May 13th it could have set the clock back and joined those who have failed to nurture the growth of democratic practice and process after having been set free for that purpose. Also to prove that the majority of us in this country have been sincerely laying the foundation for a true democratic society, we have two men of great vision who have, by their exemplary actions, started the ball rolling.

The first person has been none other than our first beloved Prime Minister, Tunku Abdul Rahman who, while he was a popularly and democratically elected leader had, in an unprecedented manner, handed over his powers to his successor, though either legally or morally the Tunku need not have done so. This is a proof to the fact that our beloved Tunku has laid the first foundation stone for the creation of a strong democratic base. Now, his successor, the Honourable Prime Minister, has followed that example by doing this way: he has contributed towards strengthening that base by calling for the General Election in 1974 and not delaying it anymore, although the Honourable Prime Minister could have waited to do so till 1976, two years from now.

**Tuan Lim Cho Hock:** The Honourable Member is repeating his points, Sir.

**Tuan (Timbalan) Yang di-Pertua:** Don't repeat your points.

**Tuan Chin Hon Ngian:** Mr Speaker, Sir, in conclusion, I wish to say that all the signs that have taken place in this nation are signs

pointing towards the creation of a society where important advances by implementing democratic values can be realised. Mr Speaker, Sir, I join those colleagues of mine in this Chamber to oppose this mischievous and frivolous motion.

*11.03 mlm.*

**Wan Zainab binti M. A. Bakar (Sungai Petani):** Tuan Yang di-Pertua, sungguhpun tinggal saya seorang wanita sahaja di dalam Dewan ini, tetapi selepas mendengar usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka—semua Ahli-ahli Yang Berhormat di sini memakai coat kerana berasa sejuk—tetapi saya makin lama makin berasa panas, jadi kalau saya tak bangun bercakap tak tahulah apa akan jadi.

Dengan ini saya memang membangkang sekeras-kerasnya di atas usul yang dibuat oleh Ahli Yang Berhormat dari Kota Melaka. Tuduhan-tuduhannya memang tidak patut dan tidak bertanggungjawab. Dalam ucapan beliau tadi mengatakan buta, pekak, kepala beku tetapi pada pendapat saya Ahli-ahli Yang Berhormat dari Barisan Nasional tidak ada yang pekak, buta dan kepala beku. Boleh jadi Ahli Yang Berhormat dari Kota Melakalah begitu. Patutlah kita di sini mengucapkan tahniah dan terima kasih kepada Suruhanjaya Pilihanraya yang dapat menyediakan segala bahan-bahan mengikut tarikh yang ditetapkan itu dan dapat menjalankan pilihanraya dengan sempurna. Jadi, kita patut mengucapkan tahniah dan terima kasih, tetapi Ahli Yang Berhormat dari Kota Melaka dan dari pihak Pembangkang di sana mengatakan inefficient kepada Suruhanjaya Pilihanraya. Pada pendapat saya ini memang satu perkataan yang tidak patut dilemparkan sama sekali.

Saya suka bercakap sedikit sahaja sebagaimana saya katakan tadi, Ahli Yang Berhormat dari pihak Pembangkang ataupun khususnya Ahli Yang Berhormat dari Kota Melaka janganlah berhati batu, eloklah tarik balik sahaja usul yang dibuat itu dan boleh kita sama-sama balik sebab tuduhan tadi memang tak patut. Kalau Ahli Yang Berhormat dari Kota Melaka tak hendak tarik balik usulnya itu saya duduk di sini sampai hari siang. (*Ketawa*). Saya memang diwakili oleh rakyat dipilih dalam pilihanraya. Kalau semua orang duduk di sini, tidur di sini, saya seorang wanita pun sanggup duduk di sini sampai hari siang. (*Tepuk*).

11.06 m/m.

