



PARLIAMENTARY DEBATES

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

OFFICIAL REPORT

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MALAYSIA

DEWAN RA'AYAT
(HOUSE OF REPRESENTATIVES)

Official Report

Second Session of the Second Dewan Ra'ayat

Monday, 9th August, 1965

The House met at Ten o'clock a.m.

PRESENT:

- The Honourable Mr Speaker, DATO' CHIK MOHAMED YUSUF BIN SHEIKH ABDUL ABDUL RAHMAN, S.P.M.P., J.P.; Dato' Bendahara, Perak.
- .. the Prime Minister, Minister of External Affairs and Minister of Culture, Youth and Sports, Y.T.M. TUNKU ABDUL RAHMAN PUTRA AL-HAJ, K.O.M. (Kuala Kedah).
- .. the Deputy Prime Minister, Minister of Defence, Minister of National and Rural Development, TUN HAJI ABDUL RAZAK BIN DATO' HUSSAIN, S.M.N. (Pekan).
- .. the Minister of Home Affairs and Minister of Justice, DATO' DR ISMAIL BIN DATO' HAJI ABDUL RAHMAN, P.M.N. (Johor Timor).
- .. the Minister of Finance, ENCHE' TAN SIEW SIN, J.P. (Melaka Tengah).
- .. the Minister of Works, Posts and Telecommunications, DATO' V. T. SAMBANTHAN, P.M.N. (Sungei Siput).
- .. the Minister of Transport, DATO' HAJI SARDON BIN HAJI JUBIR, P.M.N. (Pontian Utara).
- .. the Minister of Education, ENCHE' MOHAMED KHIR JOHARI (Kedah Tengah).
- .. the Minister of Health, ENCHE' BAHAMAN BIN SAMSUDDIN (Kuala Pilah).
- .. the Minister of Commerce and Industry, DR LIM SWEE AUN, J.P. (Larut Selatan).
- .. the Minister for Welfare Services, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
- .. the Minister for Local Government and Housing, ENCHE' KHAW KAI-BOH, P.J.K. (Ulu Selangor).
- .. the Minister for Sarawak Affairs, DATO' TEMENGGONG JUGAH ANAK BARIENG, P.M.N., P.D.K. (Sarawak).
- .. the Minister of Labour, ENCHE' V. MANICKAVASAGAM, J.M.N., P.J.K. (Klang).
- .. the Minister of Information and Broadcasting, ENCHE' SENU BIN ABDUL RAHMAN (Kubang Pasu Darat).

- The Honourable the Minister of Agriculture and Co-operatives,
TUAN HAJI MOHD. GHAZALI BIN HAJI JAWI (Ulu Perak).
- „ the Minister for Sabah Affairs and Civil Defence,
DATU DONALD STEPHENS, P.D.K. (Sabah).
- „ the Minister of Lands and Mines, ENCHE' ABDUL-RAHMAN
BIN YA'KUB (Sarawak).
- „ the Assistant Minister of Commerce and Industry,
TUAN HAJI ABDUL KHALID BIN AWANG OSMAN
(Kota Star Utara).
- „ the Assistant Minister of National and Rural Development,
ENCHE' SULAIMAN BIN BULON (Bagan Datoh).
- „ the Assistant Minister of Culture, Youth and Sports,
DATO' ENSKU MUHSEIN BIN ABDUL KADIR, J.M.N., S.M.T., P.J.K.
(Trengganu Tengah).
- „ the Assistant Minister of Education, ENCHE' LEE SIOK YEW,
A.M.N., P.J.K. (Sepang).
- „ the Assistant Minister of Finance, DR NG KAM POH, J.P.
(Telok Anson).
- „ the Parliamentary Secretary to the Minister of Health,
ENCHE' IBRAHIM BIN ABDUL RAHMAN (Seberang Tengah).
- „ the Parliamentary Secretary to the Minister of Labour,
ENCHE' LEE SAN CHOON, K.M.N. (Segamat Selatan).
- „ the Parliamentary Secretary to the Minister of Finance,
ENCHE' ALI BIN HAJI AHMAD (Pontian Selatan).
- „ the Parliamentary Secretary to the Deputy Prime Minister,
ENCHE' CHEN WING SUM (Damansara).
- „ ENCHE' ABDUL GHANI BIN ISHAK, A.M.N. (Melaka Utara).
- „ ENCHE' ABDUL KARIM BIN ABU, A.M.N. (Melaka Selatan).
- „ WAN ABDUL KADIR BIN ISMAIL, P.P.T.
(Kuala Trengganu Utara).
- „ WAN ABDUL RAHMAN BIN DATU TUANKU BUJANG (Sarawak).
- „ ENCHE' ABDUL RAHMAN BIN HAJI TALIB, P.J.K. (Kuantan).
- „ TUAN HAJI ABDUL RASHID BIN HAJI JAIS (Sabah).
- „ ENCHE' ABDUL RAUF BIN A. RAHMAN, K.M.N., P.J.K.
(Krian Laut).
- „ ENCHE' ABDUL RAZAK BIN HAJI HUSSIN (Lipis).
- „ ENCHE' ABDUL SAMAD BIN GUL AHMAD MIANJI
(Pasir Mas Hulu).
- „ DATO' ABDULLAH BIN ABDULRAHMAN, Dato' Bijaya di-Raja
(Kuala Trengganu Selatan).
- „ Y.A.M. TUNKU ABDULLAH IBNI AL-MARHUM TUANKU
ABDUL RAHMAN, P.P.T. (Rawang).
- „ TUAN HAJI ABDULLAH BIN HAJI MOHD. SALLEH,
A.M.N., S.M.J., P.I.S. (Segamat Utara).
- „ ENCHE' ABU BAKAR BIN HAMZAH (Bachok).
- „ TUAN HAJI AHMAD BIN ABDULLAH (Kelantan Hilir).
- „ ENCHE' AHMAD BIN ARSHAD, A.M.N. (Muar Utara).
- „ TUAN HAJI AHMAD BIN SAAID, J.P. (Seberang Utara).

The Honourable CHE' AJIBAH BINTI ABOL (Sarawak).

- „ DR AWANG BIN HASSAN, S.M.J. (Muar Selatan).
- „ ENCHE' AZIZ BIN ISHAK (Muar Dalam).
- „ ENCHE' JONATHAN BANGAU ANAK RENANG, A.B.S. (Sarawak).
- „ PENGARAH BANYANG ANAK JANTING, P.B.S. (Sarawak).
- „ ENCHE' CHAN CHONG WEN. A.M.N. (Kluang Selatan).
- „ ENCHE' CHAN SEONG YOON (Setapak).
- „ ENCHE' CHAN SIANG SUN (Bentong).
- „ ENCHE' CHIA CHIN SHIN, A.B.S. (Sarawak).
- „ ENCHE' FRANCIS CHIA NYUK TONG (Sabah).
- „ ENCHE' CHIN FOON (Ulu Kinta).
- „ ENCHE' C. V. DEVAN NAIR (Bungsar).
- „ ENCHE' EDWIN ANAK TANGKUN (Sarawak).
- „ TUAN SYED ESA BIN ALWEE, J.M.N., S.M.J., P.I.S. (Batu Pahat Dalam).
- „ DATIN FATIMAH BINTI HAJI ABDUL MAJID (Johore Bahru Timor).
- „ DATIN FATIMAH BINTI HAJI HASHIM, P.M.N. (Jitra-Padang Terap).
- „ ENCHE' S. FAZUL RAHMAN, A.D.K. (Sabah).
- „ ENCHE' GANING BIN JANGKAT (Sabah).
- „ ENCHE' GEH CHONG KEAT, K.M.N. (Penang Utara).
- „ TUAN HAJI HAMZAH BIN ALANG, A.M.N., P.J.K. (Kapar).
- „ ENCHE' HANAFI BIN MOHD. YUNUS, A.M.N., J.P. (Kulim Utara).
- „ ENCHE' HANAFIAH BIN HUSSAIN, A.M.N. (Jerai).
- „ ENCHE' HARUN BIN ABDULLAH, A.M.N. (Baling).
- „ WAN HASSAN BIN WAN DAUD (Tumpat).
- „ ENCHE' STANLEY HO NGUN KHIU, A.D.K. (Sabah).
- „ ENCHE' HUSSEIN BIN TO' MUDA HASSAN, A.M.N. (Raub).
- „ ENCHE' HUSSEIN BIN MOHD. NOORDIN, A.M.N., P.J.K. (Parit).
- „ ENCHE' HUSSEIN BIN SULAIMAN (Ulu Kelantan).
- „ TUAN HAJI HUSSAIN RAHIMI BIN HAJI SAMAN (Kota Bharu Hulu).
- „ ENCHE' IKHWAN ZAINI (Sarawak).
- „ ENCHE' ISMAIL BIN IDRIS (Penang Selatan).
- „ DATO' SYED JA'AFAR BIN HASAN ALBAR, P.M.N. (Johor Tenggara).
- „ PENGHULU JINGGUT ANAK ATTAN, Q.M.C., A.B.S. (Sarawak).
- „ ENCHE' KADAM ANAK KIAI (Sarawak).
- „ ENCHE' KAM WOON WAH, J.P. (Sitiawan).
- „ ENCHE' KHOO PENG LOONG (Sarawak).
- „ DATU KHOO SIAK CHIEW, P.D.K. (Sabah).
- „ ENCHE' LEE SECK FUN (Tanjong Malim).
- „ ENCHE' AMADEUS MATHEW LEONG, A.D.K. (Sabah).

The Honourable DATO' LING BENG SIEW, P.N.B.S. (Sarawak).

- „ DR LIM CHONG EU (Tanjong).
- „ ENCHE' LIM KEAN SIEW (Dato Kramat).
- „ ENCHE' LIM PEE HUNG, P.J.K. (Alor Star).
- „ ENCHE' PETER LO SU YIN (Sabah).
- „ DR MAHATHIR BIN MOHAMAD (Kota Star Selatan).
- „ ENCHE' T. MAHIMA SINGH, J.P. (Port Dickson).
- „ ENCHE' JOSEPH DAVID MANJAJI (Sabah).
- „ DATO' DR HAJI MEGAT KHAS, D.P.M.P., J.P., P.J.K. (Kuala Kangsar).
- „ ENCHE' MOHD. ARIF SALLEH, A.D.K. (Sabah).
- „ ENCHE' MOHAMED ASRI BIN HAJI MUDA, P.M.K. (Pasir Puteh).
- „ ORANG TUA MOHAMMAD DARA BIN LANGPAD (Sabah).
- „ ENCHE' MOHD. DAUD BIN ABDUL SAMAD (Besut).
- „ ENCHE' MOHAMED IDRIS BIN MATSIL, J.M.N., P.J.K., J.P. (Jelebu-Jempol).
- „ ENCHE' MOHD. TAHIR BIN ABDUL MAJID, S.M.S., P.J.K. (Kuala Langat).
- „ ENCHE' MOHAMED YUSOF BIN MAHMUD, A.M.N. (Temerloh).
- „ ENCHE' MOHD. ZAHIR BIN HAJI ISMAIL, J.M.N. (Sungai Patani).
- „ WAN MOKHTAR BIN AHMAD (Kemaman).
- „ TUAN HAJI MOKHTAR BIN HAJI ISMAIL (Perlis Selatan).
- „ ENCHE' MUHAMMAD FAKHRUDDIN BIN HAJI ABDULLAH (Pasir Mas Hilir).
- „ TUAN HAJI MUHAMMAD SU'AUT BIN HAJI MUHD. TAHIR, A.B.S. (Sarawak).
- „ DATO' HAJI MUSTAPHA BIN HAJI ABDUL JABAR, D.P.M.S., A.M.N., J.P. (Sabak Bernam).
- „ ENCHE' MUSTAPHA BIN AHMAD (Tanah Merah).
- „ DATO' NIK AHMAD KAMIL, D.K., S.P.M.K., S.J.M.K., P.M.N., P.Y.G.P., Dato' Sri Setia Raja (Kota Bharu Hilir).
- „ ENCHE' NG FAH YAM (Batu Gajah).
- „ ENCHE' ONG KEE HUI (Sarawak).
- „ TUAN HAJI OTHMAN BIN ABDULLAH (Hilir Perak).
- „ ENCHE' OTHMAN BIN ABDULLAH, A.M.N. (Perlis Utara).
- „ ABANG OTHMAN BIN HAJI MOASILI, P.B.S. (Sarawak).
- „ ENCHE' QUEK KAI DONG, J.P. (Seremban Timor).
- „ TUAN HAJI RAHMAT BIN HAJI DAUD, A.M.N. (Johor Bahru Barat).
- „ ENCHE' RAMLI BIN OMAR (Krian Darat).
- „ TUAN HAJI REDZA BIN HAJI MOHD. SAID, P.J.K., J.P. (Rembau-Tampin).
- „ RAJA ROME BIN RAJA MA'AMOR, P.J.K., J.P. (Kuala Selangor).
- „ ENCHE' SANDOM ANAK NYUAK (Sarawak).
- „ ENCHE' SEAH TENG NGIAB, P.I.S. (Muar Pantai).

- The Honourable ENCHE' D. R. SEENIVASAGAM (Ipoh).
 .. ENCHE' S. P. SEENIVASAGAM (Menglembu).
 .. ENCHE' SIM BOON LIANG (Sarawak).
 .. ENCHE' SIOW LOONG HIN, P.J.K. (Seremban Barat).
 .. ENCHE' SNAWI BIN ISMAIL, P.J.K. (Seberang Selatan).
 .. ENCHE' SNG CHIN JOO (Sarawak).
 .. ENCHE' SOH AH TECK (Batu Pahat).
 .. ENCHE' SULEIMAN BIN ALI (Dungun).
 .. PENGIRAN TAHIR PETRA (Sabah).
 .. ENCHE' TAJUDIN BIN ALI, P.J.K. (Larut Utara).
 .. ENCHE' TAI KUAN YANG (Kulim Bandar Bharu).
 .. ENCHE' TAMA WENG TINGGANG WAN (Sarawak).
 .. ENCHE' TAN CHENG BEE, J.P. (Bagan).
 .. ENCHE' TAN TOH HONG (Bukit Bintang).
 .. ENCHE' TAN TSAK YU (Sarawak).
 .. ENCHE' TIAH ENG BEE (Kluang Utara).
 .. ENCHE' TOH THEAM HOCK (Kampar).
 .. PENGHULU FRANCIS UMPAU ANAK EMPAM (Sarawak).
 .. ENCHE' YEH PAO TZE (Sabah).
 .. ENCHE' YEOH TAT BENG (Bruas).
 .. TUAN HAJI ZAKARIA BIN HAJI MOHD. TAIB, P.J.K. (Langat).

ABSENT:

- The Honourable ENCHE' ABDUL RAHIM ISHAK (Singapore).
 .. O.K.K. DATU ALIUDDIN BIN DATU HARUN, P.D.K. (Sabah).
 .. ENCHE' E. W. BARKER (Singapore).
 .. ENCHE' CHIA THYE POH (Singapore).
 .. DATU GANIE GILONG, P.D.K., J.P. (Sabah).
 .. DR GOH KENG SWEE (Singapore).
 .. ENCHE' JEK YEUN THONG (Singapore).
 .. ENCHE' KOW KEE SENG (Singapore).
 .. ENCHE' EDMUND LANGGU ANAK SAGA (Sarawak).
 .. ENCHE' LEE KUAN YEW (Singapore).
 .. ENCHE' LIM HUAN BOON (Singapore).
 .. DATO' LIM KIM SAN, D.U.T., J.M.K., D.J.M.K. (Singapore).
 .. ENCHE' ONG PANG BOON (Singapore).
 .. ENCHE' OTHMAN BIN WOK (Singapore).
 .. ENCHE' S. RAJARATNAM (Singapore).
 .. DR TAN CHEE KHOON (Batu).
 .. ENCHE' TAN KEE GAK (Bandar Melaka).
 .. DR TOH CHIN CHYE (Singapore).
 .. ENCHE' WEE TOON BOON (Singapore).
 .. ENCHE' STEPHEN YONG KUET TZE (Sarawak).
 .. ENCHE' YONG NYUK LIN (Singapore).

PRAYERS

(Mr Speaker in the Chair)

ORDER OF BUSINESS (MOTION)

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr Speaker, Sir, I beg to move the following motion under Standing Order 26 (1) (d):

That the House shall proceed to the consideration of the presentation of the Constitution and Malaysia (Singapore Amendment) Bill, 1965, immediately.

The Minister of Home Affairs (Dato' Dr Ismail bin Dato' Haji Abdul Rahman): Sir, I beg to second the motion.

Question put, and agreed to.

Resolved,

That the House shall proceed to the consideration of the presentation of the Constitution and Malaysia (Singapore Amendment) Bill, 1965, immediately.

STATEMENT BY THE PRIME MINISTER, MALAYSIA

SEPARATION OF SINGAPORE FROM MALAYSIA

The Prime Minister: Mr Speaker, Sir, I wish to make an announcement to this House, an announcement which no doubt will cause a big surprise and shock perhaps, to some of the Honourable Members. In fact, to me and to many of the Members, it is a most painful and heartbreaking news that I have to break and for them to listen. I consider it a misfortune for me to have to make this announcement. In all the 10 years of leadership in this House, I have never had a duty so unpleasant as this to perform. The announcement which I am making concerns the separation of Singapore from the rest of the Federation. The reasons for this have been many but I do not propose to go into them in detail.

Since the formation of Malaysia, and this year in particular, there have been so many differences with the Singapore Government, and these differences take many forms, many shapes, and many

guises—so much so that it is now come to this breaking point. I cannot find, search deep as I like into my mind, any other solution, except the course of action that I am now taking or forced to take. I have given myself plenty of thoughts, while I was lying in bed in London and also when I was convalescing before my return to this country. I have conveyed my thoughts to my friend and my colleague Tun Abdul Razak, who had sought to find an understanding with the leaders of Singapore, but I am afraid to no avail. It appeared that as soon as one issue was resolved another cropped up; where a patch was made here a tear appeared elsewhere; and when one hole was plugged other leaks appeared. So it does seem completely impossible to arrive at a solution whereby we can hope to pull along together and to work together in the interest and for the common good of our beloved country.

We have tried everything possible to avoid the separation of Singapore from the rest of Malaysia. In the end we find that there are only two courses open to us: (1) is to take repressive measures against the Singapore Government or their leaders for the behaviour of some of their leaders; and (2) is the course of action, which we are taking now, to sever connection with the State Government of Singapore that has ceased to give even a measure of loyalty to the Central Government. The position of the Central Government, not only at home but worse still abroad, has been mocked and made to look ludicrous on many occasions. It is clear that some action must be taken. It is odious for us to take repressive measures against the Singapore leaders as we consider it repulsive to our concept of a parliamentary democracy to do so. Even then, it will not solve the problems before us because, as I have said just now, there is not one problem but many; and all that gives us the most concern is the communal issue which has been brought up by the leaders of Singapore. This is a matter which concerns me most, because the peace, happiness and the security of this country depend on goodwill and understanding among the various people

who have made a home of this country. Without this goodwill and this understanding this nation is bound to break up and with a consequential disaster which we have seen and read about happening elsewhere. We feel that this repressive action against a few would not, therefore, solve the problem, because the seed of discontent, fear and hatred, has been sown not only in Singapore but elsewhere: and, I feel, if we were to take repressive measures, it cannot help because it would sprout up elsewhere, and with the rule of force.

Thousands of students abroad have been fed with all kinds of propaganda against the Central Government. A Malaysian Malaysia in particular suggests that the Malaysia we have now is bad and that all the advantage in Malaysia is given to one race only, while depriving the other races of their rightful place in our society. Foreign correspondents who approached me on this subject, while I was abroad were under the impression that the Malay race—they say—dominated the Central Government and had not been to others; that there had been discrimination against the Chinese in all fields and in all matters. One even went so far as to suggest that the closing of the Bank of China was a move against the Chinese, food stores had to close down because they were now unable to get any food from China—as if there is no food in this country.

It was suggested that our quarrel with the PAP was due to the fact that we are afraid of the far more advanced and enlightened socialist government of Singapore. They appeared so incredulous when I informed them that there are socialist parties in the Mainland, and other parties who are not friendly with us, and that the PAP itself contested elections in this country, or in the Mainland, without any success, and that the only party which had been banned in this country is the Communist Party. I also informed them that most of these parties are made up mainly of Chinese whose numbers exceed those of Mr Lee Kuan Yew's Party, and to state therefore that Mr Lee Kuan Yew represents the Chinese

people of Malaysia and at the same time represent the interest of the left wing party in this country is wrong.

There appeared also in the foreign Press from time to time articles and reports which gave an entirely wrong picture of the situation in this country. They implied that any action which we take to put a stop to the subversive activities of the enemies and traitors from within as attempts to victimise the Chinese. Apart from the closure of the Bank of China, the resettlement of the Chinese in Sarawak is one of the examples I can give of criticisms directed against the Central Government. In short, while they are trying to build up the image of Mr Lee Kuan Yew, they are at the same time doing us no favour at all. While in London I had to interview some of the pressmen, representing some of the leading newspapers and magazines in that country, and tried to explain to them the position in this country. Though they pretend to understand, I felt that deep in their hearts they disbelieved. And so if we have to go on explaining all these because of the propaganda directed against us, I think it is going to be difficult for us. We will not, in fact, be allowed to be left alone and to be given, the moral support which we clearly deserve, in order to bolster our courage in this fight which we have to carry out against the enemy from within, the Communists or the terrorists, and against the threat from without.

We consider ourselves really as one of the nations in South-East Asia that has managed not only to fight our battles but at the same time has provided for our peoples. We are in fact one of the countries, I say, that has made a real success of our independence. While we have had to spend so much money strengthening our defence, we have at the same time managed to provide livelihood, education and other services which have made our people on the whole contented.

There has also been certain inclinations on the part of some countries to look upon the Prime Minister of Singapore as an equal partner in the

Malaysian Government and to encourage, perhaps indirectly, him to assert his authority in Malaysia, and this has made the situation in this country rather awkward. In a nation there can only be one national executive head and that is the Prime Minister. An illustration, which I saw in one of the British papers, depicted a cartoon of Mr Lee Kuan Yew and myself over the map of Malaysia with a caption "Too many cooks"—and that really is the point. There can only be, as I said, one Prime Minister for the nation and there cannot be two, and so the best course we can take is to allow Mr Lee Kuan Yew to be the Prime Minister of independent Singapore in the full sense of the word.

I was hoping in my dreams, in my talks, and in my acts to make Singapore the New York of Malaysia, or to make Singapore to Malaysia what New York is to America, and I had begged the politicians in Singapore to give all their thoughts to this and to do all they can in order to fulfill this objective. In order to do that, it is necessary for them to place the interests of Singapore above that of their own personal interests and glorification. Unfortunately, political rivalry, political activities and enthusiasm of the various politicians in Singapore, had made this impossible. They lost sight of the importance of Singapore as one of the most important ports, perhaps not only in South-East Asia but in the whole of Asia. My dream, I felt, has been shattered and so we now come to the parting of ways.