**Tuan Shaari bin Jusoh (Kangar):** Tuan Yang di-Pertua, saya juga turut membangkang sebagaimana saudara-saudara saya yang lain usul yang dibawa oleh Ahli Yang Berhormat dari Kota Melaka. Saya suka mengingatkan Kerajaan saya sendiri iaitu kita telah membahaskan usul ini kalau tak silap saya daripada pukul 6.40 petang tadi sampailah sekarang ini sudah pukul 11.05 malam yang agak saya sudah  $4\frac{1}{2}$  jam lebih. Kadang-kadang ada usul yang lebih menafaat lagi tak sampai satu jam kita luluskan. Dalam perkara ini saya teringat kepada satu pepatah: Buat baik berpada-pada, buat jahat jangan sekali. Jadi kita ini sudah terlampau had daripada buat baik. Bagaimana kita buat baik pun, mereka tak suka kepada kita sebagaimana kata pepatah: Kecil kerana cinta, besar kerana benci. Kalau dia berasa cinta dia sanggup berkorban dan susah-payah, tetapi kalau dia benci bagaimana buat baik pun dia kata dia benci juga. Apa sahaja yang kita buat tak pernah yang kena. Dengan sebab itu, saya merayu kepada pihak Kerajaan sendiri pada masa yang akan datang, kalau ada cadangan-cadangan yang semacam ini, jangan memberi peluang yang lebih daripada had. Jangan beri peluang seperti hari ini. Benda yang lepas biarlah lepas. Malam ini kita bersidang setakat mana boleh bersidang, kerana masa makan malam telah terlalu lewat dan mata kita pun merasa mengantuk.

Tuan Yang di-Pertua, saya cukup hairan di atas sikap wakil dari Kota Melaka. Daripada awal Majlis ini bersidang, daripada 4 haribulan masa membahaskan Titah Ucapan Di Raja, sebagaimana kata salah seorang daripada wakil tadi, kemudian Ucapan Belanjawan, dalam soal-jawab perkara Suruhanjaya Pilihanraya telah dibangkitkan berkali-kali, dijawab oleh Yang Amat Berhormat Tun Perdana Menteri yang mulia hati itu bahawa kita hendak kaji perkara itu. Oleh itu, adakah patut sedikit salah komplek semua tak baik. Cuba kita fikir sebagai guru sekolah. Adakah adil sebagai seorang cikgu yang memeriksa keputusan murid-muridnya dalam sekolah, salahnya 2 markah, adakah patut dia bubuh 0/10? Saya fikir dia kena bubuh 8/10 sebab 2 yang salah.

Saya berasa hairan sungguh-sungguh tuduhan Ahli Yang Berhormat dari Kota Melaka—saya sungguh-sungguh hairan. Kita

tak menafikan dan Kerajaan kita telah berkali-kali mengatakan ada benda yang tak baik, sebagaimana kata rakan kita tadi walaupun semua orang berambut hitam, kadang-kadang ada yang putih, tetapi adakah kita kata yang dia itu tua dengan serta-merta? Sebagai Hakim yang adil, kalau seseorang melakukan kesalahan yang sedikit seperti mencuri basikal atau seekor ayam adakah mesti dihukum bunuh hamba Allah ini. Hakim manakah yang akan berbuat semacam itu? Saya berpendapat wakil-wakil rakyat daripada Barisan Nasional ini bukan jadi pak turut, walau datang daripada manapun fikirannya waras. Oleh sebab itulah maka orang ramai dalam Malaysia suka memilih orang-orang daripada Barisan Nasional. Jadi saya amatlah kesal sikap pencadang usul ini, kerana hendak cari salah, yang baik tidak dicari. Saya takut sedikit jangan-jangan kita semua balik bercerai dengan isteri. Mengapa tidak! Isteri yang kita kasihi pun kadang-kadang ada yang silap. Sedikit sahaja silap—get out—tinggal kita seorang sahaja tidak beristeri. Saya tidak nafikan ada sedikit-sebanyak kesilapan. Sebagai manusia kita tidak nafikan, maka oleh sebab itulah seperti kata Ahli Yang Berhormat dari Dungun, manusia tidak dapat lari daripada silap dan salah, kita sama kita pun kadang-kadang sedang hendak bercakap Tuan Yang di-Pertua, kata: duduk, sebab salah dari segi Standing Order, maka kita pun duduk. Kalau buat silap sekali, keluar (out) terus, maka tidak akan menjadi wakil rakyat lagi. Maka saya berharaplah lain kali kalau hendak menerima satu-satu cadangan kaji dengan teliti, dan jangan kita memuliakan satu cadangan lebih daripada satu motion yang berfaedah untuk rakyat. Ini kita cuma membincangkan satu cadangan, seolah-olah kita hendak menjawab usul pencadang ini sebagai satu perkara yang cukup besar. Kita membuang masa petang ini, Tuan Yang di-Pertua.

Saya cukup sedih, Tuan Yang di-Pertua. Kita tahu benda ini sebagai . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Kalau Ahli Yang Berhormat tidak bercakap banyak, lekaslah habis (*Ketawa*).

**Tuan Shaari bin Jusoh:** Tuan Yang di-Pertua, kalau benda yang berfaedah kita cakap banyak pun tidak mengapa. Kita hendak menunjukkan sikap kita jujur, ikhlas dan mengamalkan demokrasi, apa yang orang katapun kita cuba buat. Tetapi seperti

saya katakan tadi, buat baik berpada-pada, buat jahat jangan sekali. Saya suka menyebutkan sebuah cerita Arab di sini iaitu seorang hamba Allah terlampau ikhlas, berjumpa ular di tengah jalan. Ular itu sakit dia ambil bubuh dalam poketnya. Akhirnya, bukan ular itu berterima kasih, tangannya kena gigit.

Berkenaan dengan pilihanraya ini kita tahu. Kita sama-sama baru lepas menghadapi pilihanraya. Suruhanjaya Pilihanraya telah bekerja dengan bersungguh-sungguh, dengan tidak memilih sesiapa atau mana-mana parti kalau ada seorang dua tidak mengundi, kalau banyak kawasan maka banyaklah yang tidak mengundi. Ada setengah hamba Allah seperti yang dikatakan oleh Ahli Yang Berhormat tadi, dia tidak peduli sangat. Semasa buku daftar dibuka selama sebulan mereka tidak buat apa-apa. Apabila kita pergi ke rumahnya dia tidak ada di rumah. Ada setengah orang pula berpendapat: aku hendak daftar buat apa, aku bukan hendak jadi calon. Jadi dia tidak ambil peduli.

Tentang nama Menteri Tanah dan Galian tidak ada dalam daftar pengundi itu boleh jadi Pegawai Pilihanraya di Kelantan berfikir beliau duduk di Kuala Lumpur, sedangkan Pegawai di Kuala Lumpur berfikir beliau itu duduk di Kelantan. Akhirnya, nama beliau itu tidak masuk dalam daftar. Adakah kesalahan yang semacam ini kita hendak bawa usul seperti yang ada ini. Kalaupun ditakdirkan satu kawasan ada pengundi 10,000, tiba-tiba pengundi Barisan Nasional yang tidak ada di dalam daftar mengundi sampai 20,000, maka perkara yang semacam itu patutlah diambil tindakan. Usul ini satu perkara titik-bengek atau kecil, seperti kata Yang Berhormat dari Padang Rengas, sudah kalah main bola salahkan pengadil, marahkan pijat-pijat kelambu dibakar. Oleh itu, kita berfikiran waras, kita buatlah secara waras.

Jadi, sekali lagi saya membangkang sekeras-kerasnya cadangan Ahli Yang Berhormat dari Kota Melaka, dan saya berharap kepada Menteri kita, lain kali kaji supaya jangan jadi macam ini, sebab teruk sangat kita. Kepada Suruhanjaya Pilihanraya saya mengucapkan terima kasih. Kita tahu kalau ada benda yang tidak baik Kerajaan kita cari jalan untuk mencari benda yang tidak baik itu. Tetapi kita tidak patut menghukum seperti saya katakan tadi dua

kesalahan beri markah 0/10 ataupun seorang yang masuk peperiksaan buat sedikit kesalahan tidak boleh dapat markah langsung. Tidak pernah berlaku dalam sejarah orang yang dapat markah 100%. Ini kedudukan manusia. Kalau hendak cari 100% baru hendak kata baik, kita tidak boleh dapat.

*11.14 mlm.*

**Dr Ling Liong Sik (Mata Kuching):** *(Dengan izin)* Mr Speaker, Sir, I oppose the Motion moved by the Honourable Member for Kota Melaka. Before I go on to his proposition, I would just like to refer to one of his comments when he was speaking just now where he said that if the Election Commission could not rectify this system, the D.A.P. could offer its assistance to devise a new system for the Election Commission. Now, I must comment, Mr Speaker, Sir, that just because the people did not vote for the D.A.P. in the last General Election, it does not mean that you have to change the system, for if every time you lose the election and change the system, then in the final analysis, we would end up with no system. The Barisan Nasional, I believe, is not inclined, Mr Speaker, Sir, to follow the same irrational ways.

The Honourable Member for Kinta tried very hard throughout his speech to lay claim to being subversive. I must comment, Mr Speaker, Sir, that subversives are made of very much sterner stuff and they are made of a very much tougher breed, and I am afraid he does not qualify to be a subversive. *(Ketawa)* All I can say is that possibly he qualifies to be labelled as irrational.