In the matter of finance too it has been extremely difficult to obtain Singapore's support. Criticisms levelled at the Central Government by the Singapore representatives at the last Budget meeting of this Parliament are still perhaps, fresh in the memories of most of the Honourable Members. Now we have reached a stage where it is difficult to agree on anything at all—however trivial the matter may be. There is disagreement as to the quantum of Singapore's financial contribution to the Central Government. Honourable Members are aware that there has been a very sharp rise in defence and security expenditure, and the Central

Government felt compelled to ask for Singapore's support. It is only right that it should bear a legitimate share of the country's burdens in this time of grave emergency, but Singapore refused to make this contribution, except in so far as Singapore's defence is concerned. Under Annex "J" to the Malaysia Agreement, Singapore was bound to contribute over a five-year period by way of loan a petty sum of \$150 millions to the Central Government for the economic development of Sabah and Sarawak. Part of this loan was to be free of interest, but this loan had not been given. There had been bickerings over the amount of interest to be paid and Singapore refused to trust Bank Negara to determine the current market rate for long-term loans in the Federation but rather insisted on an arbitrator from the World Bank. Now, this would have taken a considerable time to reach a decision, while the urgency of our need is so great. The development in these two States in Borneo—Sabah and Sarawak—is very, very urgent to us.

These are among other troubles we have had with Singapore and as time goes on the political troubles and differences, which at the moment are simmering, may soon blow up into something more serious than we have dreamt of. On the other hand, our relationship with Sabah and Sarawak has been excellent. We are desirous of carrying out extensive development programme in these two States, because we realise that under the colonial rule the development in the two States had been neglected. We know that they had joined us on their own accord and of their own free will, in the hope that they would enjoy not only the independence, the prestige, which freedom brings with it but also to enjoy other fruits of freedom. They fit into the pattern of administration with the rest of the States in Malaysia so admirably well; and unless we can carry out some development however small it may be their hope and trust in us will, I am afraid, inevitably lessen. But with the money we have to pour out to defend ourselves against the enemy from without, it was expected that Singapore would co-operate, for we

could not give all the money that we wanted to give. Unfortunately, as I said before, they refused.

The people of Sabah and Sarawak live in an area where Indonesian aggression is most intensive and violent. Since Indonesia started its confrontation against Malaysia, the people of these two States have suffered more than the people of the other States in the country. In spite of that, they feel no fear or sense of frustration, but continue to play their part as true patriotic and loyal citizens of Malaysia. The people in the Mainland admire them for their courage and no word that I can express is sufficient to describe our thanks and our admiration for our compatriots. (*Applause*). I hope that this separation from Singapore will not cause them undue worry or concern, and that in the circumstances they will agree and appreciate that the course of action which we are taking is the only one open to us. Uppermost in our mind, in our heart, is peace, harmony, among the people who have made their home in Malaysia, and I think in separation from Singapore, we can obtain the closest co-operation with them.

In respect of those citizens of Singapore, who have been strong in support of Malaysia, I hope they will not feel that they have been let down. This has been forced upon us, and it has been agreed by the present Government of Singapore that the only course open, both for them and for ourselves, is separation. I can assure them that in my discussion with the Prime Minister of Singapore, we have agreed that they will be given the fullest of protection and amenities as given to all the citizens of Singapore. On the other hand, if they feel strongly that they wish to leave or evacuate and come to stay in the Federation, I have made arrangements with the Johore Government to reserve for them quite a considerable piece of land, where they can live in Malaysia. (*Applause*) I can assure them that we will do all we can to make them feel at home and welcome here should they choose to come here. I pray that they will not lose their sense of balance and take some action, which can only bring

about unhappiness to themselves, to their families and to us. This is the last thing which we would like to happen, and considering the peace of Malaysia as a whole we are convinced that there is no other way out but to do what we think is best for the country and for the people.

Things are getting worse lately. Irresponsible utterances are made by both sides, I am afraid, which, reading between the lines, are tantamount to challenges; and if trouble were to break out, the innocent will have to suffer and be sacrificed at the altar of these belligerent, heartless and irresponsible trouble makers of this country. I believe, therefore, that the second course of action, which we are taking, that is the separation of Singapore from the rest of the Federation, is the best and the right one, sad as it may seem. Before Malaysia with Singapore and with all the other States in Sabah and Sarawak, we had pledged to love and to give our fullest loyalty to Malaysia but, as I said, Singapore had never been able to do that, and had tried to work its way out. Therefore, we feel that the best course to take is the amicable settlement on which we have now decided, because if we persist in going through with Singapore as a member of Malaysia there will be more trouble to Malaysia than what Singapore is worth. Separation will be made on the understanding that we shall co-operate closely in matters of defence, trade and commerce. This matter was discussed with the leaders of Singapore as a result of which we had drawn up an agreement—this sets out the terms agreed upon and contains those methods which I have just mentioned. This agreement has been signed by all the members of the Singapore Government and by selected members of the Central Government. The agreement is to grant Singapore complete independence and sovereignty.

For the benefit of Honourable Members, I would like to refer to some of the clauses in this agreement.

Article V reads:

“The parties hereto will enter into a treaty on external defence and mutual assistance

providing that the parties hereto will establish a joint defence council for purposes of external defence and mutual assistance."

So, you see here that in matters of defence, we will work jointly together.

"The Government of Malaysia will afford to the Government of Singapore such assistances as may be considered reasonable and adequate for the external defence and in consideration thereof the Government of Singapore will contribute from its own armed forces such units thereof as may be considered reasonable and adequate for such defence. The Government of Singapore will afford to the Government of Malaysia the right to continue to maintain the bases and other facilities used by its military forces within Singapore and will permit the Government of Malaysia to make such use of its bases and facilities that the Government of Malaysia may consider necessary for the purpose of external defence. Each party will undertake not to enter into any treaty or agreement with a foreign country which may be detrimental to the independence and defence of the territory of the other party."

That means in short that Singapore on their own will not be able to enter into any treaty with any power outside except with the agreement of the Malaysian Government.

Article VI provides for the economic arrangement between the two countries. The two territories will have to depend on one another—more so for Singapore to depend on Malaysia. Talks will be held to provide facilities for trade and commerce between the two territories. It is not possible for me to say any more at this stage. The businessmen of these two countries will have to rely on us to do what we can to help them in order to maintain commercial ties and trade relations of the two States.

Article VII reads as follows:

"The parties hereto will, on and after Singapore Day co-operate in economic affairs for their mutual benefits and interests and for this purpose may set up such Joint Committee or Council as may from time to time be agreed upon."

In respect of Article VII—in fact, I read to you Article VI just now—the Agreement expressly rescinded as from today, the 9th of August, Annex "J" relating to the establishment of a Common Market and Annex "K" relating to Broadcasting and Television.

In Article VIII, which is rather important, we agreed that the liabilities of the Central Government, with respect to any debt, loan or liabilities incurred by Singapore since Malaysia Day will from today free Malaysia from further liabilities. This Article reads:

"With regard to any agreement entered today between the Government of Singapore and any other country or corporate body, which has been guaranteed by the Government of Malaysia, the Government of Singapore hereby undertakes to negotiate with such country or corporate body to enter into a fresh agreement releasing the Government of Malaysia of its liabilities and obligations under the said guarantee, and the Government of Singapore hereby undertakes to indemnify the Government of Malaysia fully for any liabilities, obligations or damage which it may suffer as a result of the said guarantee."

In order to give effect to this agreement, the Proclamation of Independence of the State of Singapore, it is necessary to amend the Federal Constitution and the Malaysia Act, so that both the Constitution and the Act shall cease to have effect in Singapore, except in all those matters specifically provided for in Clauses 8 and 13 of the Bill. This Bill will be presented to this House in due course.

Another matter, which is of great concern to the people who live in Singapore and Malaysia, is in respect of the movement between the two territories or the two States. It is obvious that with different Governments, different independent Governments, some control will have to be exercised over the movement, in order to prevent undesirable people from moving between these two territories; but until the regulations have been formulated, it is agreed that these people should have free movement. It is necessary, perhaps, to provide them with some travelling documents under these regulations, such as border pass for short visits and passports and other documents for long stay. However, as I said, until this arrangement can be finalised, it is only right and fair for the people of these territories to carry on as they have been used to.

Lastly, I pray that Singapore and the people of Singapore, will enjoy

peace, happiness and prosperity in this new life, and I can assure them that whatever we can do to help them, we will be only too glad to do so. I believe, perhaps, in diversity we can find unity or, in ordinary everyday parlance, in separation or in absence through separation the house might grow fonder. (*Applause*).

PRESENTATION OF GOVERNMENT BILL

THE CONSTITUTION AND MALAYSIA (SINGAPORE AMENDMENT) BILL

The Prime Minister: Mr Speaker, Sir, I rise to present the Constitution and Malaysia (Singapore Amendment) Bill to this House.

Mr Speaker: Second Reading, what day?

The Prime Minister: Immediately, Sir.

Mr Speaker: So be it.

The Prime Minister: Mr Speaker, Sir, to enable this to be done, the Honourable the Deputy Prime Minister will move a motion now to exempt the proceedings on this Bill from the provisions of S.O. 48.

EXEMPTED BUSINESS (MOTION)

The Deputy Prime Minister (Tun Haji Abdul Razak): Mr Speaker, Sir, I beg to move:

That notwithstanding the provisions of S.O. 48, the House hereby orders that the Constitution and Malaysia (Singapore Amendment) Bill, 1965, shall be given its second and third readings today.

The Minister of Home Affairs (Dato' Dr Ismail): Sir, I beg to second the motion.

Dr Lim Chong Eu (Tanjong): Mr Speaker, Sir, I realise the importance of this motion to suspend the Standing Orders or to take this Bill through its second reading in spite of the provisions of S.O. 48. I understand also, Sir, that in standing up to raise my opposition to this proposition, I will

lose. However, Sir, I must, in all consciousness of the importance of constitutional amendments of any kind, no matter how urgent, lay stress that it is a pity that such an important constitutional change, which virtually involves the beginning of the break-up of Malaysia, has got to go through its second reading in so hasty a manner.

Enche' Ong Kee Hui (Sarawak): Mr Speaker, Sir, I too have the same feeling as that of the Honourable Member for Tanjong. We have come to this House from a long distance, and it was only this morning that we were confronted with this Bill, which involves a very important constitutional amendment. We did not even have time to talk to our colleagues until we sat down here, and I think, to put forward a measure of this importance with so short notice, is to put it very bluntly, making a nonsense of democracy.

Question put, and agreed to.

Resolved,

That notwithstanding the provisions of S.O. 48, the House hereby orders that the Constitution and Malaysia (Singapore Amendment) Bill, 1965, shall be given its second and third readings today.

BILL

THE CONSTITUTION AND MALAYSIA (SINGAPORE AMENDMENT) BILL

Second Reading

The Prime Minister: Mr Speaker, Sir, I beg to move that the Constitution and Malaysia Amendment Bill 1965 be now read a second time. Since I have made my explanation just now in a statement to the House, I feel there is no further need for me to lay stress on various reasons for this Bill. As you are aware this Bill is part of the agreement which had been entered into between the Government of the Federation and the Government of Singapore. It is Annex "B" to the agreement and it is, therefore, essential for the Parliament to enact this Bill, in order to implement the said agreement and to amend the Federal Constitution and the Malaysia Act, 1963. In short,

this Bill provides that the Federal Constitution and the Malaysia Act, shall upon the passing of this Bill into law, cease to have effect in the State of Singapore, except on matters specifically provided in Clauses 8 and 13. Clause 8 is a temporary provision to enable Singapore courts to function and to follow the practice and procedure as usual, as if there is no partition until other provision and arrangements are made by the Legislature of Singapore. Clause 13 deals with the international agreements relating to Singapore and, in particular, the agreement on external defence and mutual assistance between the Government of United Kingdom and the Government of Malaya dated the 12th October, 1957 and the agreement relating to Malaysia dated the 9th July, 1963.

Sir, I wish to say nothing more except to beg to move that the Bill be read a second time.

The Minister of Finance (Mr Tan Siew Sin): Mr Speaker, Sir, I beg to second the motion.

There is little that I can add to the very full explanation which has been made by the Honourable the Prime Minister on this subject. The action which he has proposed, as he has already said, is a very sad one. It is indeed tragic that less than two years after Malaysia one of its components has to secede. This, of course, does not, if I may differ from the Honourable Member for Tanjong, mean the break-up of Malaysia, but it does mean that insofar as Singapore itself is concerned, it is the end of a dream. All of us must hope that the separation will not be permanent. Some day, perhaps, when passions have cooled down, there will be a willingness on both sides of the Causeway to think again and to build the bridge, or to rebuild the bridge, that today has to be removed.

For the time being at least, I would urge everybody both in Malaysia and in Singapore not to recriminate over the past. What has been done cannot be undone. What has happened cannot be

washed away. As a famous poet said many hundreds of years ago:

"The Moving Finger writes; and, having writ,

Moves on: nor all your Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all your Tears wash out a Word of it."

It is really the future that counts, the future of this country, of Singapore and of their peoples. Let me assure this House and this country that those of us who had anything to do with this fateful decision, searched ourselves deeply and in anguish, in order to discover whether there was any other alternative. With great sorrow, we came to the conclusion that there were two alternatives open to us. The first was to remain as we were. It was true, as the Honourable the Prime Minister has said, that there were to have been talks between the Honourable Prime Minister and Enche' Lee Kuan Yew, but it was clear to those of us who were in full possession of the facts, that things had gone too far and that there was a grave likelihood that before long unless something was done there would be widespread racial violence between Alor Star and Singapore. Racial tensions had risen alarmingly and I, who have been a member of this Legislature for 17 continuous years, longer perhaps than anybody else in this country, have never known Sino-Malay relations to be at such a dangerously low ebb. A Sino-Malay clash on a large scale with the two races roughly equal in terms of numbers and scattered all over the country, and in many places inextricably mixed, would have been the kind of holocaust beside which racial riots in other countries might appear to be a mere picnic. This was clearly a prospect which no responsible Government could contemplate. We were, therefore, left with literally no other course, or if I may put it in another way with no other honourable course. As the Honourable the Prime Minister said, we could have resorted to repressive measures, but that is not our way of doing things. The course we have chosen has at least one advantage and that is that it should enable us to part

as friends in the hope that Time, that great healer, will one day erase even these wounds, and when the time has arrived it would still be possible to look at the position again.

Anyone with even the slightest sense of history must perceive that the States of Malaya and Singapore are one. They were one in the days prior to World War II. The separation between the end of the Second World War and Malaysia Day was perhaps an artificial one, and I venture to hope that the day will come when they will be one again, and as they were destined by geography, by tradition, and by memories and hopes and aspirations shared in common to be one.

For the moment let us look forward rather than look back. Let us tell our peoples that whatever their feelings and beliefs might be, they have to accept the inevitable. No other course is open to us. If, however, we bear in mind that what has happened cannot be undone, but the future is still for us to mould and to work and to live for, then there is perhaps every reason to hope that beyond the shadows of today we might still perceive the sunshine of tomorrow. (*Applause*).

Enche' C. V. Devan Nair (Bungsar): It is difficult, Sir, to speak without a wrench in the heart. Sorrow there definitely will be on this day of tragedy, but, in all conscience, Sir, I do not believe that there is sorrow on the Government benches. Sir, it is tragic that two years after the birth of Malaysia we should be listening to funeral orations on Malaysia.

Sir, what has happened today will be quite clear—that Singapore has been ejected from Malaysia. I say “ejected”, Sir, because I know that Singapore has been put in a situation, where it has no choice but to accept an ultimatum presented to it by the Central Government. I know, Sir, that Singapore does not want to leave Malaysia, because the leaders of Singapore, of the present Government in Singapore, believe in the unity of Malaysia, of Singapore and Malaya. This has been the basic ideological belief of the leaders of Singapore,

right from the time the Party was founded; and I can assure this House that it will continue to be the basic and fundamental belief of the leaders of the Peoples' Action Party. But, Sir, their belief was founded on the concept of a multi-racial, non-communal, tolerant society, on the concept of a Malaysian Malaysia, which phrase these days is treated as a dirty word.

Singapore has been ejected for no other reason than that it has refused to postulate unity on the basis of any other consideration, on the basis of a communal Malaysia. It is no accident, Sir, that this ultimatum by the Central Government comes only some two months, or thereabouts, after the formation of the Malaysian Solidarity Convention; and, perhaps, no less significant is that this ultimatum comes one month after the by-election in Hong Lim in which, strange to say, the Alliance, together with the anti-Malaysian Barisan Socialis, concentrated their attack on the P.A.P. and on its “Malaysian Malaysia” slogan. Had the P.A.P. been defeated in that by-election, I have no doubt that that defeat would have been used as a pretext to satisfy extremists' demands in the Alliance's ranks to crush the P.A.P. and to change the leadership of the Singapore Government.

Even yesterday the *Malayan Times*, very close and very sympathetic to certain Alliance leaders, has been indulging in wishful thinking: “Changes of leadership”, “Lee Kuan Yew resigned—on the way out”. Dr Toh taking over”.

Sir, fortunately the people of Hong Lim, despite the vicious propaganda of the Barisan Socialis, of the pro-Communist elements in Singapore, aided and abetted by pro-Communist elements in Malaya, and in spite of all the vicious propaganda of the Alliance extremists, voted for a Malaysian Malaysia policy instead of the “Crush Malaysia” alternative.

Faced, Sir, with this solid support given to the P.A.P. Malaysian Malaysia programme and policy, and with the growing support that the Malaysian Solidarity Convention was

gathering in other parts of Malaysia, Alliance extremists have been able to manoeuvre a situation in which, Sir, they pose Singapore with the alternative "Withdraw or chaos", and "chaos" means violence, bloodshed. Sir, this was no idle threat. Alliance leaders, and some of their newspapers, have been openly saying for a considerable time that the persistent agitation for a Malaysian Malaysia was a communal slogan, which was bound to lead to racial conflict—a non-communal slogan leading to communal conflict! That was the kind of logic, Sir, that was systematically pursued in their papers.

The Honourable the Deputy Prime Minister will recollect, Sir, and other Alliance leaders were publicly saying, that if racial conflict broke out, then they would not be responsible, not all the ultras and the extremists, they would not be responsible, but Mr Lee Kuan Yew would be responsible. That was an advance warning. We know, Sir, that two race riots did break out in Singapore last year. And so any predictions about racial troubles in Malaysia, especially when they come from responsible Central Government leaders, are not to be lightly dismissed—cannot be lightly dismissed! We know that it has become a constant, consistent refrain among certain Alliance leaders to shout "Blood will flow", whenever they are confronted with any kind of legitimate opposition of view-points, both in this House or outside this House. What would have happened, Sir, let us ask, if the Singapore leaders had refused to accept the ultimatum to pull out of Malaysia or face the consequences, which the extremists in the Alliance ranks had threatened, not only Singapore with, but the whole of Malaysia with. We know that these ultras exist within the Alliance. Everybody knows that, Sir. It is an open secret—one of the most open secrets in our country. The Honourable Prime Minister himself, in a statement he made while he was still in London, admitted that there were a few "loony bins" in his Party. What upset me and my colleagues was that the Honourable Prime Minister

should have given the impression to the world that these "mad caps" in the Party were the life and soul of his Party.

Sir, these ultras have made it clear that they would go to any length to halt the gathering momentum towards a Malaysian Malaysia. In their propaganda they tried to cover up this fear of a Malaysian Malaysia by making Singapore, and in particular Mr Lee Kuan Yew, as the *bete noire* who comes to disturb the peace and harmony of Malaysia. Malaysian Malaysia was presented as the cloak for a P.A.P. type of communalism which was anti-Malay, anti-Islam, anti-religion and what have you—and even anti-Rulers! This was presented; and all this was supplemented, by threats to arrest Mr Lee Kuan Yew and, if necessary, by crushing the constitutionally elected Government of Singapore. I have no doubt, Sir, that the ultras in the Alliance would have carried out their threats even to the point of sparking off racial conflicts. The concept of a Malaysian Malaysia is, they know, inimical to the Alliance set-up, an Alliance essentially of M.C.A. compradores and an UMNO right wing, which uses communalism and communal solidarity as a cloak to conceal the basic economic and social problems of our society. Singapore, Sir, is being forced out of Malaysia, not because she was a source of weakness to Malaysia, not because she was inefficient and corrupt, not because she was an advocate for any particular form of communalism—we saved Singapore from communal chauvinism—but because certain Alliance politicians believe Singapore to be the bulwark and the chief source of inspiration for a Malaysian Malaysia. That, Sir, was the chief, simple, basic reason. In this the Alliance extremists, the opponents of a Malaysian Malaysia, are grievously wrong, and they will discover, Sir, soon enough, that Malaysian Malaysia is not just a Singapore concept, though admittedly Singapore was one of the chief inspirers and a pillar of strength for the movement. But, Sir, Alliance extremists should realise, and they will

realise, that the movement for a non-communal, tolerant, Malaysian Malaysia has got roots not in the hearts of P.A.P. or of Lee Kuan Yew and company but in the hearts of hundreds of thousands of Malaysians—Malaya, Singapore, Sabah, Sarawak. It has vigour and momentum. This concept can be sustained and will be sustained even if, technically, Singapore is booted out of Malaysia. And why, Sir? Because whatever politicians on the Government bench may think, what is left of Malaysia after the excision of Singapore is still a multi-racial society, and the logic of that situation must ultimately lead to the fulfilment of the concept which my colleagues and I in the P.A.P. had advanced, and the fact that Singapore has been ejected, Sir, will not mean that the spirit of those of us who believe in a Malaysian Malaysia has been crushed. The very existence of a multi-racial Singapore still progressing, and still bound to progress, in the spirit not of any narrow communal chauvinism, but of a Malaysian Malaysia, is bound to act as a stimulus to the movement for a Malaysian Malaysia.

By ejecting Singapore and granting it independence, the ultras of Malaya have no longer the power, perhaps, to directly intervene to suppress the fulfilment in practice of an ideology based upon a non-communal multi-racial society—the ideal of a non-communal, tolerant, multi-racial, democratic society. Today, Sir, by the ejection of Singapore, I am the only representative of the P.A.P. left in this House. Time will show, Sir, the future will show that it is a much greater pity than it is realised now. But, Sir, I am not the only one. I firmly believe and know that there are hundreds of thousands of people in this country, who will subscribe to the ideals and principles, which we had sought to advance here. There are others, Sir, also on the Opposition benches, who are no less passionately concerned than I am, than the hundreds of thousands of the other citizens of this country, about a Malaysian Malaysia. And more important, Sir, there is an international opinion, and international opinion, Sir,

is definitely coming to a philosophy where what is encouraged, what is accepted, are larger and larger integrations of peoples, communities, and territories, and what has happened today is a reversal of the tide of history, an attempt to reverse the tide of history; and as King Canute discovered, Sir, in the legend, it is bound to fail. Sir, the extremists, the ultras in the Alliance know the extent of the support which the ideal and the concept of a Malaysian Malaysia has: they know that despite their massive and distorted propaganda against the concept of a Malaysian Malaysia. This concept has already fired the imaginations of people throughout this country and, I repeat, fired the imaginations of people of all races and communities. If the Alliance extremists, Sir, were not so frightened of the power of the Malaysian Malaysia concept to rally the people of Malaysia, they would not have resorted to this desperate strategic measure of ejecting Singapore.

Enche' Senu bin Abdul Rahman: Mr Speaker, Sir, on a point of clarification. I wonder whether the Honourable Member knows or not that his own bosses in Singapore—that all the Ministers in Singapore—as mentioned by the Honourable the Prime Minister just now, have signed the agreement.

Enche' C. V. Devan Nair: That question has been asked. The Honourable Minister, Sir, ought to have concluded from what I have told this House that the alternative faced by the leaders of Singapore was: accept ejection, hive off separately, or bloodshed, Sir, there is none in our ranks, there are none among the leaders of the P.A.P. in Singapore, who desire bloodshed and conflict in this country. If this temporary hiving off is necessary, so that the concept of a Malaysian Malaysia can further be advanced in peace, and without conflict and bloodshed, then obviously that is an act of wisdom to accept that. At the moment the forces of irrationality preponderate in the Alliance Party; and I am glad that the question has been asked so that an answer can be given, and the people will judge where

sanity and good sense lies in this whole issue.

Sir, there may be some Alliance leaders who may think that, with Singapore out, they can go back to the halcyon days before Malaysia, when Malaya was ruled as an Alliance preserve. The battle for Malaysia, and the existence of Malaysia itself for two years, has brought about a radical transformation in the minds of our citizens here, and this situation, in the minds and the spirits and the hearts of the Malaysian people, is something which our friends in the Government Benches will discover cannot be scotched—and the most important transformation is the realisation that a Malaysian Malaysia is desirable, necessary and, as the Minister of Finance has pointed out, in the only part of his speech that I agree with, inevitable. The ejection of Singapore may cause temporary confusion, dismay, heartbreak, even tears; but to eject Singapore, Sir, is not to annihilate the concept and the principles which sustain the people of Singapore and all those in this country, who believe in the ultimate emergence of a Malaysian Malaysia, Sir, nor will the Honourable Member for Johor Tenggara succeed, who is glaring at me very intensely. (*Laughter*). They will not kill the logic and necessity, Sir, which compelled those who opposed the reunification of the two territories for well over a decade to accept merger. This logic cannot be defeated and the Alliance extremists have repudiated the logic of history and geography to preserve their own petty, transient, interest.

Dato' Syed Ja'afar bin Hasan Albar: Nampak-nya Ahli Yang Berhormat dukachita pemisahan Singapura. Tetapi pemisahan Singapura, mengikut kenyataan Perdana Menteri, akan menjadi sa-buah negara yang sovereign dan independent. Ada-kah dia mahu Singapura sovereign dan independent, atau tidak mahu, dia hendak jadi hamba atau siapa? Itu yang saya hendak tahu.

Enche' C. V. Devan Nair: Ahli dari Johor Tenggara, Tuan Speaker, saya

mahu beri tahu kapada dia, saya ucap sini sa-bagai sa-orang yang dipileh oleh ra'ayat Bungsar. (*Interruption*).

Sir, I would like to continue with this, that the Alliance Party's interests are not the permanent and true interests of the 11 million people of Malaysia. History will teach them that lesson, and I think one of the people who will learn, probably the least slowly, the lessons of history will be the Honourable Member for Johor Tenggara—but learn it he will. Sir, I believe he is vaguely aware of this. They are vaguely aware of the fact that, Sir, they do not represent the interests permanently of the 11 million people of Malaysia, and the ejection of Singapore by threats of violence and bloodshed and people running amok and so on, Sir, is but the first step to reverse the inevitable tide of history and, as I have indicated before, it is bound to fail. Sir, they cannot stop that. Other measures of intimidation must be taken now to halt the movement towards a non-communal Malaysian Malaysia. They must either quietly watch the movement for a Malaysian Malaysia grow, despite the ejection of Singapore or counter it by intimidation and repression. Singapore out, but intimidation and repercussion can be obviated in the case of Singapore, because they say, "All right, we are generous chaps; we don't want to intimidate you and repress you; we prefer to give you independence". However, they are going to find themselves, Sir, in a situation in which they will have to give independence to millions of people in this country on that same logic. Sir, I do not believe for one moment that the ejection of Singapore will bring peace and harmony to Malaysia. On the contrary, Sir, I foresee actual disaster for both Singapore and Malaysia which can benefit others in our country—the Communists, who can bring about a re-unification ultimately of a kind, which most of us, who believe in a free society, will definitely find hard to accept. I am convinced, Sir, that the majority of people in Singapore and

Malaysia will not long accept this division imposed this time not by British colonialism but by men, who have neither the foresight nor the breadth of vision to see what are the true and permanent interests of Malaysia, the real interests of Malaysia, and it should be the duty of those of us, Sir. . . .

Enche' Tan Toh Hong: The Honourable Member for Bungsar, to me, was describing his own party leader, Mr Lee Kuan Yew, who suggested and, in fact, initiated the re-arrangement of States—the partition of Malaysia. That was even confirmed by Radio Singapore itself.

Enche' C. V. Devan Nair: Mr Speaker, Sir, everytime Honourable Members of the Government Bench ask for a clarification, I am afraid they are asking for it. I am not to blame, Mr Speaker, Sir, if the Honourable Member believes the lies told him by his own T.V. They have these T.V. forums—forums, but they are actually Alliance symphonies: first speaker, Alliance; second speaker, Alliance; third speaker, Alliance; fourth speaker, Alliance; Chairman, Alliance. They have these forums on partition, partition, partition! I will let him have another copy of the speech made by the Prime Minister of Singapore, the famous Delta speech for his edification.

Enche' Tan Toh Hong: It is even announced by Radio Singapore itself, and foreign correspondents also receive statements from the Ministry of Culture in Singapore.

Enche' C. V. Devan Nair: Sir, I will not waste my time answering, Sir, it should be the duty of those of us, who see the folly of what the Alliance leaders have done, to work for the bringing together ultimately of the two territories—Singapore, Malaya. Sir, the terrible consequences of what the short-sighted Alliance leaders have done will become apparent in future months and we must rally together; and I make this appeal to Members of all sides of this House to rally together the forces of sanity and reason.

Sir, there will be questions about my position in Parliament, but the legal position is that Singapore has become independent, but Enche' Devan Nair has not become independent of this Parliament, nor of the constituents who returned me; and I will give intimation, Sir, to Members on the Government Bench that even though I am the only voice here which stands up for the ideals and principles of a Malaysian Malaysia, I will never be intimidated: I can give this assurance in all seriousness, Sir—that I am not a quitter and I do not believe in quitting from our principles. The only way Sir, in which Alliance leaders may prevent me from coming to this Parliament is by persuading the Honourable the Minister for Home Affairs to lock me up. Sir, I have spent five years in British prisons, and I think I am quite prepared to spend another few years to catch up on my reading of literature. Thank you.

Enche' Mohamed Asri bin Haji Muda (Pasir Puteh): Tuan Yang di-Pertua, maka berakhir-lah mimpi bahagia yang berpanjangan sa-lama dua tahun yang lalu yang sangat berlainan dengan alam kenyataan yang telah di-kejut oleh pukulan² yang kuat dan akhir-nya jatuh berkechai. Ini ada-lah satu cerita di-antara beberapa cerita kesah perkahwinan yang berakhir dengan kedukachitaan. Waktu perkahwinan akan di-mulakan, sa-bahagian besar daripada kaum keluarga telah menyatakan tidak ber-setuju-nya atas niat² perkahwinan itu, di-sebabkan memandangkan tidak kufu, tidak ada persesuaian dasar, tidak ada persefahaman yang mungkin akan dapat menimbulkan keadaan² dan problem² yang boleh menghanchor-leborkan rumah-tangga yang di-chita² sa-bagai rumah-tangga yang bahagia dan ma'amor. Akan tetapi entah oleh kerana hati hendak berkahwin juga, atau oleh kerana pujokan² dan rayuan², maka perkahwinan itu diteruskan-lah. Seluruh kaum keluarga, sa-telah berkahwin, maka mereka sentiasa mengharapkan agar perkahwinan itu akan dapat bahagia sa-lama²-nya. Akan tetapi saperti yang pernah telah di-duga bahawa perkahwinan itu

akan menempoh berbagai² problem, berbagai² kerumitan dan akhir-nya pada hari ini akan di-luluskan-lah surat cherai itu, dan perkahwinan itu hanchor.

Sa-bagai salah satu daripada keluarga² yang tidak menyetujui dari mula-nya perkahwinan itu, maka saya bagi pehak parti saya, pada hari ini menyatakan bahawa langkah ini adalah tepat, dan sangat baik. Memang, Tuan Yang di-Pertua, sa-belum wujud-nya Malaysia kita telah mengikuti perkembangan² tentang chita² hendak berchantum antara Tanah Melayu dengan Singapura ini. Pernah kita mengikuti ucapan Yang Teramat Mulia Tengku Perdana Menteri pada masa yang lalu lama dahulu, beliau tidak bersetuju yang Persekutuan Tanah Melayu ini hendak berchantum dengan Singapura, dengan kerana keadaan kedudukan politik di-Singapura dan berbagai² hal lagi, tidak akan dapat menolong lagi mewujudkan satu keadaan yang harmoni, satu negara yang bersesuai dan bersimbang di-atas asas² peratoran politik pada ka-seluruhan-nya. Kedudukan gerakan kominis di-Singapura, bagi Tengku, merupakan satu hal yang sangat membimbangkan, dan boleh jadi akan merosakkan kedudukan di-Persekutuan Tanah Melayu sendiri. Akan tetapi kemudian daripada itu bila chita² hendak mewujudkan Malaysia telah bertambah dekat, yang Teramat Mulia Tengku Perdana Menteri kemudian-nya memberikan kata² yang berlawanan sa-kali dengan kata² yang terdahulu, ia-itu-lah dengan menyatakan tujuan supaya Persekutuan Tanah Melayu ini berchantum dengan Singapura.

Persatuan Islam Tanah Melayu atau Parti PAS, Tuan Yang di-Pertua, waktu persoalan Malaysia ini di-kemukakan sa-bagai satu gagasan oleh pehak Tengku Perdana Menteri dan Kerajaan Perikatan, kita telah mengkaji kedudukan ini dengan halus, dengan chermat supaya dapat-lah kita mengambil satu sikap, sikap yang sa-benar-nya mencherminkan keadaan² yang sa-benar-nya ada bagi Persekutuan Tanah Melayu, dan keadaan² yang sa-benar-nya yang boleh men-

jamin muslihat Persekutuan Tanah Melayu sendiri. Sa-sudah kita mengkaji segala peratoran itu dengan bagitu chermat dan hati², maka pehak PAS dapat mengambil satu kesimpulan bahawa Malaysia saperti mana yang di-chadangkan tentang satu gagasan oleh Yang Teramat Mulia Tengku itu pada hakikat-nya tidak dapat menjamin bagi melahirkan chita² bahagia, chita² aman dan ma'amor, chita² yang sa-benar-nya di-kehendaki oleh seluroh ra'ayat Persekutuan Tanah Melayu, dan yang paling utama-nya bagi bumiputra di-Persekutuan Tanah Melayu ini sendiri. Dan berdasarkan kepada hal² yang demikian, apa lagi berdasarkan kepada kedudukan dengan keadaan Singapura itu sendiri, maka Parti saya telah mengambil satu sikap menentang gagasan Malaysia. Ini semua telah di-ketahui oleh orang dengan jelas, ini semua telah di-ketahui oleh sa-genap pehak bahawa PAS menentang Malaysia.

Akan tetapi, saperti kata saya dalam mukaddimah tadi, apabila perkahwinan itu telah berlangsung, surat perkahwinan telah di-keluarkan oleh Kadhi, maka sa-bagai anak buah dalam satu keluarga kita menghormati perkahwinan itu dan kita hidup-lah juga dalam keluarga itu dalam keadaan yang baik sambil mendo'akan mudah²an kehidupan keluarga baharu itu akan bahagia-lah sa-terus-nya. Demikian-lah dengan sikap PAS bila Malaysia telah wujud, kita hidup dalam sa-buah negara Malaysia, kita mesti bertahan dan mempertahankan Malaysia, kita berfikir sa-chara ra'ayat Malaysia dan kita berpolitik dalam lingkungan negara yang di-katakan Malaysia.

Saya maseh teringat, Tuan Yang di-Pertua, ucapan yang telah di-beri oleh Allah Yarham Enche' Zulkiflee Muhammad dalam Dewan ini sa-bagai ahli daripada Bachok pada masa yang lalu, waktu membahathkan perkara perchantuman dengan Singapura ini pada khusus-nya. Oleh Allah Yarham itu telah di-nyatakan dengan tegas bahawa akan timbul-nya bahaya² yang boleh mengancham keselamatan negara dan bahaya² yang boleh menyentoh

ketenteraman politik di-dalam Persekutuan Tanah Melayu ini jika sa-kira-nya perchantuman itu di-lakukan dengan sa-chara demikian. Oleh beliau telah di-nyatakan kalau-lah Pulau Singapura itu di-sifatkan sa-bagai satu pusat perkembangan gerakan kominis di-Asia Tenggara ini, maka ta' ada-lah lojik-nya pusat perkembangan kominis itu akan di-masokkan dan di-chantumkan ka-dalam satu kumpulan negara yang mengamalkan dasar demokrasi dan menentang ajaran² serta fahaman apa lagi aktiviti gerakan kominis itu. Kalau sa-kira-nya Singapura itu di-sifatkan sa-bagai sarang tebuhan, maka dengan jalan hendak menyelamatkan keadaan tempat yang ada sarang tebuhan itu, maka di-masokkan sarang tebuhan itu sa-kelambu dengan kita, maka akibat-nya tebuhan² yang ada dalam sarang itu akan keluar dan akan menyebabkan ia bermaharaja lela ka-sana ka-mari menggigit orang² yang tinggal sa-kelambu dengan-nya itu sendiri. Dan, Tuan Yang di-Pertua, bila saya mengkaji dengan teliti-nya ucapan Allah Yarham Enche' Zulkiflee tentang perchantuman dengan Singapura ini, maka terbokti-lah bagaimana benar-nya pandangan yang diberi oleh beliau, erti-nya, pandangan yang di-berikan oleh pehak PAS tentang soal bahaya² yang akan timbul dari keadaan dan tujuan perchantuman dengan Singapura dalam Malaysia.

Hari ini kita telah mendengar kenyataan yang panjang lebar daripada yang Teramat Mulia Tengku tentang factor atau kenyataan² yang wujud dalam negara kita ini yang mana menyebabkan pehak Kerajaan merasa perlu mengambil satu tindakan, ia-itu-lah satu tindakan yang berat, satu tindakan yang sa-lama ini memang di-harapkan oleh pehak kami sendiri, ia-itu-lah tindakan memutusan hubungan dengan Singapura dan memberi Singapura taraf kemerdekaan bagi negeri itu sendiri. Erti-nya mengasingkan Singapura daripada Malaysia.

Tuan Yang di-Pertua, kita semua telah tahu bahawa perkara² besar yang di-timbulkan oleh pemimpin² dari Singapura pada waktu² dahulu dan waktu² yang terakhir ini ia-lah pada pokok-nya, pada pandangan saya, tidak-

lah menyentoh benar² perkara dasar. Tidak-lah menyentoh benar² perkara yang mengenai soal ideology, tetapi pada pandangan saya ia-lah memperbaharui, atau pun memberi warna baharu kepada bentuk yang telah ada supaya dengan demikian dapat menarek perhatian ramai atas warna baharu-nya dan dapat menarek sokongan² ramai dalam soal activity politik. Sa-bagai mithal-nya, dapat saya berikan ia-lah tentang asas² pemikiran berhubung dengan Malaysian Malaysia yang di-kemukakan oleh pehak Perdana Menteri Singapura, Enche' Lee Kuan Yew, yang pada pandangan sa-tengah² orang, asas atau ideal tentang Malaysian Malaysia ini adalah satu perkara baharu, tetapi saperti kata saya tadi, sa-benar-nya ia-lah warna baharu dari satu benda yang sudah berbentuk dan sudah wujud dalam negara kita ini. Memberi warna baharu dan nafas baharu kepada satu jisim yang telah ada dan telah bergerak dalam negeri ini, atau pun dengan kalimah yang lebeh terang dan lebeh jelas lagi bahawa Enche' Lee Kuan Yew, Perdana Menteri Singapura, memberikan warna baharu kepada asas² perjuangan yang memang telah di-perjuangkan oleh pehak Parti Perikatan dan Kerajaan Perikatan pada masa sekarang ini. Ini tidak dapat di-napikan dan memang bukan sahaja tidak dapat di-napikan, malah telah di-terangkan dengan jelas oleh pehak pemimpin Perikatan sendiri, baik oleh Timbalan Perdana Menteri atau para Menteri yang lain, termasuklah Menteri Penerangan dan Penyiaran tentang hakikat bahawa Malaysian Malaysia yang di-kehendaki oleh Lee Kuan Yew itu memang telah di-perjuangkan oleh pehak Perikatan dan Kerajaan Perikatan sendiri.

Jadi, yang berbeza-nya, Tuan Yang di-Pertua, bukan-lah benda, tetapi warna, barangkali warna yang di-kemukakan oleh saudara Lee Kuan Yew lebeh mentering, lebeh berkilat dan memancar, boleh jadi chat yang di-gunakan oleh Lee Kuan Yew yang di-pupok dan di-sapu kepada Malaysian Malaysia itu ia-lah chat yang di-gunakan oleh Jabatan Kerja Raya yang di-sapu kepada kepala² jambatan,

ya'ani chat bila kena chahaya malam, maka dia bersinar mengeluarkan chahaya yang terang. Itu-lah sahaja perbezaan-nya, Tuan Yang di-Pertua. Jadi, bagi saya dan parti saya tidak-lah hendak champor dalam perkara soal Malaysian Malaysia yang di-kemukakan oleh Lee Kuan Yew dan yang di-gadoh²kan, di-heboh²kan oleh kedua² pehak ini, sebab pada pandangan saya dan perhatian saya, sama ada Malaysian Malaysia yang di-kehendaki oleh Lee Kuan Yew, atau pun Malaysian Perikatan yang di-kehendaki oleh Perikatan dan di-amalkan oleh Kerajaan Perikatan sekarang ini, tidak sesuai dan berlawanan dengan asas² perjuangan dan asas² chita² yang di-kehendaki oleh Parti Islam—PAS, atau yang di-kehendaki benar² oleh semangat yang ada terkandung di-dalam hati sanubari bumiputra dalam negeri ini sendiri.

Dan, Tuan Yang di-Pertua, kalau kita kaji dengan halus bahawa kesemua-nya karinah² yang timbul pada masa² yang akhir ini, baik timbul yang merupakan sa-bagai Malaysian Malaysia, atau timbul sa-bagai rupa apa sahaja pun, ada-lah akibat dari dasar yang di-lakukan oleh Kerajaan Perikatan sekarang ini, atau dari dasar yang di-lakukan oleh asas², atau concept yang di-pegang oleh fahaman Parti Perikatan, ia-itu Kerajaan Perikatan. Tidak akan timbul soal Malaysian Malaysia, tidak akan timbul soal serangan² yang begitu lantang dan kurang sopan terhadap hak² istimewa, atau kedudukan istimewa orang² Melayu, atau terhadap agama Islam—tidak akan timbul semua-nya ini, jikalau sa-kira-nya soal dasar di-pertimbangkan dan di-tating dengan teliti-nya sa-waktu pada mula-nya hendak mewujudkan asas² yang penting bagi negara kita pada waktu kita hendak merdeka dan pada waktu kita hendak mewujudkan Malaysia pada akhir-nya. Ini ia-lah kesilapan² asasi yang di-lakukan oleh pehak Kerajaan Perikatan, atau Parti Perikatan dan khusus-nya oleh pehak UMNO sendiri, kesilapan² yang pokok-nya di-lakukan oleh UMNO sendiri.

Saya perchaya sa-bagai orang Melayu, atau bumiputra, perasaan

hendak mempertahankan sa-suatu bagi maksud menjaga muslihat bumiputra, Melayu, memang ada di-kalangan UMNO, bukan-lah hanya sifat itu milek PAS, atau milek orang lain daripada orang UMNO tetapi milek bersama, akan tetapi dalam chara pelaksanaan dan dalam chara sepak terajang, putar belit politik yang berlaku dalam negeri kita semenjak lepas perang ini, mungkin menyebabkan kedudukan orang² UMNO dalam Perikatan itu menghadapi keadaan serba salah di-antara menimbangkan asas² tujuan untuk kemenangan pilehan raya, asas² tujuan untuk bersatu-padu dengan asas² tujuan untuk menjaga hak kedudukan bumiputra negeri ini, sama ada dari sudut ekonomi apa lagi dari sudut politik. Biar-lah perkara yang telah lalu itu sudah-lah berlalu dan sekarang kita menghadapi satu *fait accompli*, atau keadaan yang boleh saya sifatkan sa-bagai keadaan buntu yang menyelubongi seluroh suasana politik tanah ayer kita pada masa sekarang ini.