Coming back to the proposition, Mr Speaker, Sir. Firstly, I get the impression from this proposition before us that it is very comical and very amusing. My first reaction to this when I saw this was that it was so amusing that it really merited no serious reply. However, what this proposition springs to mind is a whole set-up of witch-hunting, a whole set-up of finding scapegoats for their losses, a whole set-up of trying to find a whipping-boy. Now, this actually reminds me, Mr Speaker, Sir, of the character we find in Chinese comedies, a character we call "Ah Kew". Ada seorang komedi opera China yang dipanggil "Ah Kew" dan when every time he gets slapped in the face, he looks, dia pergi cari satu perempuan Ah Kew, cubit

pipi dia, jika dia tidak boleh cari atau dapat perempuan, dia pergi tendang satu anjing, Sir, this is typically D.A.P. as far as this resolution that is here before us.

**Tuan (Timbalan) Yang di-Pertua:** Tidak adakah contoh lain pada pukul sebelas malam ini, dan tidak adakah example lain sekarang pada pukul sebelas malam ini? (*Ketawa*).

**Dr Ling Liong Sik:** Mr Speaker, Sir, the other point that springs to my mind when I read this proposition before us is that it smacks of double standards, it smacks of insincerity. I maintain, Mr Speaker, Sir, that we are all human and that we all make mistakes. But the approach to this problem should be that we investigate the mistakes, we investigate the causes, we find out the remedies and apply these remedies. We do not go around passing Motions of no confidence each time everybody makes a mistake. The reason why I say this whole proposition smacks of double standards and insincerity is that the D.A.P. members themselves have made mistakes. Before the last General Election, they claimed that they would take over four States. They might rebut this point of mine by saying that they did not claim four, but that they said possibly they would take over three. However, the point is that they have also made mistakes; and I am sure they are investigating why they made mistakes and are trying to find remedies. We do not see in the D.A.P. ranks today votes of no confidence on all the national leadership and their State leaderships. What is pertinent at this point is that, just because the Election Commission made some mistakes, our Honourable Member for Kota Melaka finds it fitting to put forward this proposition of no confidence on the Election Commission.

Mr Speaker, Sir, I submit that the D.A.P. is insincere and that the D.A.P. cannot in all sincerity apply one set of standards to their own mistakes and another set of standards to the mistakes of the Election Commission.

Finally, Mr Speaker, Sir, I would like to take this opportunity to advise our Honourable Member for Kota Melaka, and I would like to tell him three "don'ts" and one "please". The first "don't" is; "Don't play

games with us in this House"; secondly, "don't find scapegoats for your mistakes"; and thirdly, "Don't apply double standards before us". And one "please" "Please grow up into a mature Opposition". (*Tepuk*).

*11.20 m/m.*

**Timbalan Menteri Jabatan Perdana Menteri (Datuk Abdullah Ahmad):** Tuan Yang di-Pertua, saya minta izin hendak bercakap dalam bahasa Inggeris di samping Bahasa Malaysia dari semasa ke semasa.

(*Dengan izin*) Mr Speaker, Sir, I am sure the Honourable Member for Kota Melaka is pleasantly surprised himself that we are prepared to debate the Motion in his name openly in this House tonight. Whether he will take this as a magnanimous gesture on the part of the Barisan Nasional is, of course, up to him. All that I would like to say or in fact, emphasise to him and his colleagues, including the Honourable Member for Kepong—I see he is not here tonight; he rarely absents himself but tonight he happens to be absent and I wonder where he is but wherever he is, I wish that he is all right—is that we are always prepared to discuss any matter which affects our national interest. Certainly, the issue raised by the Honourable Member is of paramount concern to all of us and, in fact, we all remember that the Honourable Prime Minister himself has answered to questions on the same issue in the current Session of Parliament.

Mr Speaker, Sir, the Honourable Member for Kota Melaka should be happy and satisfied that he has been given this opportunity to exercise his right without any let or hindrance. If we want to, we can certainly use our overwhelming majority in this House to throw his Motion overboard. But we do not, nor do we want to do that. We believe that this august House is the right forum for such a debate.

In fact, the Prime Minister would like to see our own Members—Members from the Barisan Nasional—make full use of the Dewan Rakyat to air their views, to express themselves in the true spirit of democratic practice.

Coming back to the Motion before us, I am not quite sure whether the Honourable Member for Kota Melaka is serious in

submitting this Motion or, if he likes, let me call it his Motion. Is he, by implication, attributing the dismal or the miserable performance of his party in the last General Election to the alleged weaknesses and inefficiency of the Election Commission? Or is he looking for a scapegoat? Surely, he is fully aware that the National Front had suffered to some extent from the absence of voters from the electoral rolls. Of course, the Opposition suffered worse in the sense that even the absence of one voter from the electoral rolls could mean defeat for its candidate. Even so, whatever reservations we might have on the efficiency of the Election Commission, nobody in his right sense could accuse it of partiality.