Mungkin akan timbul tuduhan daripada pehak lain terhadap diri saya dan parti saya sa-bagai perkauman, seperti mana juga boleh orang mengatakannya terhadap Lee Kuan Yew yang di-sifatkan perkauman, mengatakan sa-demikian terhadap PAS yang di-sifatkan perkauman. Kita tidak seperti itu, mungkin akan di-adakan chakap² seperti demikian. Tuan Yang di-Pertua, saya rasa terlalu jauh-nya dan amat berlainan antara sikap dan rangka yang di-lakukan oleh pehak Lee Kuan Yew dengan pehak kami di-sini. Sebab kita sa-lama²-nya memandang bahawa kita bumiputra, dan negeri ini negeri kita, kita tidak-lah berfikir dan berchadang sa-bagai satu perkauman, tetapi kebangsaan sa-bagai teras dalam negeri ini kita sa-bagai tuan rumah yang murah hati yang telah memberikan hak² yang ada pada-nya kepada orang yang datang ka-rumah-nya. Dan kalau sa-kira-nya kedudukan tuan rumah terancham dan timbul-lah pembelaan supaya jangan-lah, dengan jalan hak² yang di-berikan kepada orang yang mendatang itu, hak yang lebeh. Maka jangan-lah dengan kerana hak yang lebeh itu menyebabkan hak

tuan rumah-nya langsung hilang. Maka memperjuangkan supaya hak tuan rumah itu tidak hilang, tidak-lah disifatkan sa-bagai perjuangan perkauman. Itu sa-bagai perjuangan ke'adilan. Perjuangan yang menguntokkan asas² ke'adilan supaya kedudukan tuan rumah itu dapat terjamin didalam sa-buah rumah yang sudah berkongsi dengan orang lain, jadi berlainan. Jadi itu-lah kata saya berlainan. Kedudukan antara yang diperjuangkan bagi hak bumiputra dengan perjuangan bagi menentang dan menghancurkan hak bumiputra, Tuan Yang di-Pertua, di-dalam soal kita, kedudukan kita hendak mempertahankan hak dan kedudukan bumiputra dalam negeri ini jangan-lah ada pula kalangan orang yang tidak waras menyangka bahawa kedudukan parti saya ini akan melebor dan menghancurkan orang² yang bukan bumiputra dan akan menghantar balek ka-negeri mereka masing² seperti tuduhan yang pernah di-buat oleh Lee Kuan Yew terhadap Kerajaan Perikatan. Tidak begitu-lah kedudukan-nya, Tuan Yang di-Pertua, di-dalam mempertahankan hak kita, kedudukan bahagian hak orang kita akan di-hancurkan dan di-leborkan. Sama sahaja asas-nya dengan kehendak² yang di-perjuangkan mengikut chara demokrasi sekarang. Tetapi itu-lah kata saya pehak Perikatan telah berjalan begitu jauh, telah mengembara terlalu jauh di-tengah² Padang Pasir Sahara sekarang ini telah menemui jalan buntu. Ka-kiri atau ka-kanan, ka-hadapan atau ka-mana, yang akan di-tuju matlamat lain-nya seperti itu.

Tuan Yang di-Pertua, saya balek sa-mula kepada soalan perpisahan kita pada hari ini dengan Singapura. Kita tahu bahawa timbul-nya konfrantasi dari Indonesia terhadap Malaysia ini kerana kita telah melahirkan atau mewujudkan Malaysia. Kerana Malaysia-lah konfrantasi daripada negara jiran kita itu di-lakukan terhadap kita. Mungkin dengan perpechahan antara kita dengan Singapura, keadaan sikap Indonesia terhadap kita mungkin berubah. Tetapi Malaysia yang sekarang ini dengan Malaysia yang pagi tadi ada-lah berlainan.

Malaysia yang akan wujud beberapa minit sa-lepas daripada ini, sa-sudah Bill ini di-luluskan, ada-lah Malaysia terputus pusat, Malaysia yang tidak ber-Singapura. Ada pun Malaysia yang sekarang ini dan kebelakangan, ada-lah Malaysia yang ada-nya Singapura. Itu-lah berlainan pandangan.

Mr Speaker: Saya suka mengingatkan Ahli² Yang Berhormat Bill itu belum pass lagi baharu di-binchangkan sahaja.

Enche' Mohamed Asri: Malaysia sa-lepas lulus Bill ini.

Tuan Speaker: Jadi kalau hendak rengkaskan sedikit ucapan itu sila-lah.

Enche' Mohamed Asri: Tuan Yang di-Pertua, kita harap-lah satu sikap baharu dari pehak Kerajaan Indonesia sendiri terhadap negara kita ini sa-sudah keluar-nya Pulau Singapura daripada Malaysia ini nanti. Dan kita harap sikap baharu itu, sikap baharu-nya terhadap kita, tidak ada lagi hasrat keganyangan atau mengganyang Malaysia. Tetapi mudah²an berubah sedikit kepada hasrat hendak menchari jalan damai antara kita berdua sa-bagai negeri berjiran dan sa-bagai negara yang berasal daripada rumpun bangsa yang satu. Sebab memang-lah menjadi chita² kita bahawa keamanan dunia sa-belah sini ada-lah satu daripada asas bagi menchapai kebahagiaan hidup dunia pada seluroh-nya. Di-samping itu Kerajaan sekarang memikirkan hal² dalam negeri termasuk-lah hal keserabutan dalam menghadapi soal Singapura dan kemudian menchari jalan perundingan dengan mengadakan operation seperti sekarang ini. Operasi mengadakan pembelahan dan membuang daging yang burok yang ada pada badan itu. Bagi menyelamatkan badan yang lain pada keselurohan-nya maka perlu-lah di-hidupkan kembali asas yang boleh membawa kepada perjumpaan kembali Kepala² Negara antara kita dengan Indonesia dan Filipina bagi memikirkan kembali wujud-nya satu asas Maphilindo yang telah di-terima pada pokok-nya oleh ketiga² buah negara ini. Dan dengan demikian konfrantasi terhadap Malaysia ini akan dapat terjamin.

Pada akhir-nya, Tuan Yang di-Pertua, saya sentoh sedikit tentang soal yang terkandung dalam ucapan Yang Teramat Mulia Tengku Perdana Menteri baharu sa-bentar tadi tentang soal perhubungan perdagangan dan ekonomi antara Persekutuan Tanah Melayu ini dengan Singapura. Sa-sudah putus-nya perhubungan nanti, sa-sudah Singapura menjadi sa-buah negeri yang merdeka dan berdaulat dan perhubungan antara kita dengan Singapura akan terpaksa memakai pass sa-kurang²-nya sa-bagai lalu lintas, kalau tidak pun sa-bagai visa, dan Kerajaan menyediakan kawasan di-Johor bagi menerima orang² yang terasa diri-nya tidak aman dudok di-Singapura, sa-bagi orang² pelarian yang akan dilayan dengan chukup memuaskan nanti, sa-hingga akan di-adakan satu undang² immigration antara Singapura dengan Tanah Melayu, peratoran² layanan antara Persekutuan Malaysia kita, Tanah Melayu ini, dengan Singapura ia-lah layanan saperti-lah layanan atau perhubungan antara sa-buah negara lain dengan negara yang lain, kechuali dalam satu perkara ia-itu soal pertahanan.

Kalau bagini-lah kedudukan-nya, Tuan Yang di-Pertua, saya nampak tidak ada sebab mengapa pelabohan² kita yang telah kita buat dengan belanja yang berpuluh² million, saperti pelabohan besar dekat Klang itu atau pelabohan Pulau Pinang, pelabohan Port Weld di-Perak, pelabohan di-Pantai Timor, tidak ada sebab kenapa pelabohan kita ini tidak dapat di-jadikan sa-bagai tapak pengeluaran atau kemasokan barang², bahkan pusat peredaran barang², tapak untuk mengeluarkan barang² atau menghantar ka-luar negeri. Barang daripada negeri itu di-masokkan. Erti-nya sa-bagai pusat perdagangan. Atau dengan kalimah lebih tegas ia-itu putus-nya perhubungan itu, putus perhubungan yang lain. Kalau dahulu Pulau Singapura merupakan satu bandar pelabohan yang besar dengan pelabohan-nya yang besar, di-masokkan barang² ka-dalam negeri melalui Singapura dan hingga menyebabkan Singapura hidup ma'amor satu masa dahulu, sekarang ini kalau kita sudah putus dan Singa-

pura jadi negeri yang merdeka, kita jadi negeri yang merdeka, kita boleh bertindak sa-bagai negara merdeka. Kita tidak akan menggunakan Pelabohan Singapura itu. Kita buka dan adakan pelabohan di-Pantai Timor, ada pelabohan Tumpat, Kelantan pun ada pelabohan. Dan Menteri Yang Berhormat sendiri pun nampak telah menganjorkan dalam soal pelabohan. Tidak ada fasal yang negeri kita hendak menggunakan Pelabohan Singapura itu sa-bagai tempat untuk mengimpot dan mengeksport barang² ka-dalam negeri kita atau ka-luar negeri. Bukan-lah chakap ini sa-bagai satu chakap yang berniat jahat untuk mematikan perdagangan Pulau Singapura, takkan-lah Pulau Singapura akan mati oleh sebab barang² yang datang ka-Tanah Melayu ini tidak lagi melalui Singapura, sebab Singapura ada kawasan perusahaan yang besar, Singapura ada lagi chara² yang lain, barang²-nya boleh di-keluarkan, boleh di-masokkan, barang² dia boleh hantar ka-Tanah Melayu kalau kita hendak beli, dan banyak chara² yang lain lagi.

Jadi, saya harap hal ini patut di-timbangkan sa-mula oleh Kerajaan Pusat kalau benar² kita hendak menjaga dan menjamin akan dasar dan sikap yang dapat memberikan sa-benar² kebahagiaan kepada negeri kita pada masa sekarang dan pada masa akan datang.

Akhir-nya, Tuan Yang di-Pertua, saya suka-lah menyatakan bahawa pehak Parti PAS ini bersetuju dan menyokong Rang Undang² ini (*Tepok*).

Enche' D. R. Seenivasagam (Ipoh):
Mr Speaker, Sir, this move to put out Singapore did not come as a shock to me, because at the very commencement of the concept of Malaysia, as put forward by the Honourable the Prime Minister two years ago, we in the Opposition did warn that the concept of Malaysia, as posed by the Honourable the Prime Minister, would not work, because in the case of Singapore the people of that territory had a government, which was practising non-communal politics and that the Central Government was practising communal

politics; and we warned at that time that the position of Singapore and the Borneo territories would deteriorate, that there would be no happy Malaysia, but that the Malaysia conceived and brought into being would bring tragedy and almost war to the whole nation. It is of interest, perhaps, to the back-benchers to note that where they laughed then, today they stand, perhaps, in fear that those words have come true almost like time-table precision. One wonders whether the next step in the history of Malaysia, which is not standing up, would be the granting of independence to the Borneo and Sarawak territories; whether after the granting of independence to those territories, the Central Government in keeping with the wishes of the extremists in their organisation will not want to make peace and friendship with Indonesia to further communal politics in this part of the world. There are indications from statements made by extremists within the Alliance organisation that those are, perhaps, the plans of the extremists within Government party. It is to be hoped, of course, that those fears will not materialise for the benefit of our people.

Mr Speaker, Sir, so far as Singapore has been concerned, the Honourable the Prime Minister said that there was no alternative except two: (1) the present step which has been taken; or (2) to take repressive measures against the leaders of Singapore, because as alleged they were taking communal politics to the forefront. There was, of course, an obvious alternative and an obvious solution to the problem which faces Singapore and its citizens and, in fact, Malaysia. The obvious solution was for this Government to change the attitude from a communal outlook in politics and administration to a Malaysian outlook in its administration and policies. It is a pity and a tragedy that despite the persuasion tried by the Solidarity Convention to get this Government to change its communal approach, this Government consistently refused to do so, thereby leading to a crisis with one of the constituent States of Malaysia.

Mr Speaker, Sir, it is well known that the Central Government was considering repressive measures against leaders of Singapore, that they were considering arrests of leaders of Singapore, including the Prime Minister of Singapore. But it is also equally known why those measures were not put into operation. It is not because this Government was a kindly Government, not because this Government believes so much in democracy, but it did not dare to put it into operation, because any repressive measures against leaders not only of Singapore but of any part of Malaysia, who are fighting for equality, justice and democracy in this country, would have met with a popular uprising against the Government; and it is the fear of a popular uprising that stopped this Government from using those repressive measures on the leaders of Singapore—not as had been tried to be made out today its kindness and its belief in democracy, because that is bunkum. There is no belief in democracy by the Central Government of this country.

Now, it is clear Mr Speaker, Sir, that the entry of leaders of Singapore, if I may go back to pre-Malaysia days, into Malayan politics has struck terror into the hearts of those who thought they can rule for ever by a communal approach to the emotions of the ra'ayats in the kampongs of this country. The entry of the P.A.P. into Malayan politics proved one thing—that the ra'ayats of this country would be more interested in an economic programme for their benefit. It proved one thing that the non-Malays of this country were becoming more and more solidified, more and more united, gaining more and more inspiration, that with the entry of Singapore into Malaysia there was hope for the future of an equal society in a Malaysian nation. It is those things that struck fear and terror into the Alliance Party and its leaders, to such an extent that they were prepared to throw away all principles of democratic freedom so far as political parties were concerned. Examples are many, and I will give a few of them and then say that the 9th of

August—that is today—will be considered by every Singaporean as a day of liberation for Singapore from possible oppression and suppression by a Malay principled, Malaya outlook Central Government, and for that I think the people of Singapore will thank God that they have been liberated from that possible fate.

Mr Speaker, Sir, it is a principle of democracy that political parties should be allowed to propagate. It is a principle of democratic administration in Malaya—and we have been told so by the Government side—that where applications are made by political parties to hold public rallies, the O.C.P.D. in charge of the district, or the C.P.O. in charge of the State, should decide whether such a meeting is in a proper place and at a proper time for proper control security reasons and otherwise, by the police.

I am bringing to this House an example, which is so clear and so glaring, to show that such democratic practice does not exist in Malaya. In Ipoh, my Party applied for a public rally. It was recommended strongly by the O.C.P.D., and further recommended by the C.P.O. of the State, as being a suitable locality, enclosed, and suitable for the purpose for which the permit was asked for—a public rally by a political party. Yet with those recommendations, when it came to Kuala Lumpur, it was banged down—“This permit is not to be approved”. Is that the way O.C.P.Ds are trusted by this Government? Is that the way C.P.Os are trusted by the Government? Are they not allowed even to decide on small issues of issuing a licence, and is that the democracy which we are so often pumped with in this House? Permits have been asked to hold fun fairs by political parties to raise funds for political parties. The reply comes that according to directives from Headquarters only permits will be issued for collection for charitable purposes. Not by political parties. Why? Is that democracy? UMNO does it. UMNO has done it in the past. Why is it today that a directive goes out, when opposition is solidifying in this country, when opposition is becoming

meaningful to the people of this country? Why is such operation being carried out?

It has also been said that this situation with Singapore arose because the leaders of Singapore have raised communal issues. Mr Speaker, Sir, it is common knowledge whilst not admitting for one moment that communal issues were raised by leaders of Singapore, I say that in politics as in any multi-racial nation, there are issues which are of a communal nature and those issues have been raised in Malaya itself before Malaysia by political parties such as ours and indeed by the Honourable Minister of Finance himself in 1956. Today I mention it, because I am not committing any breach of confidence, or any secrecy, because it has been published in newspapers, it has been referred to all over, where the Honourable Minister of Finance wrote a letter to now the Honourable Member for Tanjong in 1956. The date is very important and very significant—before Merdeka. Here, I say that this letter is an indication of how communal the UMNO could be, how fearful the Honourable Minister of Finance was of Malay privileges in this country being increased from day to day and how dangerous it was for the non-Malays of this country. They are abstract statements, and the explanation which the Honourable Minister of Finance gave in one newspaper is no explanation, as you will see now. I am not quoting that letter word for word, but I shall do so later on, if necessary. However, this is a substance of it, and there can be no mistaking the substance of it.

Speaking of the privileges of the Malays before independence—1956—the Honourable Minister of Finance said this:

“The Malays are not satisfied with the plums they now have”—that is the best of everything—“in the services, etc. They are now trying to get into the field of commerce and industry.”

Then he goes on to say words to this effect:

“This will lead the non-Malays to a position of carriers of water and hewers of wood”—In other words, carry water and cut

wood; that will become the position of the non-Malays in this country.

That was in 1956, remember, Members of this House. Mr Speaker, Sir, what privileges did the Malay brethren have by constitutional right in 1956? Nothing, compared to what they have now. Then I ask

Enche' Tan Siew Sin: Mr Speaker, Sir, may I explain? I think there is a vast difference between 1956 and today. If the Honourable Member who, after all, is a lawyer, will take care to refresh his memory, he will find that in 1956 we were operating basically under the 1948 Federation of Malaya Agreement, under which the special position of the Malays, as I said elsewhere, could mean everything, could mean nothing. On the contrary, in 1957 the position was vastly different, because then the special position of the Malays was precisely defined, and it is now embodied in Article 153 of the Constitution. I think I have, in my speech to the University of Singapore Students' Union, explained the position then and the position today. I hope the Honourable Member will desist from distorting what I said then and what I said now.

Enche' D. R. Seenivasagam: Mr Speaker, Sir, I am distorting nothing. That is in black and white, and the position is this: in 1956, I say this, that as far as our Malay brethren, Malay *ra'ayat*, were concerned, in commerce and industry, they were not as up as they are today. That is one fact, which must be accepted, no matter what the Constitution of 1956 said or whatever this Constitution says. The Honourable Minister of Finance gave this warning to the non-Malays. He said:

"The Malays now want to come into commerce and industry. If they come in, we non-Malays will become water carriers and wood cutters."

In so many words, that is what the Minister of Finance said. Mr Speaker, Sir, that is, of course, communal politics. Perhaps, at that time, the Honourable Minister of Finance was honest enough to say that the danger to non-Malays was inequality, special

privileges. He realised the danger then. Now, I say this: if the Honourable Minister of Finance thought in 1956, when the Malays had not yet come into commerce and industry, they were having the plums in this country, the best things in this country, what is his opinion now, when they are already in commerce and industry? Would he then say that the non-Malays are reduced to wood cutters and water carriers in this country? If so, what is the Honourable Minister of Finance going to do about it?

Dato' Dr Haji Megat Khas (Kuala Kangsar): Tuan Yang di-Pertua, saya hairan, ia-itu Ahli Yang Berhormat dari Ipoh mengatakan, "Orang Melayu ada-lah di-dalam Commerce dan Industry pada hari ini." Saya sa-bagai orang Melayu, saya ta' tahu perkara ini ada di-dalam tangan orang Melayu: tunjukkan satu per satu mana dia?

Enche' D. R. Seenivasagam: Mr Speaker, Sir, I will have my opportunity again to speak on that important letter written in 1956, but for the moment I think that is enough to show—not for any other purpose, except to show this—that communal issues were raised in this country long before the P.A.P. entered politics in Malaya, because they are issues which have to be spoken about logically and solved. Therefore, Mr Speaker, Sir, to tell Singapore that she has raised communal issues, that there is a threat and therefore the best course is to leave Malaysia is, I say, a betrayal of all those who believe in Malaysia and all the pledges given by the Alliance to uphold Malaysia. You are now doing exactly what the exponents of "Crush Malaysia" have been advocating—the disintegration of Malaysia itself.

Now, Mr Speaker, Sir, it is a matter of very great interest to note this. What are the motives? Why is it that the Alliance is so quick now to say, "All right. We do not want Singapore here."? The answer is very simple, very simple to anybody who can analyse the Alliance's method of dealing in the past. They have found that they cannot contain Singapore. They realised

that they cannot rule by force in Singapore. They realised that the spread of the Singapore theories of equality, of multi-lingualism, of an education system acceptable to a multi-racial nation, are slowly but surely gaining momentum in the Federation. They find that the leadership of Singapore, plus the leadership of the Opposition in the Federation, are too powerful for them to contain by democratic process. Therefore, what they cannot do by force—but they know it will be disastrous to do it by force—they say, “All right, you get out.” What is the next move of the Government? The next move is an attempt to suppress in pre-Malaya the right to political activities, the right to demand equality, the right to demand recognition of languages in this country. I say that these are matters of great concern to us, and these are the basic reasons for the introduction of this Bill on a certificate of emergency. By what right, by what authority, in the name of democracy, does the Honourable Minister of Home Affairs, call Chinese representatives, who are going to hold a mass rally, and warn them that if there is trouble they are going to be responsible for it? What logic is that? What democracy is that? Before the trouble starts off, you say, “The trouble is yours if it starts.” Surely the man who is to be punished is the man who starts the trouble. What will you do if the UMNO extremists start the trouble? Are you still going to punish the Chinese teachers who hold the mass rally? Those are the fears which impelled this Government to take this move to expel Singapore.

Now, I would only conclude by saying that the theory of a Malaysian Malaysia is something which has gained root in Malaya proper itself now, that the destruction, or the removal of people like Mr Lee Kuan Yew, Dr Toh Chin Chye and others, perhaps, on the political scene of Malaya proper, is not going to stop this crusade for an equal society in Malaysia itself. I can only do this and say this, that I appeal to this Government not to try to suppress political activity in our country, because it is quite clear that the O.C.P.Ds are not

being allowed to make decisions of their own, that even the C.P.Os are not being allowed to make decisions of their own in respect of applications for public meetings by political parties. Even where they are recommended, people, who know nothing about it, say, “Turn down this and turn down that”.

Singapore should be glad to be free from the Central Government, because Singapore is not only getting free, but it is getting free from oppression and suppression by the Central Government. We in Malaya proper opposed Malaysia. We still say that the manner in which it was brought in was wrong, but once Malaysia was formed, we were prepared to protect Malaysia and to see that it progressed properly. That stage, however, did not come. We in Malaya, who are, if I may say so, carrying on a struggle for an equal status with others in this country, regret that we will not have perhaps the actual support of Singapore leaders in this struggle, but I assure this Government that that struggle will go on, if not, only during our life-time, it will go on during the life-time of other generations until it is achieved in Malaya and Malaysia itself.

Dr Lim Chong Eu (Tanjong): Mr Speaker, Sir, I would like to begin by quoting the opening words of the Honourable the Prime Minister, when he introduced his Motion: namely, that he said that his announcement would create surprise and shock, and that it was painful and heart-breaking news and very unpleasant for him to have to make this announcement of the separation of Singapore, or the severance of Singapore from the rest of Malaysia. Sir, I do not intend to go into many of the arguments that have been brought up by the Honourable Member for Ipoh and the Honourable Member for Bungsar, many of whose points I concur with. However, Sir, I feel that it is extremely important for us to understand that the surprise that has arisen through this sudden announcement is due to the fact that until only the 5th of this month, when the Honourable the Prime Minister returned from his convalescence abroad, he

assured the people of this nation that after he had had a short rest, and after he had had consultations with the other Members of his Cabinet, he would then talk with the Prime Minister of Singapore and try to resolve the difficulties that apparently prevailed between the State Government of Singapore and the Central Government.

The people of this nation, too, must have been rather taken aback, for just prior to the Malaysian Alliance Conference, where the Honourable the Prime Minister was appointed the first President, the Honourable the Minister of Education in one of his political speeches had made reference to the fact that if the leaders in UMNO were to feel that they are no longer able, not physically well enough, to lead the country, then they should follow the example that had been shown by Sir Alexander Home in Britain and resign from that leadership. The people of the nation are interested to realise that on Sunday (yesterday) the Malaysian Alliance appointed amongst its members of committee six Vice-Presidents—and one of the Vice-Presidents was to be provided from the State of Singapore. Today, however, we come to this House and are presented with a Bill and a Motion indicating that Singapore is to be severed from Malaysia. Therefore, Sir, the surprise, the shock, to the people of this nation must be due entirely to the method of information, propaganda, by the Alliance Government—and, perhaps, there is meaning in this tactic, because if we were to rebut this Motion in an atmosphere of shock we might probably go into details and arguments which, in the long run, do not carry very much weight, as quite frankly we on this side of the House, and I, on behalf of my Party, already accept the fact that once a Bill of this nature—a Bill of so important a nature as to amend the Constitution so drastically—is suddenly placed in this House, then there is no means of stopping its passage through this House in a hasty manner. We have already in this matter of two hours adjusted ourselves to the fact that the struggle in future will be in Malaysia without Singapore.