Tuan Yang di-Pertua, sepertimana yang telah diterangkan oleh Yang Amat Berhormat Perdana Menteri pada 6hb November, 1974 dalam Dewan ini beberapa minggu lepas, sebab utama ramai nama-nama pengundi dibatalkan daripada Daftar Pemilih ialah kerana pendaftaran berganda dan kematian pengundi-pengundi yang berjumlah lebih daripada 300,000. Ini ialah mengikut proses menerusi komputer yang digunakan buat pertama kalinya. Sebab-sebab lain termasuklah mereka yang gagal memberitahu pertukaran alamat mereka.

Ada kemungkinan bahawa di dalam proses ini terdapat keciciran beberapa nama pengundi-pengundi lain. Suruhanjaya Pilihanraya telahpun menubuhkan sebuah Jawatankuasa Penyelidikannya sendiri bagi menyasat lebih lanjut lagi sebab-sebab tambahan (lain) ketinggalan nama-nama daripada daftar pemilih. Mereka yang ketinggalan nama telah diminta memberitahu Suruhanjaya Pilihanraya akan perkara itu, tetapi setakat ini hanya seramai lebih kurang 4,100 orang telah berbuat demikian iaitu yang merupakan hanya lebih kurang 9.01% daripada jumlah pengundi-pengundi di seluruh negara kita.

Saya suka juga mengambil peluang di sini membuat sedikit penerangan following kata-kata daripada Ahli Yang Berhormat dari Kota Melaka tadi. Jikalau betul lebih daripada 200,000 pengundi telah hilang atau dipotong atau ditinggalkan pada tahun 1973/1974 maka tentulah corak pendaftaran menunjukkan tambahan kepada tahun yang

berikut—1974/1975, tetapi dari jumlah pendaftaran pada lima tahun yang lampau seperti berikut:

<i>Tahun</i>			<i>Jumlah mendaftar</i>
1968/1969	...	...	338,588
1970-1972	...	...	705,490
1972/1973	...	...	360,767
1973/1974	...	...	394,949
1974/1975	...	...	352,000

Ini terang menunjukkan tidak ada tambahan. Ini cuba menjelaskan lagi hampir semua yang layak telahpun mendaftar.

Tuan Yang di-Pertua, dari apa yang dicakapkan oleh Ahli-ahli Yang Berhormat daripada pihak D.A.P. seolah-olah semuanya yang belum mendaftar dan yang tertinggal dari buku Daftar Pemilih jika mereka berdaftar akan mengundi D.A.P. Ini adalah satu perasangka yang tidak berasas dan Ahli Yang Berhormat dari Kinta, saya rasa, menggunakan perkataan yang agak teruk sedikit, mengatakan "fraud" dan telahpun dijawab. Ini adalah satu strong word dan kalau sebenarnya Election Commission "fraud", saya yakin dan saya berani bertaruh, Ahli Yang Berhormat itu tidak akan ada di sini pada hari ini, dan kerana terlampau sangat membenarkan emosinya dan membuat tuduhan yang begitu melulu, saya rasa dia telah merosakkan imejnya dan partinya sendiri.

Berkenaan dengan teguran mengatakan hanya orang-orang bumiputra sahaja yang menjadi kerani mendaftar itu, Suruhanjaya Pilihanraya mendapatkan Penolong-penolong Pendaftar dari Persatuan-persatuan Belia, oleh kerana kebetulan pula belia bumiputra yang banyak memasuki Persatuan, maka sebilangan besar dari Penolong-penolong Pendaftar terdiri dari belia-belia yang menjadi ahli Persatuan Belia. Itulah sebabnya.

Tuan Yang di-Pertua, in the light of the statement from the Honourable Prime Minister on the subject during Question Time, it is rather surprising that the Honourable Member for Kota Melaka still persists in submitting his Motion. His motion smacks of something else.

Saya suka menyatakan bahawa Kerajaan mempunyai keyakinan yang penuh terhadap keutuhan dan "impartiality and independence" of Suruhanjaya Pilihanraya dalam menjalankan tugas-tugasnya mengikut kehendak Perlembagaan Persekutuan.

Mr Speaker, Sir, now either the Honourable Member for Kota Melaka is serious or he is being frivolous. But I prefer to think that he is serious and there are perhaps very good reasons for his Motion.