Sir, I would begin by saying that this Bill is completely obnoxious to the principles of our Constitution in our nation and the principles of democracy as it is known throughout the free world. The Honourable Minister for Information in rising to ask a question of the Member for Bungsar, mentioned a very interesting fact to this House, namely, that an agreement had already been signed between the Central Government and the State Government of Singapore. Therefore, in actual fact we are here just to rubber stamp the passage of this Bill. I maintain that under our Constitution, neither the State Government of Singapore, nor indeed the Central Government, under the Constitution, which has not yet been amended, has the right to provide for the severance of a State from Malaysia. We all remember during the last meeting of this House, when this question of partition was first brought up, the Members from the Government benches and the Alliance Party were all against partition. They were in favour of maintaining Malaysia at all cost, and at that time it was clearly brought out time and again that there was no provision within our Constitution for secession, or for partition. Sir, if that is correct—in actual fact the comments and statements have been recorded in our Hansard—then I reiterate that neither the Central Government, nor the State Government of Singapore, had the right to make that agreement, which led to the severance of Singapore. Therefore, Sir, I say that this Bill which in actual fact anticipates an act that has already been done, is obnoxious constitutionally as well as democratically, and we shall be so measured not only by the people of our nation, but we will be so measured by the people of the rest of the world and the nations of the world.

Sir, this business of perpetually playing around with the Constitution of our nation has led to this extremely grave situation, and it can lead to further dangers to the nation in the future. Virtually, I say that the 9th of August will not only be remembered, in the words of the Honourable Member for Ipoh, “as the day of liberation for

the people of Singapore" but that it will be remembered as the day of the death of constitutional procedure in Malaysia.

Sir, why was the agreement signed? The agreement had been signed because the Alliance was so certain of its majority here, and it is hastily pushing through this particular Bill amending the Constitution, refusing us the opportunity to think again and offering at least alternative solutions to the problems that have arisen. Why has this occurred? It is because, in the words of the Honourable Prime Minister, and in the words of the Honourable the seconder of the Motion, the Honourable Minister of Finance, the Alliance Government could think of only two alternatives—one was repressive action and the other was severance.

Sir, there is no point for us to go into detail, but I am quite sure that there must be, and there are many alternative possibilities, apart from just these two. However, if these two alternatives were placed to the Singapore Government, I can well understand—although I must say at this particular moment I am not sure in my mind whether I entirely sympathise with their action—that, faced with the alternative of repressive action which means, in actual terms, the abolition of the Singapore State Government, or the question of severance, they had to choose severance. It was the question of a choice of two evils.

Sir, what concerns us just now is, what will happen in the rest of Malaysia, if indeed the movement for a Malaysian Malaysia is carried on, and the struggle for the realisation of what is called a democratic Malaysian Malaysia were to proceed? In the case of those of us who remain now in what is left of Malaysia, there is no possibility of severance. Therefore, it is quite clear to those who talk of Malaysian Malaysia and to those who bring up the question of financial provisions, and so on, that we face only the possibility of repressive action by the Alliance Government. Therefore, Sir, I say August the 9th will be remembered as the death of the principle of

constitutional procedure in this country; and so, also, will August the 9th be known as the beginning of the end of parliamentary democracy in Malaysia.

Sir, the other important factor that we must seriously consider is that on May 27th, 1961, the Honourable Prime Minister announced, very proudly, the intention of the Alliance Government to push forward with the formation of Malaysia by incorporating Singapore and the North Bornean States, and one of the major reasons given at that time was that we must have Malaysia quickly, otherwise Singapore would become a second Cuba. Sir, other reasons were also advanced for the formation of Malaysia. All these reasons, which the Alliance Government, since 1961 up to September 16th, 1963, put forward for the establishment of Malaysia have on August the 9th been completely nullified. There are, therefore, no cogent reasons why Malaysia should still remain.

I suggest, Sir, that there is one important alternative, or two important alternatives, whereby the Alliance Government could have met the situation, if they had not acted so hastily. The first would have been to meet the circumstances that now prevail by holding a truly Malaysian-wide general elections for the people to demonstrate exactly what the people wanted. The other, Sir, is for the Alliance Government to put forward the question to a plebiscite so that the people could decide what they want.

Sir, I am quite sure that there are areas in what is now left of Malaysia where, if such an opportunity were given, the concept of a Malaysian Malaysia will be more acceptable, and a plebiscite would lead to further severance of other States from what now remains of Malaysia. I make this statement, Sir, feeling that the opinions prevailing in the State of Penang, more directly, and sensing the opinion in the State of Sarawak more indirectly. However, I make this statement, Sir, only to bring up the point that was put forward by the Honourable the seconder of the Motion, the Honourable Minister of Finance, because it is

quite clear from what he has said that although Singapore is severed from the rest of Malaysia, he himself still has hopes that eventually, in some distant time, the two territories may be brought back together. I do not share those hopes, because I think once we begin to carve out Malaysia, once we begin to severe units and States of Malaysia, for whatever reasons there may be from Malaysia as we know it under the Constitution at this moment—because until this particular amendment is passed, as at this moment we are still a nation of fourteen States—once you start cutting up these nations of fourteen States into a nation of thirteen—which is an unlucky number, twelve, and so on, that process will go on. So I say that this day will mark the disintegration of Malaysia, not through Indonesian confrontation but because of the decision of the Alliance Party in power.

Sir, if indeed the severance of the State of Singapore from the rest of Malaysia will resolve the problems that confront us today, and resolve the fears which the Central Government holds, and these fears are legitimate fears, I fully support the Central Government's objective of trying to preserve the peace in this country. I disagree with the method, but in respect of the objective I entirely agree. If it is the idea of Government that by severing Singapore from the rest of Malaysia it will ease Sino-Malay tension, it will bring greater happiness and greater prosperity to the rest of Malaysia, then I would seriously consider supporting this motion. But I do not for one single moment believe that even with this severance of Singapore, the Sino-Malay tensions will be eliminated so long as the Alliance policies prevail and the Alliance methods prevail. I do not believe that there will be greater happiness and peace in Malaysia even after Singapore has been severed from the rest of Malaysia. The Government's attitude towards Malaysia and that of the Opposition can be approached very simply, though perhaps not as elegantly, when we say that the Government in trying to create Malaysia pushed ahead with these plans much too quickly, without thorough consultation, without

thoroughly thinking of its consequences. This present severance of Singapore is a direct indication of how incompletely the Central Government has assessed the potentialities and the possibilities of Malaysia. Confrontation with Indonesia is another outcome of the haste and the method which the Alliance went on in the creation of Malaysia. So, it is as though a cook who went to cook a pot of rice, went on to cook it much too quickly. Sir, under the circumstances, it is only natural that not only had you cooked the rice badly but tried to eat the rice too quickly, and now you have to vomit it out. That is exactly what the position is today. The problem is not only in the cooking of the rice too quickly, or eating the rice too quickly. The problem is why it should be that the Alliance should have that characteristic of trying to do things too hastily.

Sir, if there is any shock treatment to be given, it is not to the people of this country but to the Party in power. They have to re-consider and review carefully their policies, and at this stage I want to take the opportunity to clarify my intention of referring to letters which have been discussed in public and in this House—I mentioned at the last meeting in Parliament letters between the Honourable the Minister of Finance and myself. I brought the context of those letters up for two reasons. One is to show that this feeling of communal tension had prevailed for a long time, and will prevail for a long time, and I also wanted to bring it out because those letters clearly indicate that there was a silver lining, and the silver lining is that there were responsible leaders within the UMNO who, if they could put forward their policies, can resolve the communal tensions that prevail in the country. Sir, I believe that there are responsible leaders and, in this very dark moment in our history, I also think that there is a silver lining. But, Sir, if the front bench of the Alliance Party do not provide the right type of leadership, either by one step or by two steps, as has been advocated by the Minister for Home Affairs, of achieving a truly Malaysian

Malaysia, a more equitable and just society for Malaysia, then I say that the passage of the amendment to our Constitution is the death knell of Malaysia.

Enche' Ong Kee Hui (Sarawak): Mr Speaker, Sir, I shall be brief, not only because of the time but because much of what I have wanted to say is very amply and ably covered by the Honourable Member for Ipoh and also by the Honourable Member for Tanjong.

The Honourable the Prime Minister, in bringing the Bill before this House has stated—I think it is an understatement—that this measure would come as a surprise to many of us in the House and possibly to a lot of people outside. I think, Sir, that most of us, perhaps not so much with the Government benches because they might have an inkling of what is going to happen but most of us on this side of the House did not see the Bill until we sat down this morning. Once before, constitutional amendments had been brought into this House at very short notice and, today, the process seems to have been continued.

When the motion for the suspension of Standing Orders, was proposed in order that this Bill may be taken through all its stages without due notice, I have stated that this is making nonsense out of parliamentary democracy, and I think this is the sort of thing which has made us on this side of the House feel that whatever we do seems to have little effect on the Government, because the Government seems to have, judging by what it has done not only today but on previous occasions, very little respect for the Constitution. As I have stated, we did not even have time to assess the reactions of our colleagues and also public opinion on this matter. This is one of the things which we have from time to time brought out—even on this question of the formation of Malaysia. The line that the Party which I represent has taken has been that Malaysia was formed hastily without adequate preparation, and that people were not able to fully express their views, and in view of this we took the

line that anything formed hastily like this could not possibly last. It gives us no comfort today, Sir, that two years after the formation of Malaysia, it has been necessary to bring before this House this measure which provides for what has been described as the ejection of Singapore from the Federation of Malaysia. Since the formation of Malaysia, our Party has tried to make it work. Assessing the feeling not only of people in Singapore and in other parts of Malaya, and also in Sarawak from where I come, we have the feeling that Malaysia will only succeed, if we have a truly Malaysian Malaysia, where every Malaysian will have his rightful place in the sun. This move on our part has been taken as one of the reasons why Singapore should be ejected from Malaysia. As the Honourable Member from Tanjong has pointed out, Sir, one of the reasons for the formation of Malaysia was the solution of what was called the Singapore problem. Now, if the formation of Malaysia was the solution of the Singapore problem now that Singapore is out of Malaysia, what then is the justification for its existence. This question, will, I think, be asked by a lot of people, not only here but possibly elsewhere in Malaysia.

Further we are very concerned, Sir, at the rather cavalier fashion in which Singapore, which was presented as the reason for the formation of Malaysia, could be ejected from it, because it is held that Singapore is a disruptive force perhaps in Malaysia. What would then be the position of the Borneo States if at some future date, perhaps, we have a Government in charge which is not so reasonable, or so pliable to Alliance direction from the centre? Would not the same reason then be advanced for further partition of Malaysia?

The Prime Minister in his remarks, Sir, has paid tribute to the people of the Borneo States in the struggle against confrontation. Sir, we have maintained a high morale in the face of confrontation, because a good many people think that Malaysia, as it was formed, may have some meaning and it is worthwhile maintaining it. Quite a lot

of people are going to ask themselves now whether, perhaps, the position may have altered. But they will not have any opportunity to decide. After all the London Agreement, which is the basis for the formation of Malaysia is a negotiated Agreement not only between Malaya and Singapore, but a negotiated Agreement between all the States—that is, Malaya, Singapore, Sabah and Sarawak. Many of my Honourable friends on the other side took part in the negotiation and signed the Agreement which formed the basis of Malaysia. May we ask, therefore, Sir, whether it is right and proper for this Agreement to be abrogated in this manner without reference to the other parties concerned? Have the people in Borneo no say in this new arrangement, which has come about? Have we no right to be consulted? After all, the future of all territories, which were colonial territories, must be decided by self-determination. In this case it is arguable whether in the first place the people agreed whole-heartedly to the arrangement. Surely, if that is the case, would not this be an opportunity to show to the world what the people want? I think, Sir, as the London Agreement, which is the basis for Malaysia, has thus been abrogated, it is only right and proper that we should go back to the people and, as the Honourable Member from Tanjong has stated, give them an opportunity to decide, either by a general election or by a referendum. I will, therefore, urge the Government to think seriously of the step, which it has now taken by starting what the Honourable Member has very correctly stated to be the beginning of the process of the disintegration of Malaysia.

EXEMPTED BUSINESS (MOTION)

Tun Haji Abdul Razak: As this is now nearly 1 o'clock, I like to move,

That notwithstanding the provisions of Standing Order No. 12 (1) the present sitting of the House shall not be suspended until the completion of the third reading of the Constitution and Malaysia (Singapore Amendment) Bill.

Dato' V. T. Sambanthan: Sir, I beg to second it.

Question put, and agreed to.

Resolved,

That notwithstanding the provisions of Standing Order No. 12 (1) the present sitting of the House shall not be suspended until the completion of the third reading of the Constitution and Malaysia (Singapore Amendment) Bill.

THE CONSTITUTION AND MALAYSIA (SINGAPORE AMENDMENT) BILL

Second Reading

Debate resumed.

Enche' Abu Bakar bin Hamzah (Bachok): Tuan Yang di-Pertua, oleh kerana masa pun sudah tinggal beberapa minit lagi, saya chuba-lah hendak merengiskan ucapan saya, kalau ta' selesai, saya sambong lagi lepas pukul dua.

Tuan Yang di-Pertua, dalam menyokong tindakan Kerajaan Pusat untuk menjalankan action atau pun memecahkan Singapura daripada Malaysia ini, saya suka-lah mengemukakan beberapa peringatan kepada Kerajaan Pusat bahawa masalah ini sudah lama terbayang kepada kita, dan saya suka mengingatkan lagi pemimpin² Perikatan, Sabah dan Sarawak pun tidak lama lagi akan keluar daripada sini. Jadi kalau-lah ini akan berlaku, Tuan Yang di-Pertua, saya daripada sekarang lagi menghadapkan supaya sahabat saya daripada Sabah dan Sarawak ini keluar daripada sekarang jangan "create" problem lagi kepada kita. Sebab ini, Tuan Yang di-Pertua, kita sudah nampak bahawa Member State, Member dalam Malaysia ini dia menjadi responsibility atau pun jadi tanggung-jawab kepada Kerajaan Pusat ini—sa-olah² yang pernah saya katakan menjadi biawak hidup yang kita tanggung. Kita membelanjakan duit chuba memajukan, akhir-nya apabila dia kuat dia menunjukkan sikap dia dan saya bimbang Kerajaan Pusat ini bukan-lah sa-bagai satu programme yang di-pelajari satu programme yang betul² di-sediakan untuk mengadakan perpechahan Singapura ini.

The Minister for Sarawak Affairs (Dato' Temenggong Jugah Anak Barieng): Saya ada lagi, Lee Kuan Yew dia sendiri minta lepas, Sarawak tidak. (*Ketawa*).

Enche' Abu Bakar bin Hamzah: Terima kaseh, Tuan Speaker, saya takut kok dia itu lebeh baik dia pergi sekarang ini. Tetapi kalau dia ta' mahu, tunggu-lah masa.

Tuan Yang di-Pertua, apa yang saya hendak sebutkan di-sini ia-lah saya takut Kerajaan Pusat itu membuat langkah ini bukan kerana dengan programme yang dia hendak menjalankan dengan sa-benar-nya tetapi dia terpaksa membuat, erti-nya dia tidak dapat hendak menyelesaikan problem² yang ada, yang timbul sekarang ini. Maka sa-bagai satu langkah dia memecahkan-lah Singapura. Jadi ini politik yang sa-macham ini, bagaimana-lah kita ini hendak menyokong sa-lama²-nya, kalau dia terpaksa bagitu dan saya takut pula pada satu masa sebab kita pernah menyokong Kerajaan Pusat ini. Jadi apabila dia sudah mendapat kuasa besok, Federation Unit di-dalam Federation ini sa-bagai Kelantan, nanti boleh pechahkan pula kami. Jadi bila pechah itu, macham Singapura boleh ada sahabat dia, orang² puteh bagitu bagini, macham kami pula di-sana di-Kelantan, di-mana pula kami hendak chari sahabat². Jadi ini kalau sa-kiranya Kerajaan Pusat ini boleh buat kapada Kerajaan Singapura dia lagi lebeh boleh buat kapada Kelantan dan orang ini semua memang berani bertindak bagitu.

Jadi, Tuan Yang di-Pertua, masaalah² sa-macham ini bukan-lah satu masaalah yang saya kata hanya hendak mencakupkan masa dua tiga minit tetapi ini ada perkara yang betul² berlaku yang tuan² tidak boleh memandang perkara ini perkara yang kecil. Dan saya perchaya ahli daripada Kelantan Ulu, walau pun dia daripada Parti Perikatan, dia terasa bahawa dia akan menerima nasib yang sa-macham ini kechuali-lah satu perkara yang di-buat lebeh dahulu daripada tindakan² yang sa-macham itu di-jalankan.

Dato' Nik Ahmad Kamil (Kota Bharu Hilir): Kalau Kelantan menarek

diri daripada Malaysia ini, pertolongan yang hanya boleh di-dapati, barangkali daripada langit.

Enche' Abu Bakar bin Hamzah: Tuan Yang di-Pertua, ini masaalah-nya, masaalah jawab pada soalan sahaja, bukan masaalah fact, masaalah mengharapakan daripada langit ini, ini orang imaginary punya chara berfikir. Yang kita berhakap ini fact, yang berlaku daripada langit itu hujan, kadang² pun dia ta' turun.

Tuan Yang di-Pertua, lagi satu yang saya hendak sebutkan saya lagi lebeh suka kalau sa-kira-nya Kerajaan Pusat ini betul² memutuskan perhubungan dengan Singapura itu. Agreement² yang ada itu, kalau boleh-nya, tidak payah di-buat, kalau betul² kita hendak berpechah dengan Singapura. Ini, Tuan Yang di-Pertua, boleh jadi ini satu² perkara yang di-buat dan di-dalam ini di-selit²kan supaya Singapura itu hidup lagi sedangkan satu daripada member tadi telah berkata bahawa 9hb Ogos ini bukan hari berpechahan tetapi hari kemerdekaan bagi Singapura. Dan satu pulau yang kecil akan mempunyai wak'il di-dalam Bangsa² Bersatu sating dengan kita dan dalam Agreement² ini, sa-bagaimana yang di-bachakan satu dua tadi, terlibat berkenaan dengan pertahanan dalam mana dudok-lah Inggeris penjajah lama kita, Federation jadi Singapura, dan akhirnya Singapura dudok di-situ menjadi pengkalan perang orang puteh di-situ yang kita menyerahkan balek segala²-nya itu kapada Inggeris dan akhir-nya apa yang kita harapkan perkara yang baik itu di-situ-lah menjadi pukulan untuk menghanchorkan negeri kita ini lebeh jauh lagi.

Tuan Yang di-Pertua, ada lagi satu masaalah yang saya katakan dengan akibat-nya memecahkan Singapura itu, kalau Kerajaan Pusat tidak berhati² ia itu masaalah bagaimana kita hendak menjalankan Federation Malaysia ini termasuk Sabah dan Sarawak yang di-cheraikan oleh laut yang jauh dan ditengah² itu ada satu negeri yang independent, Pulau Singapura, dan dia ini akan menjadi key, menjadi kunci Port of Call yang kita semua melalui

dia. Dan dia akan membuat perhubungan diplomatik dengan negeri² lain, walau pun ada Agreement yang, mithal, mesti meminta daripada kita dahulu tetapi kalau dia sudah merdeka dimana hak lagi Agreement yang mesti kita menahan dia membuat perhubungan dengan Indonesia, perhubungan dengan Kominis China dan dengan demikian Alex Josey lusa akan balek di-sini. Dia sudah independent dan China pun akan di-serahkan balek. Jadi kembali-lah balek macham lama juga, jadi erti-nya kita sudah menyerah kalah—programme kita ini bukan programme kita buat tetapi programme terpaksa kita buat bila kita sudah rasa senak, Tuan Yang di-Pertua, ma'afkan saya, chari jamban ta' jumpa, di-balek tong tar pun jadi-lah terpaksa kita membuat macham itu. Ini, Tuan Yang di-Pertua, saya suka-lah menarek lagi perhatian Kerajaan Pusat dalam kami menyokong ini supaya pelaksanaan itu betul² dapat kita jalankan.

Tuan Yang di-Pertua, satu masaalah yang patut-lah Kerajaan Pusat fikirkan ia-itu dari segi akibat daripada perpechahan. Ada-kah betul² kita boleh membendongkan activity atau pun kechergasan Singapura itu daripada menghanchorkan pembentokan Malaysia dan perjalanan-nya atau pun itu-lah satu peluang bagi Singapura menjalankan jarum²-nya dan dia akan mengirinkan orang² yang berpura² tidak boleh hidup di-bawah Lee Kuan Yew, tetapi terpaksa-lah hidup di-bawah Tunku dan Tun. Maka datang-lah orang² di-situ dengan beneh yang ada di-tepi saya ini, sa-orang dia inihlah akan menjadi tempat bertapak-nya untuk menjalankan polisi² Lee Kuan Yew di-dalam negeri ini.

Jadi, Tuan Yang di-Pertua, dahulu Parti PAS ini sudah berkata kepada Menteri² kita, jangan buat masok sarang tebuhan dalam kelambu, nanti pechah sadikit sahaja kita habis. Buat masok juga, sekarang ini sarang tebuhan itu sudah pechah dan banyak-lah Menteri² Perikatan kena pagut baharu-lah dia hendak bawa keluar, dia bawa keluar sarang tebuhan itu, sudah kepala kita bengkak, badan kita bengkak dan ini dengan perpechahan ini pula tebuhan ini akan pergi merata

lagi—akan pergi ka-merata² tempat lagi. Jadi ini, Tuan Yang di-Pertua, saya bimbang kalau-lah Agreement atau butir² Agreement yang di-buat terhadap perpechahan ini akan mendatangkan rugi-nya lebeh banyak daripada untong-nya, sa-kali pun pada masa ini tentu-lah kita berasa tindakan² yang di-buat itu sesuai dengan masa-nya.