The Motion, I hasten to think, is aimed not at the serious-minded groups among our citizens but more at those on the fringes and the peripheries of our society. The Opposition often indulges in a bout of bravado and recklessness for the benefit of those among their followers who are deliberately keeping themselves apart from the mainstream of Malaysian consciousness. It is, I must admit, Mr Speaker, Sir, an ingenious political tactic on the part of the Opposition, especially on the part of the Honourable Member for Kota Melaka. But by so doing, he is perpetuating a situation which could only sharpen the conflicts among the ethnic groups in this country. It makes our task of breaking down the racial barriers more difficult. It is a dangerous game which the Opposition is playing as everyone very well knows.

Mr Speaker, Sir, the Motion of the Honourable Member for Kota Melaka, to put it bluntly, seeks to put the Election Commission in contempt and ridicule in the public's eye. What other public body does the Honourable Member for Kota Melaka think should "enjoy public confidence"? Well, next time it might be the Judiciary and what is next and next's next? They fall into a neat pattern, Mr Speaker, Sir, these attempts at a gradual process of undermining confidence in the structure of the State in this country; outwardly, they may seem naive and frivolous but they represent an insidious political weapon aimed at perpetuating the mood of defiance and reckless rejection of authority of groups on the fringes and the peripheries of our society.

It might perhaps be futile for me, Mr Speaker, Sir, to appeal to the Honourable Member for Kota Melaka to agree on "consensus politics" to keep away from indulging in party politics in so far as such bodies as the Election Commission, the Judiciary, Public Services Commission, the Police and the Armed Forces are concerned. I would certainly understand if this appeal is rejected, as it is already a well-known part of the built-in weaponry of the Opposition to pander to the racial instincts and feeding on the prejudices of the lunatic fringe among their supporters.

Mr Speaker, Sir, be that as it may, I would like to appeal once again for saner counsels among the Opposition to play the game according to the rules.

Dengan itu, Tuan Yang di-Pertua, saya mengesyorkan supaya Dewan ini menolak usul yang dikemukakan oleh Ahli Yang Berhormat dari Kota Melaka itu.

*11.34 mlm.*

**Tuan Lim Kit Siang (Kota Melaka):** Tuan Yang di-Pertua, saya minta izin menggolong perbahasan ini dan untuk berucap dalam bahasa Inggeris.

*(Dengan izin)* Firstly, Mr Speaker, Sir, I wish to thank all those who have taken part in this debate. Although a lot of uncalled for and unfounded statements were made, I wish, nevertheless, to thank the Honourable Deputy Minister for giving the House the opportunity for a debate on this Motion which, I am aware, is the first time so far as I can remember in the practice of this House and which, I hope, will be the practice in future so as to ensure that there can be a more meaningful Parliamentary democratic forum.

It is most unfortunate that the Members from the Government side should choose to construe the whole Motion as to be arising from the contention that the D.A.P. had lost due to missing voters who would have voted for the D.A.P. if they had been legitimately reinstated on the electoral register. A careful reading of the Motion will show that the reason for moving the Motion is simply that large numbers of Malaysian citizens have been deregistered and have not been registered; and because the right to vote is the very essence of the democratic process, is the very fundamental of the democratic system. That is why this is so serious and it is with the full consciousness of the seriousness of a substantive motion that this Motion has been presented to this House.

It is not that we are looking for scapegoats, not that the D.A.P. is trying to say that "we would have captured the Federal Government, for instance, or captured three or four State Governments if all the missing voters were on the electoral books." This is a secondary and subsidiary question. The basic and fundamental question is that Malaysians have been deprived of the right

**Tuan Lim Kit Siang:** . . . . . or a hint which is tantamount to a directive. . . . .

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** Sir, I suppose that if the Member goes on making accusations like this without responsibility, then we must have access to the privileges . . . . .

**Tuan (Timbalan) Yang di-Pertua:** When I speak, please sit down. Nobody will hear anybody when two persons are speaking.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** I was saying, Sir, . . . . .

**Tuan (Timbalan) Yang di-Pertua:** Now, sit down first. I am asking Ahli Yang Berhormat dari Kota Melaka to sit down, because a point of order has been raised. Now, Ahli Yang Berhormat dari Kepala Batas, please speak.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** I am sorry. What I mean is that if I heard him rightly, he had accused me of issuing a directive to the Press yesterday.

**Tuan (Timbalan) Yang di-Pertua:** I have ruled that no Member should accuse any other Member with reference to his conduct other than his conduct as an M.P.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** No, Sir. What I mean is that, after your ruling, he made another statement to the effect that I had made or given a directive to the Press. Now, if he really said so, I want him to withdraw that, otherwise I reserve the right to refer this matter to the Committee of Privileges.

**Tuan Lim Kit Siang:** Sir, I said and I repeat that he made a hint which, to my mind, is tantamount to a directive and he can do what he likes.

**Tuan (Timbalan) Yang di-Pertua:** You were stating just now that the directive came from him.

**Tuan Lim Kit Siang:** I said that it was a hint to the Press which to my mind is tantamount to a directive.

**Tuan (Timbalan) Yang di-Pertua:** By him?

**Tuan Lim Kit Siang:** Yes, to my mind it is tantamount to a directive, and if he wishes to refer it to the Committee of Privileges, he is at liberty to do so.

**Tuan Mohamed Sopiee bin Sheikh Ibrahim:** Mr Speaker, Sir, I have a right to a specific clarification from the Honourable Member of what he meant by the statement he has made because, as far as I am aware, I made no directive at all to any member of the Press, and I think it would be tantamount to a breach of privilege of this House if he insists on making a false allegation which is not substantiated.

**Tuan (Timbalan) Yang di-Pertua:** The Honourable Member for Kota Melaka has said it. He may take care of it.

**Tuan Lim Kit Siang:** Thank you. He can refer to the *Hansard* tomorrow. The Honourable Member for Mantin said that no specific facts were offered. All these we can see with our eyes and hear with our ears, and even Members have raised them just now, and he can read from the Treasury Book. Of course, if he does not choose. . . .

**Tuan Lee Boon Peng:** Sir, on a point of clarification.

**Tuan (Timbalan) Yang di-Pertua:** Are you giving way?

**Tuan Lim Kit Siang:** No, I think I will proceed.

**Tuan (Timbalan) Yang di-Pertua:** Proceed.

**Tuan Lim Kit Siang:** If he choose not to see or to hear, then of course it is so easy. I was shocked that the Honourable Member for Padang Rengas said that this Motion was virtually a threat, if I am not mistaken—I am subject to correction—and he said that it was virtually a threat to *ketenteraman*. Is that correct?

**Tan Sri Abdul Aziz bin Yeop:** Untuk penjelasan, Tuan Yang di-Pertua. Itulah sebabnya saya mohon izin daripada Yang Berhormat Tuan Yang di-Pertua bercakap dalam bahasa Inggeris. Saya tidak ada mengatakan begitu, beliau boleh tengok dalam *Hansard* esok. Saya tidak ada di

mana-mana di dalam ucapan saya mengatakan, Motion ini adalah mengugut ketenteraman negeri ini. Kalau sekiranya ada, boleh jadi Ahli Yang Berhormat dari Kota Melaka itu mimpi.

**Tuan Lim Kit Siang:** Fair enough. I stand corrected, but I know there was a reference to *ketenteraman*. I suggest, therefore, that next time it is best that there should be no implication. If you want to say, say it directly. There should be no . . . .

**Tuan (Timbalan) Yang di-Pertua:** I must rule that he did not say a thing like that. So you don't still stress on that point.

**Tan Sri Abdul Aziz bin Yeop:** Dia bercakap direct dengan saya, Tuan Yang di-Pertua.

**Tuan Lim Kit Siang:** Anyway, the Honourable Member said that because this Motion was the result of the resounding defeat that we experienced and therefore we were licking our wounds. The D.A.P. is not licking its wounds. We are pressing ahead and the people who are licking their wounds, apparently are members of Barisan Nasional as seen by the last one month of problems arising from the indifference to the sufferings of the poor in the kampungs in Baling and to the student problems. . . .

**Tuan (Timbalan) Yang di-Pertua:** Please confine your reply to the accusations or observations made by other Honourable Members. Please don't bring this up—I am tired of listening to this Baling problem and so on.

**Tuan Lim Kit Siang:** Sir, the Honourable Member for Sepang asked whether I could produce evidence to show that Members of the Government had issued a directive or instruction to the Election Commission to influence them to ensure that they were bias against the Opposition. I am sure we all are wise to the ways of the world. Even if such a directive had been issued—and I did not say in this House that there was such a directive—it would not be easy to come by. But we must, however, judge an event by the facts. . . .

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin:** On a point of order. I never said for a single moment that the Government issued a directive. . . .