Tuan Yang di-Pertua, lagi satu perkara yang saya suka hendak mengingatkan Menteri² kita ia-itu di-dalam keikhlasan kita memecahkan Singapura dengan ada "mutual understanding", erti-nya persefahaman dengan membuat Agreement terlebih dahulu dengan tidak ada menggunakan keke- rasan, tetapi di-dalam Dewan ini ada ahli² yang berani bangun mengatakan bahawa 9hb Ogos ini "Liberation Day" erti-nya hari Kemerdekaan orang² di-Singapura daripada "Malay Outlook" politik. Jadi ini, Tuan Yang di-Pertua, menunjok kata saki-baki perkauman itu maseh ada lagi di-dalam Dewan ini erti-nya besok² Melaka mempunyai perbezaan yang kechil dari segi perlembagaan—itu pun akan boleh di-bawa pechah daripada Persatuan Malaysia kita ini.

Jadi ini, Tuan Yang di-Pertua, saya meminta daripada Kerajaan Pusat melaporkan di-dalam Dewan ini, sa-belum daripada sidang Belanjawan kita ia-itu dalam bulan Disember, sa-kurang²-nya melaporkan perkembangan² yang sa-benar²-nya berlaku sa-bagaimana kita telah meminta beberapa kali supaya melaporkan kedudukan dasar luar negeri. Tetapi benda² itu tidak di-endahkan oleh Menteri² kita dan sa-hingga di-masa ini-lah baharu kita chuba hendak mengemukakan kepada orang ramai dasar luar negeri dan dengan tergopoh² yang sa-macham ini, jadi kami akan menyokong Kerajaan dengan tidak mempunyai fact yang chukup pada hal di-masa membuat Malaysia, sa-kali pun dasar kami, konsep kami, berlain dengan Kerajaan Pusat tetapi yang kami mahu pun Malaysia, tetapi konsep itu berlain. Kami terpaksa menerima, apa ini, Malaysia itu sa-bagai satu perkara yang berlaku atau pun *fait accompli*. Jadi itu pun perpechahan Singapura,

ini pun kami terpaksa menerima dengan tidak sempat mengkaji segala keburokan akibat yang telah berlaku ini, kami tanggung bersama dengan Kerajaan Pusat. Tentang hendak membuat, Kerajaan membuat sendiri, tidak cheritakan kepada kami. Jadi bila dia sudah terok, baharu dia hendak ajak kita. Jadi macham mana ini, Tuan Yang di-Pertua, di-mana tafsiran kerjasama, keikhlasan di-dalam kita menghadap satu² perkara yang peringkat nasional. Masaalah politik parti sudah tidak berbangkit sekarang, tetapi masaalah nasional. Jadi apa salah-nya kalau sa-kira-nya Kerajaan Pusat ini memberi tahu kepada kami perkara² nasional sa-belum daripada mengeluarkan Bill yang mengejut sa-macham ini. Jadi, Tuan Yang di-Pertua, saya rasa sudah cukup "time". Jadi ada satu perkara yang saya hendak hadapkan kepada Timbalan Perdana Menteri kita ini. Jadi saya rasa kita membahath politik pun kalau serious sangat, terok sangat kita, jadi kita terima-lah benda ini sa-bagai benda yang berlaku dan kita hadap-lah dengan tenang.

Saya hendak unkit, saya rasa sa-malam Bill yang pertama ini bukan-lah hangat sampai sa-macham ini; kawan² saya berchakap dengan saya daripada Perikatan sendiri pun ingat Bill ini akan mengandongi suatu perkara lain, kerana Tun Razak berchakap fasal hendak bagi elaun motorcar. Rupa-nya dia mari hendak bergaduh dengan Singapura. Jadi macham mana-lah Timbalan Perdana Menteri kita itu hendak menunaikan benda² yang sa-macham itu yang kami menyokong tetapi dia tidak tunaikan kewajipan dia. Jadi ini macham mana-lah, kami ini pun rasa ini kalau kami fikir Tun ini nyanyok, itu perkara tidak patut.

Mr Speaker: Itu perkara tidak ada kena-mengena dengan-nya.

Enche' Abu Bakar bin Hamzah: Itu-lah saya pun rasa betul tidak ada kena mengena tetapi sa-malam macham itu, jadi terpaksa saya kena kata. Jadi, itu-lah Tuan Yang di-Pertua untuk mengakhiri ucapan saya, saya minta Kerajaan ini melaporkn dari segi dasar luar negeri dan perkembangan Agreement² dengan Singapura itu kepada

Dewan ini dan kalau boleh kenyataan² yang peringkat nasional itu dapat-lah kami tahu sama dalam menghadap kenyataan ini. Sekian, Tuan Yang di-Pertua.

Tun Haji Abdul Razak: Tuan Yang di-Pertua, saya suka-lah menjawab perbahathan² yang telah di-datangkan oleh beberapa orang ahli daripada pehak pembangkang berkenaan dengan Rang Undang² yang di-hadapan kita ini. Pertama sa-kali saya suka-lah hendak menyebutkan pandangan daripada Ahli Yang Berhormat dari Bachok. Saya tidak berjanji hendak bagi kepada dia tambahan elaun. Tetapi kalau dia hendak, boleh-lah dia meminta, kita boleh timbangkan lepas Singapura ini sudah keluar daripada Malaysia. Saya suka hendak menguchapkan berbanyak² terima kaseh kepada Ahli Yang Berhormat daripada Pasir Puteh yang telah memberi sokongan kepada Kerajaan di atas langkah yang Kerajaan hendak ambil dengan Rang Undang² ini, dan bagitu juga suka saya terangkan ia-itu pehak Kerajaan tidak ada chita² hendak mengeluarkan atau pun hendak mengasingkan mana² negeri yang lain dalam Malaysia ini bahkan Kerajaan berazam hendak menjadikan Malaysia ini, 13 buah negeri ini, negeri yang aman, maju dan ma'amor. Dan saperti kata Yang Berhormat Perdana Menteri tadi, kita berasa bangga di-atas chara-nya negeri² Sabah dan Sarawak dapat bekerjasama dengan negeri² lain di-Tanah Melayu ini, semenjak Malaysia di-tubuhkan. Dan kita berazam hendak memberi apa juga pertolongan yang patut kepada mereka itu supaya mereka itu dapat bersama² dengan kita di-Tanah Melayu ini, menerima nikmat² daripada kemerdekaan dan juga kemajuan negara kita.

Sir, I would just like to reply to only the very few points raised by some of the Honourable Members of the Opposition.

The Honourable Member for Bungsar did make an allegation that Singapore is being ejected from Malaysia. As the Prime Minister has explained, the whole Cabinet of Singapore—all the Ministers in the Cabinet of Singapore—have signed the agreement to separate

Singapore from the Federation or from Malaysia. The fact that all of them are not here today to protest is clear indication that they agreed to this. As we all say, "silence means consent", and we have here the Agreement, duly signed by the Prime Minister of Singapore and members of his Cabinet.

The Honourable Member from Sarawak did raise the question as to whether it is right for us to amend the Constitution in this way—to abrogate the Malaysia Agreement. Sir, quite naturally, before we decided to form Malaysia, we had to ascertain the wishes of the people of the territories that were to be federated; and having satisfied ourselves that they wanted to join Malaysia, we agreed to establish Malaysia. But Malaysia having been established, and we have a Constitution, agreed to by all concerned, any amendment to the Constitution should follow the provisions of that Constitution; and that is why today we have brought this Bill in accordance with our Constitution. This Bill has been agreed to by the Government of Singapore, and it is for the Members of this House, representing the people of Malaysia, to consider this Bill, and if the Members of this House accept this Bill that is all that is required under our Constitution.

Sir, as the Prime Minister has explained, we had given this matter

very, very careful consideration. We felt in the circumstances that there was no other alternative in the interest of happiness of the people of Malaysia and Singapore. We have taken this step with considerable reluctance and with some regret, but we felt we must protect the interests and, as I say, the happiness and goodwill and harmony of our people not only of Malaysia but also of Singapore, and that is why we hope that by separating Singapore from the rest of Malaysia, it will be possible to work together with the Government of Singapore in a number of matters, because the two territories have many things in common, historical, geographical—as my colleague the Minister of Finance has explained, Singapore and Malaya have many ties of history, of geography, traditions. So, after all the heat has been taken away—the last two years, however much we tried to work together, we have found that it has not been possible to do so—and after the separation of Singapore from the rest of Malaysia, we hope it will be possible to work together in the interests of the people of the two territories.

Sir, that is all I wish to say and I would like now to move that this Bill be read a second time.

Question put.

The House divided: Ayes, 126; Noes, Nil; Abstentions, 1.

AYES

Y.T.M. Tengku Abdul Rahman
Putra Al-Haj
Tun Haji Abdul Razak bin
Dato' Hussain
Dato' Dr Ismail bin Dato' Haji
Abdul Rahman
Enche' Tan Siew Sin
Dato' V. T. Sambanthan
Dato' Haji Sardou bin Haji
Jubir
Enche' Mohamed Khir Johari
Enche' Bahaman bin Samsudin
Dr Lim Swee Aun
Capt. Haji Abdul Hamid Khan
bin Haji Sakhawat Ali Khan
Enche' Khaw Kai-Boh
Dato' Temenggong Jugah anak
Barieng
Enche' V. Manickavasagam
Enche' Senu bin Abdul Rahman
Tuan Haji Mohd. Ghazali bin
Haji Jawi
Dato' Donald Aloysius Stephens

Enche' Abdul-Rahman bin
Ya'kub
Tuan Haji Abdul Khalid bin
Awang Osman
Enche' Sulaiman bin Bulon
Engku Muhsein bin Abdul Kadir
Enche' Lee Siok Yew
Dr Ng Kam Poh
Enche' Abdul Ghani bin Ishak
Enche' Abdul Karim bin Abu
Wan Abdul Kadir bin Ismail
Abdul Rahman bin Haji Taib
Wan Abdul Rahman bin Datu
Tuanku Bujang
Tuan Haji Abdul Rashid bin
Haji Jais
Enche' Abdul Rauf bin A.
Rahman
Enche' Abdul Samad bin Gul
Ahmad Mianji
Dato' Abdullah bin Abdul-
rahman
Enche' Ng Fah Yam

Tuan Haji Othman bin Abdullah
Enche' Othman bin Abdullah
Enche' Abang Othman bin Haji
Maosili
Enche' Quek Kai Dong
Tuan Haji Rahmat bin Haji
Daud
Enche' Ramli bin Omar
Tuan Haji Redza bin Haji
Mohd. Said
Raja Rome bin Raja Ma'amor
Y.A.M. Tunku Abdullah ibni
Al-marhum Tuanku Abdul
Rahman
Tuan Haji Abdullah bin Haji
Mohd. Salleh
Enche' Abu Bakar bin Hamzah
Tuan Haji Ahmad bin Abdullah
Enche' Ahmad bin Arshad
Tuan Haji Ahmad bin Saaid
Che' Ajibah binti Abol
Enche' Ali bin Haji Ahmad

Dr Awang bin Hassan
 Enche' Aziz bin Ishak
 Enche' Jonathan Bangau anak Reuang
 Pengarah Banyang anak Janting
 Enche' Chan Chong Wen
 Enche' Chan Seong Yoon
 Enche' Chan Siang Sun
 Enche' Chen Wing Sam
 Enche' Chia Chin Shin
 Enche' Francis Chia Nyuk Tong
 Enche' Chin Foon
 Enche' Edwin anak Tangkun
 Tuan Syed Esa bin Alwee
 Datin Fatimah binti Haji Abdul Majid
 Datin Fatimah binti Haji Hashim
 Enche' S. Fazul Rahman
 Enche' Ganing bin Jangkat
 Enche' Geh Chong Keat
 Enche' Hamzah bin Alang
 Enche' Hanafi bin Mohd. Yunus
 Enche' Hanafiah bin Hussain
 Enche' Harun bin Abdullah
 Wan Hassan bin Wan Dand
 Enche' Stanley Ho Nyun Khui
 Enche' Hussein bin To' Muda Hassan
 Enche' Hussein bin Mohd. Noordin
 Enche' Hussein bin Sulaiman

Enche' Seah Teng Ngiab
 Enche' Sim Boon Liang
 Enche' Siow Loong Hin
 Enche' Snawi bin Ismail
 Enche' Sng Chin Joo
 Enche' Soh Ah Teck
 Enche' Suleiman bin Ali
 Pengiran Tahir Petra
 Enche' Tajudin bin Ali
 Enche' Tai Kuan Yang
 Enche' Tan Cheng Bee
 Tuan Haji Hussain Rahimi bin Haji Saman
 Enche' Ikhwan Zaini
 Enche' Ibrahim bin Abdul Rahman
 Enche' Ismail bin Idris
 Penghulu Jinggut anak Attan
 Enche' Kadam anak Kiai
 Enche' Kam Woon Wah
 Dato' Khoo Siak Chiew
 Enche' Lee San Choon
 Enche' Lee Seck Fun
 Enche' Amadeus Mathew Leong
 Dato' Ling Beng Siew
 Enche' Lim Pee Hung
 Enche' Peter Lo Su Yin
 Dr Mahatbir bin Mohamad
 Enche' T. Mabima Singh
 Enche' Joseph David Manjaji
 Dato' Dr Haji Megat Khas

Enche' Mohd. Arif Salleh
 Orang Tua Mohammad Dara bin Langpad
 Enche' Mohd. Daud bin Abdul Samad
 Enche' Mohamed Idris bin Matsil
 Enche' Mohd. Tahir bin Abdul Majid
 Enche' Mohamed Yusof bin Mahmud
 Enche' Mohd. Zahir bin Haji Ismail
 Wan Mokhtar bin Ahmad
 Tuan Haji Mokhtar bin Haji Ismail
 Enche' Muhammad Fakhruddin bin Haji Abdullah
 Tuan Haji Mubammad Su'Ant bin Haji Muhd. Tahir
 Dato' Haji Mustapha bin Haji Abdul Jabar
 Enche' Mustapha bin Ahmad
 Dato' Nik Ahmad Kamil
 Enche' Tan Toh Hong
 Enche' Tan Tsak Yu
 Enche' Tiah Eng Bee
 Enche' Toh Theam Hock
 Penghulu Francis Umpau anak Empam
 Enche' Yeh Pao Tze
 Enche' Yeoh Tat Beng
 Tuan Haji Zakaria bin Haji Mohd. Taib

NOES

Nil

ABSTENTIONS

Enche' Tama Weng Tinggang
 Wan

Question accordingly agreed to.

Bill accordingly read a second time.

The Constitution and Malaysia (Singapore Amendment) Bill, 1965 committed to a Committee of the whole House.

Bill considered in Committee.

(Mr Speaker *in the Chair*)

Clauses 1 to 14 inclusive ordered to stand part of the Bill.

The Prime Minister: Mr Chairman, Sir, I beg to move that the Bill be now reported back to the House.

Question put, and agreed to.

House resumes.

Third Reading

The Prime Minister: Mr Speaker, Sir, I beg to report that the Bill has been considered in Committee and agreed to without amendment. I accordingly move that it be read a third time and passed.

Enche' Tan Siew Sin: Sir, I beg to second the motion.

Question put.

The House divided: Ayes, 126; Noes, Nil; Abstentions, 1.

AYES

Y.T.M. Tengku Abdul Rahman Putra Al-Haj
 Tun Haji Abdul Razak bin Dato' Hussain
 Dato' Dr Ismail bin Dato' Haji Abdul Rahman
 Enche' Tan Siew Sin
 Dato' V. T. Sambanthan
 Dato' Haji Sardon bin Haji Jubir
 Enche' Mohamed Khir Johari
 Enche' Bahaman bin Samsudin
 Dr Lim Swee Ann

Capt. Haji Abdul Hamid Khan bin Haji Sakbawat Ali Khan
 Enche' Khaw Kai-Boh
 Dato' Temenggong Jugah anak Barieng
 Enche' V. Manickavasagam
 Enche' Senu bin Abdul Rahman
 Tuan Haji Mohd. Ghazali bin Haji Jawi
 Dato' Donald Aloysius Stephens
 Enche' Abdul-Rahman bin Ya'kub

Tuan Haji Abdul Kbalid bin Awang Osman
 Enche' Sulaiman bin Bulon
 Engku Mnhsein bin Abdul Kadir
 Enche' Lee Siok Yew
 Dr Ng Kam Poh
 Enche' Abdul Ghani bin Ishak
 Enche' Abdul Karim bin Abu Wan Abdul Kadir bin Ismail
 Abdul Rahman bin Haji Talib
 Wan Abdul Rahman bin Datu Tuanku Bujang

Tuan Haji Abdul Rashid bin Haji Jais
 Enche' Abdul Rauf bin A. Rahman
 Enche' Abdul Samad bin Gul Ahmad Mianji
 Dato' Abdullah bin Abdulrahman
 Enche' Ng Fah Yam
 Tuan Haji Othman bin Abdullah
 Enche' Othman bin Abdullah
 Enche' Abang Othman bin Haji Maosili
 Enche' Quek Kai Dong
 Tuan Haji Rahmat bin Haji Daud
 Enche' Ramli bin Omar
 Tuan Haji Redza bin Haji Mohd. Said
 Raja Rome bin Raja Ma'amor Y.A.M. Tunku Abdullah ibni Al-marhum Tuanku Abdul Rahman
 Tuan Haji Abdullah bin Haji Mohd. Salleh
 Enche' Abu Bakar bin Hamzah
 Tuan Haji Ahmad bin Abdullah
 Enche' Ahmad bin Arshad
 Tuan Haji Ahmad bin Saaid
 Che' Ajibah binti Abol
 Enche' Ali bin Haji Ahmad
 Dr Awang bin Hassan
 Enche' Aziz bin Isbak
 Enche' Jonathan Bangau anak Renang
 Pengarah Banyang anak Janting
 Enche' Chan Chong Wen
 Enche' Chan Seong Yoon
 Enche' Chan Siang Sun
 Enche' Cben Wing Sum
 Enche' Chia Chin Shin
 Enche' Francis Chia Nyuk Tong
 Enche' Chin Foon

Enche' Edwin anak Tangkun
 Tuan Syed Esa bin Alwee
 Datin Fatimah binti Haji Abdul Majid
 Datin Fatimah binti Haji Hashim
 Enche' S. Fazul Rahman
 Enche' Ganing bin Jaungkat
 Enche' Geh Chong Keat
 Enche' Hamzah bin Alang
 Enche' Hanafi bin Mohd. Yunus
 Enche' Hanafiah bin Hussain
 Enche' Harun bin Abdullah
 Wan Hassan bin Wan Daud
 Enche' Stanley Ho Nyun Khui
 Enche' Hussein bin To' Muda Hassan
 Enche' Hussein bin Mohd. Noordin
 Enche' Hussein bin Sulaiman
 Enche' Seah Teng Ngiah
 Enche' Sim Boon Liang
 Enche' Siow Loong Hin
 Enche' Snawi bin Ismail
 Enche' Sng Chin Joo
 Enche' Soh Ah Teck
 Enche' Suleiman bin Ali
 Pengiran Tahir Petra
 Enche' Tajudin bin Ali
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 Enche' Ikhwan Zaini
 Enche' Ibrahim bin Abdul Rahman
 Enche' Ismail bin Idris
 Penghulu Jinggut anak Attan
 Enche' Kadam anak Kiai
 Enche' Kam Woon Wah
 Dato' Khoo Siak Chiew
 Enche' Lee San Choon
 Enche' Lee Seck Foon

Enche' Amadeus Mathew Leong
 Dato' Ling Beng Siew
 Enche' Lim Pee Hong
 Enche' Peter Lo Su Yin
 Dr Mahathir bin Mohamad
 Enche' T. Mahima Singh
 Enche' Joseph David Manjaji
 Dato' Dr Haji Megat Khas
 Enche' Mohd. Arif Salleh
 Orang Tua Mohammad Dara bin Langpad
 Enche' Mohd. Daud bin Abdul Samad
 Enche' Mohamed Idris bin Matsil
 Enche' Mohd. Tahir bin Abdul Majid
 Enche' Mohamed Yusof bin Mahmud
 Enche' Mohd. Zahir bin Haji Ismail
 Wan Mokhtar bin Ahmad
 Tuan Haji Mokhtar bin Haji Ismail
 Enche' Muhammad Fakhruddin bin Haji Abdullah
 Tuan Haji Muhammad Su'Aut bin Haji Muhd. Tahir
 Dato' Haji Mustapha bin Haji Abdul Jabar
 Enche' Mustapha bin Ahmad
 Dato' Nik Ahmad Kamil
 Enche' Tan Toh Hong
 Enche' Tan Tsak Yu
 Enche' Tiah Eng Bee
 Enche' Toh Theam Hock
 Penghulu Francis Umpau anak Empam
 Enche' Yeh Pao Tze
 Enche' Yeoh Tat Beng
 Tuan Haji Zakaria bin Haji Mohd. Taib

NOES

Nil

ABSTENTIONS

Enche' Tama Weng Tinggang
 Wan

Question accordingly agreed to.

Bill accordingly read the third time and passed.

Mr Speaker: The sitting is now suspended until 4 p.m. today.

Sitting suspended at 1.35 p.m.

Sitting resumed at 4.10 p.m.

(Mr Speaker in the Chair)

ANNOUNCEMENTS BY MR SPEAKER

REPLY FROM HIS MAJESTY THE YANG DI-PERTUAN AGONG TO ADDRESS OF THANKS

Mr Speaker: Ahli² Yang Berhormat, saya telah menerima perutusan bertarik 14 haribulan June, 1965, dari

pada Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong. Saya bachakan perutusan itu :

“Warakatul-ikhlas walmuhibbah ia-itu daripada Beta Syed Putra ibni Almarhum Syed Hassan Jamalullail, Yang di-Pertuan Agong Malaysia.

Mudah²an barang di-wasalkan oleh Rabbul ‘alamin ka-majlis Yang Berhormat Dato’ Chik Mohamed Yusuf bin Sheikh Abdul Rahman, S.P.M.P., J.P., Yang di-Pertua Dewan Ra’ayat, yang ada beristerihatulkhir pada masa ini di-bandar Kuala Lumpur, dengan beberapa selamat dan kesejahteraan-nya.

Waba’adah, ahwal Beta sangat² sukachita menerima warkah Dato’

yang bertarikh pada 8 haribulan June, 1965 kerana menyampaikan ketetapan ucapan terima kasih Majlis Dewan Ra'ayat Malaysia, kerana Titah Uchapan Beta pada masa membuka Penggal Yang Kedua Parlimen Yang Kedua. Beta minta kelapangan tuan apa-lah jua kira-nya Dato' menyampaikan terima kasih Beta kepada sakalian Ahli² Majlis Dewan Ra'ayat Malaysia kerana membuat ketetapan yang tersebut, dan jua di-atas perasaan yang tulus ikhlas yang telah ditunjokkan kepada Beta itu akan di-kandongkan di-dalam ingatan Beta sa-lama²-nya.

Demikian-lah sahaja Beta ma'alumkan di-sudahi dengan salam ta'zim juga, ada-nya.