**Tuan Lim Kit Siang:** I never said that he said. But he asked me whether I could produce evidence. (*Disampuk*).

**Tuan (Timbalan) Yang di-Pertua:** No, no. Since a point of order has been raised, Ahli Yang Berhormat dari Kota Melaka, should sit down. What was that you wanted to say, Yang Berhormat dari Sepang?

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin:** The Honourable Member for Kota Melaka alleges that I said that the Government issued a directive to the members of the Election Commission. I never said that.

**Tuan (Timbalan) Yang di-Pertua:** The Honourable Member for Sepang never said that.

**Tuan Lim Kit Siang:** I never said he said.

**Tuan (Timbalan) Yang di-Pertua:** Then what did you say?

**Tuan Lim Kit Siang:** He asked me and he challenged me to produce evidence that there was such a directive, otherwise he said that this Motion was unfounded. Isn't that correct?

**Tuan Haji Suhaimi bin Datuk Haji Kamaruddin:** No. Mr Speaker, Sir, I never said that, but if he wants a clarification, I can give now.

**Tuan Lim Kit Siang:** I said that we must judge on the facts themselves. The facts are that there has been a mass disenfranchisement; the facts are that there has been a mass non-registration of voters; and we must, therefore, go on the basis of what the people and the country can see and it is on this basis that we must make our decision.

The Honourable Member for Dungun did make a suggestion that maybe because the Election Commission was appointed by His Majesty the Yang di-Pertuan Agong, this Motion would also reflect on His Majesty. I would like to make it very clearly that this Motion is not a reflection in any way on His Majesty the Yang di-Pertuan Agong, and I hope that such a thought in anybody's mind will be put to rest firmly and finally.

Tuan Yang di-Pertua, we have been told that today and as well as yesterday that there are no whips whether one line, two lines or three lines, in order to direct or instruct Members as how to vote. But it is clear that the reason for there being no whip is simply because no whip is needed.

Finally, before I forget, I wish to comment a bit on the various comments made by the Honourable Deputy Minister. I find it most unfortunate that there should be an attempt to try to psycho what is not there and the allegations that this Motion can only sharpen the conflicts among the ethnic groups and the tasks of breaking down the racial barriers would be a bit more difficult and that it is to pander to the racial instincts of lunatic fringe in the society. These remarks are uncalled for, unjustified and completely unbecoming of the Honourable Deputy Minister, because it shows that there is a very difficult attitude on the part of the Government to try to judge a Motion or a proposal by the Opposition on the face value of it. We have heard a lot about national unity and of the need to bring about national integration. We on the part of the DAP, will do our part in our light to contribute towards a greater coming-togetherness of the people of diverse races and cultures in Malaysia. But I think that it is not right nor becoming for any such unfounded allegations. There were suggestions that we should accept whatever the Government says as "God-given truth" and not to be questioned and not to be doubted. That may be the attitude of the Members of the Barisan Nasional, but that is not the attitude and will not be the attitude of the DAP or even of the public because it is not only in the case of the Malaysian Government but also the case of Governments throughout the world, that they made use of all opportunities to white-wash their sins and mistakes; and, to

some extent, there is no doubt that we had an example yesterday—the White Paper on the Chinese Language Society was also a red herring. So, let us not preach about trying to bring about greater national unity unless we want to do something about it and we are actively contributing to it. In this instance, I would urge the Government to stop any attempt whatsoever to repolarise the society, to repolarise, for instance, the campuses in Malaysia which will run against all efforts to bring about national integration.

Tuan Yang di-Pertua, saya sedar selepas perbincangan beberapa jam bahawa keputusan akan kita dapati tetapi saya harap bahawa injunctioens that we owe to the people of Malaysia not only our industry—and undoubtedly we have shown our industry as we have been here up to the early hours in the morning—but also our judgment can also be seen when it comes to the time of voting, for undoubtedly there had been a mass disenfranchisement, there had been a mass non-registration of voters; and in a democratic process, where large numbers of people cannot go and vote, it is a great detraction, a great issue. It is the duty of this House of Parliament, of this august Chamber, to take a stand without any partisan involvement—and we and I have not raised any partisan issue—on the issue that Malaysian citizens must have the right to vote.

Usul dikemuka bagi diputuskan, dan tidak disetujui.

**Tuan (Timbalan) Yang di-Pertua:** Ahli-ahli Yang Berhormat, Dewan ini ditangguhkan sehingga kepada suatu tarikh yang tidak ditetapkan.

*Dewan ditangguhkan pada pukul 12.15 pagi.*