Termaktub pada 14 haribulan June tahun 1965."

LEAVE TO THE HONOURABLE ENCHE' EDMUND LANGGU ANAK SAGA

Mr Speaker: Honourable Members, I wish to inform the House that, in the exercise of the powers conferred upon me by the resolution of the House on the 25th April, 1965, I have given leave of absence under Article 52 of the Constitution to the Honourable Enche' Edmund Langgu anak Saga for six months.

MESSAGE FROM THE SENATE

Mr Speaker: Saya hendak mema'alumkan ia-itu saya telah menerima satu perutusan yang bertarikh 8 haribulan June, 1965, daripada Yang di-Pertua Dewan Negara berkenaan dengan perkara yang tertentu yang telah di-hantar oleh Majlis ini meminta di-persetujui oleh Dewan Negara. Sekarang saya minta Setia-usaha Majlis membachakan perutusan itu kepada Majlis ini.

(The Clerk reads the Message)

"Mr Speaker,

The Senate has agreed to the following Bills:

(1) to amend the Constitution of the Federation and the Malaysia Act;

- (2) to provide for the remuneration of Parliamentary Secretaries;
- (3) to amend the Timbalan Yang di-Pertuan Agong (Remuneration) Ordinance, 1958;
- (4) to revise the law relating to statistics;
- (5) to amend the Offences relating to Vehicles Ordinance, 1961, of Singapore;
- (6) to extend with amendments the operation of the Trustee Ordinance, 1949, to Sabah, Sarawak and Singapore, to make further provision with respect to investment by trustees and persons having the investment powers of trustees or statutory powers of investment, to validate certain investments made by trustees and to provide for matters connected therewith;
- (7) to apply sums out of the Consolidated Fund for additional expenditure for the service of the year 1965 and to appropriate such sums for certain purposes;
- (8) to empower the Federal Minister of Finance to exempt any person from, or remit or refund to any person, any fees payable or paid under any law relating to customs;
- (9) to amend the Tariff Advisory Board Act, 1963;
- (10) to amend the Treasury Bills (Local) Ordinance, 1946;
- (11) to impose a Turnover Tax in Malaysia and for matters connected therewith and ancillary thereto;
- (12) to amend the Inland Revenue Ordinance, 1960, of Sarawak;
- (13) to amend the Income Tax Laws of Singapore and the States of Malaya so as to provide for the imposition of a supplementary income tax on tin profits;
- (14) to empower racing clubs to promote public sweepstakes;
- (15) to regulate the business of the hiring and renting of cinematograph films and to provide for the imposition of a film-hire duty on the renting of such films and the

- control of charges of admission to a cinema theatre or other place where such films are exhibited;
- (16) to change the name of the Central Electricity Board of the Federation of Malaya and to provide for matters incidental thereto;
 - (17) to incorporate the Federation of Malaya Red Cross Society and the Branches of the British Red Cross Society in Sabah, Sarawak and Singapore under the name of Persatuan Palang Merah Malaysia (or in English the Malaysian Red Cross Society), for purposes connected therewith;
 - (18) to amend the Municipal Ordinance;
 - (19) to incorporate the Federal Agricultural Marketing Authority to supervise, co-ordinate and improve the marketing of agricultural produce in the Federation;
 - (20) to amend the Federated Malay States Chamber of Mines Incorporation Enactment (F.M.S. Cap. 104);
 - (21) to amend the Land (Group Settlement Areas) Act, 1960, and to extend the operation of that Act to the States of Penang and Malacca;
 - (22) to provide for regulating the employment of port workers, without amendment.

(Sgd.) DATO' SHEIKH ABU BAKAR,
Deputy President"

ASSENT TO BILL PASSED

Mr Speaker: Honourable Members, I wish to inform the House that His Majesty the Yang di-Pertuan Agong has assented to the following Bills which were passed recently by both Houses of Parliament:

- (1) The Constitution and Malaysia Bill (Amendment) Bill, 1965.
- (2) The Parliamentary Secretaries (Remuneration) Bill, 1965.
- (3) The Timbalan Yang di-Pertuan Agong (Remuneration) (Amendment) Bill, 1965.

- (4) The Statistics Bill, 1965.
- (5) The Offences relating to Vehicles (Amendment) Bill, 1965.
- (6) The Trustee Investment Bill, 1965.
- (7) The Supplementary Supply (1965) Bill, 1965.
- (8) The Customs (Exemption and Remission of Charges) Bill, 1965.
- (9) The Tariff Advisory Board (Amendment) Bill, 1965.
- (10) The Treasury Bills (Local) (Amendment) Bill, 1965.
- (11) The Turnover Tax Bill, 1965.
- (12) The Inland Revenue (Sarawak) (Amendment) Bill, 1965.
- (13) The Income Tax Laws (Singapore and the States of Malaya) (Amendment) Bill, 1965.
- (14) The Racing Club (Public Sweepstakes) Bill, 1965.
- (15) The Cinematograph Film-Hire Duty Bill, 1965.
- (16) The Central Electricity Board of the Federation of Malaya (Change of Name) Bill, 1965.
- (17) The Malaysian Red Cross Society (Incorporation) Bill, 1965.
- (18) The Municipal (Amendment) Bill, 1965.
- (19) The Federal Agricultural Marketing Authority Bill, 1965.
- (20) The Federated Malay States Chamber of Mines Incorporation (Amendment) Bill, 1965.
- (21) The Land (Group Settlement Areas) (Amendment) Bill, 1965.
- (22) The Port Workers (Regulation of Employment) Bill, 1965.

ORAL ANSWERS TO QUESTIONS

FREE PRIMARY EDUCATION IN SARAWAK

1. Dato' Ling Beng Siew (Sarawak) asks the Minister of Education when the Government proposes to introduce Free Primary Education in Sarawak, which free Primary Education, the rest of the Malaysian States are enjoying.

The Minister of Education (Enche' Mohamed Khir Johari): Mr Speaker,

Sir, as announced by me at Kuching on the 4th of August, 1965, the Central Government has decided to extend free Primary Education in Government and Government-aided schools in Sabah and Sarawak with effect from 1st January, 1966 (*Applause*).

Enche' Lim Kean Siew (Dato Kramat): Will the Honourable Minister of Education inform this House whether or not free Primary Education includes free school books, or merely free school fees?

Enche' Mohamed Khir Johari: As practised in the States of Malaya, free Primary Education only means free of school fees.

REPLACEMENT OF ANTIQUATED TELEPHONE EQUIPMENT IN SARAWAK

2. **Dato' Ling Beng Siew** asks the Minister of Works, Posts and Telecommunications to state when the Government intends to replace the present out-dated and antiquated telephone equipment in Sarawak.

The Minister of Works, Posts and Telecommunications (Dato' V. T. Sambanthan): Mr Speaker, Sir, the 1966/1970 First Malaysian Five-Year Development Plan, which is now under consideration by the Government, makes provision for the improvement of the whole telephone network in Sarawak. When this Plan is completed there will be a considerable improvement, particularly in calls between the various towns in Sarawak.

Provision is also made in this Five-Year Plan for many of the manually operated telephone exchanges to be converted to automatic working. Work has in fact already started in Kuching on the provision of a new automatic telephone exchange. There are also a few smaller exchanges in the outlying areas which are being replaced by new ones.

INCLUSION OF SARAWAK IN INTERNATIONAL NETWORK OF COMMUNICATION

3. **Dato' Ling Beng Siew** asks the Minister of Works, Posts and Telecommunications to explain, in view of the

fact that the State of Sabah has already been included in the international network of communication, and Sarawak is so near to Sabah, how is it that Sarawak has been excluded from this network.

Dato' V. T. Sambanthan: Mr Speaker, Sir, the SEACOM section of the Commonwealth round the world cable was routed into Jesselton on a plan drawn up and agreed to by the Commonwealth partners and was outside the jurisdiction of engineers in either Sarawak or Sabah. This cable has provided the Borneo States with an access to the highest grade international circuits as well as providing first class circuits between the Eastern and Western Malaysia. It is the intention now during the period, 1966/1970, of the Malaysian Development Plan, if approved, to engineer a microwave route from Kuching to Jesselton which would then provide all the major towns in Sarawak with high grade circuits to Jesselton and thence to the SEACOM cable to Kuala Lumpur and other towns in Western Malaysia and the rest of the world. This route is expected to be completed in 1969/1970, and until the route is finally commissioned it will be necessary for all calls from Kuching, Sibu and Sirakeh to be routed over the radio circuits between Kuching and Singapore. These radio circuits are, of course, not as satisfactory as the SEACOM cable.

Mr Speaker: The Honourable Mr Lim Huan Boon.

Enche' Lim Kean Siew (Dato Kramat): Is Mr Lim Huan Boon a member of this House, Mr Speaker, Sir? If so, I rise to ask the question in his place. Can we have a ruling on that, Mr Speaker? Is he still a member of this House?

Mr Speaker: I suppose he is, since his name is on this Order Paper.

Enche' Lim Kean Siew: Very well, in that case, I ask Question No. 4.

Dato' V. T. Sambanthan: Mr Speaker, Sir, I wonder whether in view of the fact that Singapore has been out of (*resumes seat*).

PIRATE TAXIS IN SINGAPORE

4. Enche' Lim Kean Siew [*under Standing Order 24 (2)*] asks the Minister of Transport to state the number of pirate taxis in Singapore and the number of persons relying on this means of living. What steps had been taken by the Government to solve the social problem of pirate taxis.

The Minister of Transport (Dato' Haji Sardon bin Haji Jubir): Mr Speaker, Sir, with your permission then, I have to reply, although I hope I will be excused by the Singapore Government for taking over their reply.

The number of pirate taxis in Singapore can only be estimated from reports received from various sources such as the Traffic Police, the Singapore Traction Company, and the Singapore Chinese Bus Owners' Association. It is estimated that there are approximately 9,000 pirate taxis in Singapore. Assuming there are 9,000 pirate taxi drivers and each driver on average is supporting 4 persons, including himself, there are 36,000 persons dependent on the pirate taxis for their livelihood.

As regards the social problem of pirate taxis in Singapore, under section 41 of the Singapore Road Traffic Ordinance, 1961, only the Police have been vested with powers to seize private passenger vehicles used as pirate taxis. In view of the above, the pirate taxi problem can only be tackled by the Singapore Police. In this respect, the Police had already taken action to prosecute over 200 pirate-taxi cases on the island, and in fact the Police have been requested to intensify their campaign against the existing pirate taxis.

No. OF TAXIS IN SINGAPORE AND No. OF TAXI DRIVER LICENCES ISSUED

5. Enche' Lim Kean Siew [*under Standing Order 24 (2)*] asks the Minister of Transport to state the total number of taxis in Singapore and the number of taxi-driver licences issued and whether the Government intends to continue issuing taxi-driver licences. If so, how many.

Dato' Haji Sardon bin Haji Jubir: The total number of taxis registered

as at 29th July, 1965 is 3,226. The total number of taxi-driver licences issued as at 28th July, 1965, is 12,859.

FOREIGN MISSILE BASES IN SINGAPORE, FEDERATION OF MALAYA, SABAH AND SARAWAK

6. Enche' Lim Kean Siew [*under Standing Order 24 (2)*] asks the Minister of Defence to state clearly whether there are any foreign missile bases in (a) Singapore, (b) Federation of Malaya and (c) Sabah and Sarawak; and whether he can assure that there will be no foreign missile bases to be set up in these territories in future.

The Minister of Home Affairs (Dato' Dr Ismail): The Honourable Member for Dato Kramat seems to like to inherit all the questions made out by other Honourable Members (*Laughter*). Whether that will boomerang against him in the future, I do not know. However, since he has, according to the Standing Orders and Rules, asked this question, I am obliged to answer.

All I can say here is in regard to the present position with regard to Singapore. We cannot be responsible as to what will happen in the future. So my answer in regard to Singapore will apply to the situation as at present and in regard to the Federation of Malaya, Sabah and Sarawak it will apply for now and for the future. Sir, there are no missible bases as such in Malaysia, but troops stationed here and are armed with modern armaments including missiles.

REMOVAL OF CHINESE TO CONTROLLED AREAS ALONG KUCHING-SERIAN ROAD, SARAWAK

7. Enche' Lim Kean Siew [*under Standing Order 24 (2)*] asks the Minister of Home Affairs—

- (a) why only Chinese are being forced to remove to the controlled areas along Kuching-Serian Road;
- (b) why certain elected peoples' representatives there are not allowed to visit the controlled area; and
- (c) how many are being detained under the "Hammer Action" and

how many are members of the SUPP.

The Minister of Home Affairs (Dato' Dr Ismail): Mr Speaker, Sir, the answer is as follows—

- (a) The Chinese in the Serian Road area have long been a community in which the Communist Organisation in Sarawak has thrived. To say the least, it was due to the acquiescence of this community at large that the recent terrorist action in this area was possible. Communists and their supporters living in this Chinese community committed the foul murders of six defenceless Chinese civilians. In order to afford protection to the individuals and to disrupt the Communist grip on the community, the re-housing of this community into new villages has been undertaken.
- (b) Three persons have been served with orders excluding them from entering the controlled area in order to prevent them from continuing to incite disaffection to Government security action. Such incitement would have been in conformity with the Communist subversive effort.
- (c) Fifty-six persons have been arrested in Operation "Hammer" of whom 32 have been detained. It is not known how many of these persons are members of political parties, either SUPP or any other party.

Enche' Lim Kean Siew: Can the Honourable Minister of Home Affairs let us know whether these 56 persons, who have been detained, form the majority of the wanted people on the Police list?

Dato' Dr Ismail: I am sorry, I did not hear the last part of the question.

Enche' Lim Kean Siew: Whether these 56 people form the majority of those people wanted from that area in the Police list?

Dato' Dr Ismail: Well, Sir, they are being examined.

Enche' Lim Kean Siew: It seems rather strange that it has been con-

sidered necessary to punish approximately 10,000 people when in fact, as we can understand it, only about 56 suspects are involved.

Dato' Dr Ismail: Not true that the 10,000 people have been punished. These 10,000 people are being given the protection which was not accorded to them before.

Enche' Lim Kean Siew: Mr Speaker, Sir, I have never yet heard that you have to hang the man for his own good, nor when a man has to be incarcerated, or innocent women and children have been incarcerated, or put behind barbed wire and detained for their own good. Perhaps, the Honourable Minister for Internal Security can explain what he means by that.

Dato' Dr Ismail: If the Honourable Member has been reading the newspapers very carefully, these 10,000 people have not been incarcerated. They have been rehabilitated.

Enche' Lim Kean Siew: Mr Speaker, Sir, it is just very much like the term Hitler used in the gas chamber and the death camps of Germany against the Jews. (HONOURABLE MEMBERS: No.) They were also, according to what we understand from German sources, people who were in fact being rehabilitated.

NANTAH UNIVERSITY—No. OF UNDERGRADUATES UNDER DETENTION

8. Enche' Lim Kean Siew [*under S.O. 24 (2)*] asks the Minister of Home Affairs whether there were any motives behind the big sweep of Nantah undergraduates on 27th June, 1965, in connection with the reshuffle of Nantah, how many Nantah under-graduates are still under detention, and how many are allowed to re-enter into the University.

Dato' Dr Ismail: This will be academic, because it will be the responsibility of the Singapore Government.

SURVEY OF TECHNICAL MANPOWER IN MALAYSIA

9. Enche' C. V. Devan Nair (Bungsar) asks the Prime Minister whether the

Government would consider the desirability of carrying out a survey of the available technical manpower of Malaysia, in view of the Government's industrialisation policy, and whether he would consider the preparation of public register of such qualified technical persons, containing their names and qualifications.

Engku Muhsein bin Abdul Kadir: Mr Speaker, Sir, the Federal Government is already carrying out a manpower survey which will include information on appointment of and future requirement for specialists and technical skills in the States of Malaya. This is being done to provide, among other things, an estimate of the present supply of manpower with these skills. This survey is the first step in the preparation of a comprehensive review of the current supply and future requirements for specialist manpower covering the whole of Malaysia. The Government is fully aware that unless the supply of technical and specialist skills in the country is increased significantly, its economic development will be handicapped. The Government is also fully aware of the absolute necessity to ensure that the use of available technical and specialist skills is maximised. If it is considered that this purpose would be served by the maintenance of a national register of those possessing the required qualifications, the Government will certainly take the necessary action to do so.

PAYMENT OF PAYROLL TAX BY TRADE UNIONS—EXEMPTION OF

10. Enche' C. V. Devan Nair asks the Minister of Finance to state why:

- (a) the Comptroller of Inland Revenue is still sending out notices to trade unions demanding payment of payroll tax considering that trade unions have since been exempted from the payment of this tax, and
- (b) whether he is aware that the Comptroller of Inland Revenue has taken no action to refund payroll tax collected from trade unions which have since been

exempted from the payment of this tax.

The Minister of Finance (Enche' Tan Siew Sin): Mr Speaker, Sir, the Honourable Member will be aware that the exemption list was only published in late June, 1965, and it will take some time for the tax to be refunded. However, I have already directed the Comptroller-General of Inland Revenue to refund such tax as soon as possible and to cease sending notices to bodies which are exempted from it.

RECOMMENDATION OF I.C.F.T.U. ON BASIC TRADE UNION RIGHTS—REPLY BY MINISTER OF LABOUR

11. Enche' C. V. Devan Nair asks the Minister of Labour whether he had decided on his reply to the following recommendation made by the I.C.F.T.U. Mission which recently visited Kuala Lumpur:

"To work out a formula which, while on the one hand, would give adequate powers to the Government to ensure national security and sovereignty in an emergency, yet at the same time would not deprive workers of their basic trade union rights."

The Minister of Labour (Enche' V. Manickavasagam): Mr Speaker, Sir, Government has already indicated that it is prepared to consider such amendments to the regulations as are necessary and feasible, taking into consideration the views expressed by the Malaysian Trade Union Congress and the Malayan Council of Employers' Organisation. A Committee consisting of officials of my Ministry, representatives of M.T.U.C., and M.C.E.O., has been set up to study the regulations with a view to making proposals.

Enche' C. V. Devan Nair: May we know as to how soon the findings of this Committee, or the recommendations of this Committee, will be made public?

Enche' V. Manickavasagam: In fact, I have directed that this Committee start work soon and give its findings to me as soon as possible.

ESTABLISHMENT OF TRADE, DIPLOMATIC AND CULTURAL RELATIONS WITH YUGOSLAVIA, SOVIET UNION, AND EAST EUROPEAN COUNTRIES

12. Enche' C. V. Devan Nair [*under Standing Order 24 (2)*] asks the Prime Minister to indicate what steps have been taken or will be taken to establish diplomatic, trade and cultural relations with Yugoslavia, the Soviet Union and East European countries.

The Minister of Lands and Mines (Enche' Abdul-Rahman bin Ya'kub): Mr Speaker, Sir, it has always been the policy of the Malaysian Government to establish diplomatic relations with all friendly countries. This is consistent with our foreign policy, which is independent and dynamic. With regard to the trade relations, the Malaysian Government has not placed any restriction on trade with any country on account of ideological belief, except for South Africa. It will be recalled a rubber trade mission jointly sponsored by the Ministry of Commerce and Industry and Rubber Export Registration Board made a tour in 1963 to the Soviet Union and the East European countries in an attempt to promote and increase the sale of rubber to these countries. The Members of the mission had negotiations with trade representatives of these countries on the possibility of direct sale of rubber. In addition, at the moment the Government is taking steps to provide facilities for citizens of these countries to come to Malaysia for an authorised period for further trade negotiations and consultations with Government officials and other bodies concerned. With regard to the establishment of cultural relations with the Soviet Union and East European countries, no steps have yet been taken, as it is not envisaged in the very near future that such relations with other countries would be established.

POLITICAL FORUMS BY TELEVISION AND RADIO MALAYSIA, KUALA LUMPUR

13. Enche' C. V. Devan Nair [*under Standing Order 24 (2)*] asks the

Minister of Information and Broadcasting whether he would invite representatives of constitutionally recognised opposition parties whose policies are now being discussed and freely criticised and misrepresented in regular political forums organised by Television and Radio Malaysia, Kuala Lumpur.

The Minister of Information and Broadcasting (Enche' Senu bin Abdul Rahman): Mr Speaker, Sir, it is not correct to say that both Radio and Television Malaysia hold regular political forums to criticise and misrepresent the policies of political parties as alleged by the Honourable Member. What we have at the moment is only a series of programmes on current affairs. The question of inviting political parties to participate in political forums does not, therefore, arise. It is not our policy to turn Radio and Television into a political arena.

Enche' C. V. Devan Nair: The Honourable Member has quite deliberately misunderstood, perhaps, the question. The point of the question is whether instead of having Alliance symphonies, which pass off as forums, would he invite me to the next political forum? I am prepared to participate with Mr Athi Nahappan and Mr T. H. Tan with great pleasure, and I won't even ask for the \$30.00.

Enche' Senu bin Abdul Rahman: We will consider that, Sir.

Enche' Lim Kean Siew: Would the Minister of Information and Broadcasting also consider inviting me to this panel for discussions.

VIEWS IN EDITORIALS OF SUARA MALAYSIA

14. Enche' C. V. Devan Nair [*under Standing Order 24 (2)*] asks the Minister of Information and Broadcasting to clarify whether views in the editorials of *Suara Malaysia*, a journal published by the Minister of Information and Broadcasting, reflect Government views; if not, whose views.

Enche' Senu bin Abdul Rahman: Mr Speaker, Sir, the answer is "Yes". They are intended to explain Government

policies and to correct the distortion and misrepresentation of the Central Government's policies by irresponsible political parties.

(Questions Nos. 15 and 16 passed by)

TASS NEWS AGENCY'S CORRESPONDENT IN MALAYSIA—STATIONING OF

17. Enche' C. V. Devan Nair [*under Standing Order 24 (2)*] asks the Minister of Home Affairs whether he would allow the Russian Tass News Agency to station a correspondent in Malaysia.

Dato' Dr Ismail: The Government does not reject any move made to station a correspondent of the Russian Tass News Agency in Malaysia. However, the time is not appropriate because the Russians have been supporting Indonesia in its confrontation against Malaysia.

TANJUK NEWS AGENCY OF YUGOSLAVIA—STATIONING OF REPRESENTATIVE IN MALAYSIA

18. Enche' C. V. Devan Nair [*under Standing Order 24 (2)*] asks the Minister of Home Affairs whether he would allow the Tanjuk News Agency of Yugoslavia to station a man in Malaysia.

Dato' Dr Ismail: Government has not received any application to allow the Tanjuk News Agency of Yugoslavia to station a man in Malaysia. However, if such an application is received the Government is prepared to consider it with a view to approving it.

(Question No. 19 passed by)

POLICE FIELD FORCE IN SOUTHERN THAI DISTRICTS ALLOWANCES

20. Datin Fatimah binti Haji Hashim asks the Minister of Home Affairs to state the reasons why members of the Police Field Force serving in Southern Thai Districts are not paid the same allowances as those paid to members of the Police Field Force serving in the Borneo territories.

Dato' Dr Ismail: Sir, all members of the Police Field Force are paid a Field Force Allowance as long as they are

in the Police Field Force. In addition, free rations or in special cases a Ration Allowance of \$1.50 per day in lieu are provided. These allowances are paid to Police Field Force members irrespective of whether they are serving in Southern Thailand or in the Borneo territories.

The Field Force Allowance and the free rations are in fact a subsistence allowance.

Those serving in the Borneo Territories are however paid in addition a special allowance which is not given to those serving in Southern Thailand.

The reasons are that operational duty in Thailand does not involve the men in any higher expenditure than if they were serving in the States of Malaya as it is the normal practice to supply them with packed rations. Furthermore, the men return to their homes at the base in the Ipoh Camp at the conclusion of each operation which does not last for more than about 2 to 3 weeks at a time.

On the other hand, those serving in the Borneo Territories incur a higher expenditure than if they were to serve in the States of Malaya as a result of the higher cost of living in the Borneo territories, and separation from their families who remain in Malaya whilst they are in Borneo for the period of their duty amounting generally to three months at a time.

POLICE FIELD FORCE—PROMOTION TO FILL SERGEANT-MAJOR VACANCIES

21. Datin Fatimah binti Haji Hashim asks the Minister of Home Affairs to state:

(a) why eight sergeants in the Ipoh Police Force, who had been Acting Sergeant-Majors for some time were reverted to their rank of sergeant with effect from January 1965, but were informed to the effect only in May 1965, and compelled to refund their acting allowances for 5 months, by way of deductions made from their salary;

(b) whether the Government is aware that the eight posts of Sergeant-Majors thus rendered vacant were

filled by six Sergeants who are not serving in the Police Field Force, and have not been transferred to the Police Field Force Services as Sergeant-Majors; and

- (c) whether the Government is also aware that the former 8 Police Field Force Sergeants are still carrying on the duties of Sergeant-Majors in the Police Field Force, without receiving any acting allowances, and if so, what actions the Government proposes to take to remedy this unsatisfactory situation.

Dato' Dr Ismail: Sir, the answer to part (a) of the question is as follows:

Eight subordinate police officers in the Police Field Force were temporarily promoted to the rank of Acting Sergeant-Major because no substantive Sergeant-Majors were available for the posts. These temporary acting promotions were made pending substantive Sergeant-Majors becoming available for the posts.

Following a substantive promotion exercise held at the end of the year 1964, eight substantive Sergeant-Majors became available for posting to the Police Field Force and they were so posted on 22nd January, 1965, in place of the eight temporary Acting Sergeant-Majors, who were consequently required to revert to their substantive ranks; they were informed of such reversion in January 1965, i.e., at the time of the posting to the Police Field Force of the eight substantive Sergeant-Majors.

Unfortunately, owing to a mistake, the eight subordinate police officers, who were required to revert to their substantive ranks, continued to be paid salary as Acting Sergeant-Majors up to the end of April 1965, and when this was put right in May 1965, they were required to refund in instalments the amount overpaid to them for the period from 22nd January, 1965 to 30th April, 1965.

The answer to part (b) of the question is as follows:

Six of the eight substantive Sergeant-Majors, who were posted to the Police Field Force in January 1965, although

physically fit for ordinary police duties proved in practice to be unfit for the more physically strenuous nature of the duties required of the Police Field Force.

It was, therefore, necessary to transfer the six substantive Sergeant-Majors concerned to ordinary police duties. As a result of this the number of Sergeant-Majors on ordinary duties exceeded the establishment by six and correspondingly there were six vacancies in the Police Field Force. Promotions could not, of course, be made, even in a temporary acting capacity, against the six vacancies in the Police Field Force because there were no overall vacancies for Sergeant-Majors.

The answer to part (c) of the question is as follows:

No acting allowances are payable in respect of members of the rank and file in the Police Field Force who are performing duties in duty posts higher than their substantive ranks. Duty posts in which acting allowances may be paid are confined to posts in Divisions I and II of the public service and to other posts shown in the Schedule to the Treasury Circular No. 16 of 1954.

However, when there are vacancies in the overall establishment of the rank and file of the Police Force it is possible, pending the result of substantive promotions exercises, to make promotions in a temporary acting capacity.

The six subordinate police officers concerned are not eligible for any acting allowances under the provisions of Treasury Circular No. 16 of 1954, whilst carrying out the duties normally attached to Sergeant-Majors' posts nor could they be promoted in a temporary acting capacity since there were no overall vacancies available.

However, additional vacancies in the overall establishment have since arisen and arrangements are now being made to enable the six subordinate police officers concerned to be again considered for promotion to the Temporary Acting rank of Sergeant-Major for as long as they may be required to

perform duty in posts for Sergeant-Majors in the Police Field Force or until suitable substantive Sergeant-Majors become available for the posts.

FREE EDUCATION FOR MALAYS IN SECONDARY SCHOOLS AND HIGHER INSTITUTIONS

22. **Enche' C. V. Devan Nair** [*under Standing Order 24 (2)*] asks the Minister of Education whether he will follow the example of Singapore by extending free education to Malays in all secondary schools and the higher institutions of learning including the Universities of Malaya and Singapore.

The Minister of Education (Enche' Mohamed Khir Johari): Sir, it is not my policy to follow blindly the example of Singapore, or of any other country for that matter. (*Laughter*).

Enche' C. V. Devan Nair: Sir, may I invite the Honourable Minister of Education not to follow blindly but with his eyes open and to provide Malay students in all secondary schools and higher institutions free tuition right up to the University—not with his eyes folded but with open eyes! (*Laughter*) (*Pause*).

Enche' C. V. Devan Nair: Sir, do I take it that he is unwilling to answer the question?

Enche' Mohamed Khir Johari: Sir, I always keep my eyes open, Sir. (*Laughter*).

Enche' C. V. Devan Nair: The Minister has, perhaps, forgotten to keep his ears open. Mr Speaker, Sir, I would like an answer to my question.

Enche' Mohamed Khir Johari: Every-thing open, Sir. (*Laughter*).

Enche' C. V. Devan Nair: The Minister of Education can give this House and the country an excellent lesson in obscurantism. (*Laughter*).

TRANSPORT BURSARIES FOR MALAY PUPILS

23. **Enche' C. V. Devan Nair** [*under Standing Order 24 (2)*] asks the Minister of Education whether he will follow the example of Singapore by giving transport bursaries to Malay pupils in

primary and secondary schools who live more than 3 miles away from their schools.

Enche' Mohamed Khir Johari: The same answer, Sir, as the one to question No. 22 (*Laughter*).

BURSARIES FOR MALAY PUPILS FROM SECONDARY SCHOOLS TO UNIVERSITY

24. **Enche' C. V. Devan Nair** [*under Standing Order 24 (2)*]: I am risking getting the same answer, Sir, but I would ask the Minister of Education whether he will follow the example of Singapore by providing bursaries for Malay pupils from the secondary schools right up to the University, over and above free tuition.

Enche' Mohamed Khir Johari: I would say in short "ditto", Sir (*Laughter*).

Enche' C. V. Devan Nair: Sir, may I ask whether the Honourable Minister might take some lessons in parliamentary procedure and answer questions which I asked of him?

Enche' Lim Kean Siew: Sir, without following the example of Singapore, will the Honourable Minister of Education provide bursaries for Malay pupils from the secondary schools right up to the University over and above free tuition, or is he contemplating it?

Enche' Mohamed Khir Johari: Mr Speaker, Sir, I am afraid the Honourable Member is completely ignorant of the fact that, even before Singapore had started to provide bursaries for Malay pupils, the Central Government had long before that been providing financial assistance including bursaries, scholarships, textbooks assistance, free tuition, subsidized accommodation, etc., to deserving Malay and other pupils and students at secondary, pre-University and higher education levels. I might add here that the Singapore method of providing bursaries for Malay pupils is nothing but a farce, considering the fact that the definition of a Malay in the Singapore Constitution itself restricts the number who are eligible for such bursaries to only a few. Only a child of a Singapore citizen whose

parents and paternal grandfather are Malays, can be considered for a bursary. I doubt very much if the child of the Honourable Member who asks this question himself is eligible for such a bursary in Singapore.

Enche' C. V. Devan Nair: Mr Speaker, Sir, would the Honourable Minister agree that some of the Members on the Alliance benches, the Honourable Member for Johor Tenggara for instance, would definitely not qualify for a bursary based on the fact that his parents and grand-parents and all must be born in Malaya.

Enche' Mohamed Khir Johari: Sir, in the States of Malaya we are more liberal. His children qualify for the bursary.

ENTRY OF HIRED CARS AND TAXIS FROM PENANG AND SINGAPORE INTO MALAYA

25. Enche' C. V. Devan Nair [*under S.O. 24 (2)*] asks the Minister of Transport, what is the policy with regard to the entry of hired cars and taxis from Penang into Malaya and from Singapore into Malaya and *vice versa*.

Dato' Haji Sardon bin Haji Jubir: Mr Speaker, Sir, there is no restriction on any licence, taxi or hired car, from Penang entering Mainland (Malaya) or *vice versa*, as the laws governing the operation of taxis and hired cars in Penang and other States in Malaya are identical. However, there is a condition attached to the licence which requires a taxi or hired car to operate normally from the authorised base.

With regard to the entry of taxis from Singapore to Malaya and *vice versa*, as the regulations governing the operation of these vehicles to Singapore and Malaya are different, there has to be some restriction on the movement of these vehicles between the two territories. In Malaya, the number of licensed taxis or hired cars is controlled according to traffic demand. This is to ensure that not only each taxi owner and driver can earn a reasonable income, and thereby able to maintain his taxi in a high standard of efficiency

and provide comfort and safety for the public using it, but also to prevent the taxis from embarking on uneconomic and keen competition with the bus services and the Railways. On the other hand in Singapore, there has been an unrestricted issue of licences, so much so that the number of taxi licences has greatly exceeded the requirements until the State Government was forced to stop the issue of further licences recently. If Singapore taxis are allowed to enter Malaya freely, the excess vehicles will move to Malaya to extract traffic from Malayan licensed taxis and thereby jeopardising the livelihood of the latter. However, for the convenience of the public, who may wish to travel from Singapore into Malaya and return to Singapore, especially *bona fide* tourists, licences have been issued to the following taxis to travel from Singapore to Malaya or *vice versa*. The Singapore taxis authorised to enter the States of Malaya are 42: Singapore taxis authorised to carry *bona fide* tourists into Malaya are 188. Malayan taxis or hired cars authorised to enter Singapore are 29. The permits authorising Singapore taxis to enter the States of Malaya contain conditions to the effect that the authorised vehicles may only be used in the States of Malaya in connection with journeys commenced in Singapore, and that on the return journey to Singapore only those same passengers may be carried, otherwise the vehicle must return empty to Singapore. These conditions apply *mutatis mutandis* to taxis from Malaya entering Singapore.

TAX ON LOCAL FRUITS FROM PENANG OR SINGAPORE INTO MALAYA

26. Enche' C. V. Devan Nair [*under S.O. 24 (2)*] asks the Minister of Finance whether rambutans, mangosteens, durians and other locally grown fruits are taxed on their entry from Penang into Malaya, or from Singapore into Malaya.

Enche' Tan Siew Sin: Mr Speaker, Sir, duties are presently imposed on tropical fruits which are imported into the States of Malaya. These duties have been in existence since before

Malaysia, and it will be noted that duties are also imposed in Sabah and Sarawak. When the duty was first imposed in the former Federation of Malaya, the importation of such tropical fruits from Penang into the States of Malaya was exempted from duty. Up to yesterday, I would say that, whether or not the duties which now prevail in the other components of Malaysia should be removed, must be viewed in the light of the proposals for the establishment of a Common Market in Malaysia. This will still hold good for the rest of Malaysia except Singapore, but in view of the developments of this morning, I think the question in so far as Singapore is concerned is merely of academic interest.

PEMIMPIN² SIASAH MENYEBARKAN DI'AYAH HENDAK MENGHAPUSKAN KEDAULATAN RAJA² MELAYU

27. Dato' Haji Mustapha bin Haji Abd. Jabar bertanya kepada Menteri Hal Ehwal Dalam Negeri ada-kah Kerajaan sedar bahawa sa-tengah pemimpin² siasah dalam negeri ini, chuba menyebarkan di'ayah yang bertujuan menghapuskan kedaulatan Raja² Melayu yang sedang memerintah di-Tanah Melayu pada masa ini, jika sedar apa-kah tindakan Kerajaan terhadap mereka² ini demi kesuchian Perlembagaan Negara ini.

Dato' Dr Ismail bin Dato' Haji Abdul Rahman: Jika perbuatan mereka itu melanggar Undang² negeri ini dengan membangkitkan perasaan benchi atau perasaan yang menghinakan kedudukan dan taraf Duli² Yang Maha Mulia Raja² Melayu maka tindakan terhadap mereka akan diambil mengikut Undang² yang telah diluluskan oleh Parlimen ini.

ORANG² BUANG DAERAH MENYEMAIKAN PERBUATAN² JAHAT KAPADA PEMUDA²

28. Dato' Haji Mustapha bin Haji Abd. Jabar bertanya kepada Menteri Hal Ehwal Dalam Negeri, ada-kah Kerajaan sedar bahawa orang² yang kena hukuman buang Daerah telah menye-

maikan perbuatan² jahat yang ada pada mereka kapada pemuda² di-mana tempat mereka² di-buang, jika sa-kira-nya sedar tidak-kah Kerajaan dapat mengadakan satu tempat yang khas untuk menempatkan mereka² ini, supaya tidak dapat menyemaikan perbuatan² jahat kapada pemuda² yang lain.

Dato' Dr Ismail bin Dato' Haji Abdul Rahman: Tuan Yang di-Pertua, ini ada-lah satu soalan yang amat sukar di-jawab. Untok menapihan sama sakali bahawa orang² buangan daerah tidak mempengaruhi belia² di-tempat² mereka di-buang daerah itu ada-lah tidak tepat, tetapi untok mengakuinya ada-lah juga satu pengakuan yang tidak benar belaka. Tujuan ulong Kerajaan menghadkan ahli² kongsi gelap ka-kawasan² yang tertentu itu ia-lah bukan sa-bagai hukuman dalam erti-kata yang sa-benar-nya tetapi ia-lah untok menegaskan ka-dalam sanubari mereka bahawa apa² yang mereka telah lakukan sa-masa di-dalam kumpulan haram itu ada-lah suatu yang salah di-sisi undang². Dengan itu Kerajaan berharap mereka akan chuba memperbaiki tabi'i mereka untok menjadi ahli² masharakat yang berguna. Menghadkan mereka ka-sa-suatu kawasan yang tertentu untok satu jangka waktu yang tertentu pula ia-lah supaya pehak Polis dapat mengawasi gerak-geri mereka.

Tujuan Kerajaan ia-lah untok menolong mereka keluar dari chengkaman perkongsian itu. Sa-takat mana kita telah berjaya amat-lah susah hendak di-ukor tapi sa-takat ini kita ketahu, ia-itu lebeh kurang 70% daripada mereka yang di-hadkan tempat² kediaman mereka telah berjaya dipulehkan untok menjadi ra'ayat yang sedar terhadap apa yang baik dan apa yang di-kutok.

Mereka yang di-hadkan tempat kediaman itu sa-harus-nya-lah di-beri kebebasan sa-masa menjalankan hukuman itu untok bergaul dengan orang ramai.

Tujuan ini ia-lah untok mereka merasai bahawa mereka ada-lah tidak terpenchil dari masharakat biasa dan di-pandang rendah dan senentiasa di-buru. Mudah²an mereka akan terbuka

pintu hati untuk berpaling ka-jalan yang benar. Pengaruh dan dorongan, dengan tidak sa-chara langsung, dari khalayak ramai amat²-lah berguna untuk membentok dan memulehkan peribadi mereka yang telah rosak itu dan ada-lah ini bergantung kepada khalayak ramai sa-mata² di-harapkan semuga mereka yang berkenaan dapat puleh. Soal mengadakan satu kawasan khas atau special settlement tempat kediaman itu ada-lah satu soalan sa-harus-nya di-kaji dengan mendalam. Kita maseh lagi ingat tentang peristiwa yang telah berlaku di-Pulau Senang tidak berapa lama dahulu, jadi dari itu sa-belum kita membuat sa-suatu berkenaan keputusan ini kita sa-mesti-nya-lah mendalam masalah yang akan di-hadapi nanti dengan terbentok-nya kawasan² itu. Kerana tidak ada guna-nya untuk melonggok²kan semua ahli² kongsi gelap untuk mereka hidup bersama² mereka tanpa apa² langkah orang memulehkan mereka, jika tempat di-negeri mereka akan lebeh² lagi merosot ka-dalam jenayah sa-hingga benchi terhadap segala² yang terator mengikut undang². Walau bagaimana pun, Kerajaan akan mengkaji soal menubuhkan kawasan² kecil itu dengan teliti-nya, dan jika di-dapati langkah yang sa-demikian akan meng-untongkan masharakat, neschaya Kerajaan akan memulehkan-nya dengan sempurna.

Enche' Abu Bakar bin Hamzah: Oleh kerana apa yang di-takut²kan oleh Ahli Yang Berhormat yang bertanya tentang kechergasan orang² yang di-buang, ia-itu Kerajaan menapikan perbuatan itu ada-lah tidak tepat dan mengaku²-nya tidak betul, dan ada-kah benar tidak betul, Kerajaan ini sudah menyediakan kawasan untuk tiap² negeri untuk di-pindahkan orang² itu kembali ka-tempat yang asal.

Dato' Dr Ismail: Saya telah jawab. Barangkali dia salah dengar.

Tuan Haji Ahmad bin Abdullah: Tuan Yang di-Pertua, boleh-kah saya bertanya Menteri yang berkenaan adakah Yang Berhormat yang berkenaan sedar bahawa sa-tengah daripada orang di-pindahkan atau pun yang telah dikenakan hukum buang daerah, ada

daripada mereka di-buangkan daerah, kerana menyokong satu parti, parti yang kuat saperti parti PAS, kerana sa-bagaimana yang saya tahu ada tujuh lapan orang penyokong PAS yang kuat telah di-buang daerah, ada sa-tengah daripada mereka dudok-nya di-Bukit Tinggi, 27 batu daripada Kuala Lumpur di-buang daripada Kota Bahru Kelantan ka-Bukit Tinggi dan ada sa-tengah daripada mereka di-buang ka-Temerloh, ka-Raub dan ka-tempat² dan daerah² lain lagi. Adalah orang² ini di-buang daerah chuma kerana orang² ini menyokong Parti Islam Tanah Melayu dengan kuat. Ada-kah Menteri Yang Berhormat boleh memberi keterangan kepada Rumah yang mulia ini? Ada-kah hukuman yang telah di-jatuhkan atas mereka itu ia-lah kerana kenyataan² chuma-nya di-buat oleh penyokong Parti Perikatan sahaja ka-atas mereka itu, atau pun Kerajaan sendiri telah mempunyai kenyataan² yang terang di-atas pekerjaan² yang telah di-buat oleh mereka itu menyebabkan menangkap mereka itu, membuang daerah; sa-kira-nya kenyataan Kerajaan yang terang begitu, kenapa-kah Kerajaan tidak menda'wa mereka itu ka-Mahkamah?

Dato' Dr Ismail: Tuan Yang di-Pertua, sa-tahu saya, tidak ada orang yang berpolitik, yang tidak membuat salah, di-buang daerah. Jika ada-lah ahli² PAS di-buang daerah ma'ana-nya mereka itu telah membuat kesalahan, jika kesalahan mereka itu di-perlindongi oleh PAS, itu saya tidak tahu. Chuma orang² PAS sahaja yang tahu, tetapi saya menapikan sama sa-kali yang ahli² politik yang tidak membuat salah, di-buang daerah. (*Interruption*).

Tuan Haji Ahmad bin Abdullah: Ini menunjukkan bahawa sa-nya Kerajaan Perikatan telah menjalankan kedzaliman menangkap orang tidak bersalah.

SHARIKAT BERITA KEBANGSAAN

29. Wan Hassan bin Wan Daud bertanya kepada Menteri Penerangan dan Penyiaran adakah Kerajaan berchadang hendak menubuhkan sa-buah Sharikat Berita Kebangsaan, kalau ya, apa-kah ranchangan² atau persediaan² yang telah di-buat.

Enche' Senu bin Abdul Rahman: Tuan Yang di-Pertua, sa-bagaimana yang sudah di-umumkan baharu² ini oleh Timbalan Perdana Menteri ia-itu agensi atau sidang persediaan² sedang di-buat pada hari ini. Persiapan² atau persediaan² telah di-buat untuk mendapat perkhidmatan dan pakar² daripada UNESCO bagi memulakan perkhidmatan yang tersebut, dan pakar² itu akan tiba ka-Malaysia di-dalam sadikit masa ini, dan juga persiapan² lain sedang di-buat.

Enche' Abu Bakar bin Hamzah: Oleh kerana Yang Berhormat Menteri kita itu sedang berusaha dengan pehak UNESCO, saya suka mendapat penjelasan yang tepat ia-itu ada-kah sharikat ini kepunyaan pehak UNESCO atau pun pehak luar? Dan orang kita itu sa-mata² bekerja di-situ atau orang itu bekerja dengan kita?. Sebab-nya, Tuan Yang di-Pertua, saya minta penjelasan ini, ia-lah kerana statement Kerajaan baharu² ini ta' dapat diperchaya' sa-bagaimana dia kata tutup Bank China di-Singapura itu, yang sa-benar-nya bukan, tetapi dia nationalise sahaja, jadi boleh jadi juga perkara menipu ra'ayat. Boleh-kah Yang Berhormat Menteri memberi pengakuan yang sa-benar-nya yang dia tidak bohong dalam perkara ini.

Enche' Senu bin Abdul Rahman: Tuan Yang di-Pertua, kerana sharikat ini nama-nya sharikat kebangsaan, jadi pakar yang akan di-ambil daripada UNESCO itu sa-mata² memberi nasihat kapada kita dan segala pegawai-nya semua-nya di-ambil di-Malaysia ini. Dan juga faedah² dan tujuan²-nya adalah sa-mata² untuk negeri ini. Terima kaseh.

SEKOLAH MENENGAH KEBANGSAAN TINGKATAN RENDAH DI-SABAH

30. Enche' Mohd. Arif Salleh bertanya kapada Menteri Pelajaran, ada-kah beliau berchadang hendak mengadakan Sekolah Menengah Tingkatan Rendah berbahasa kebangsaan di-Sabah.

Enche' Mohamed Khir Johari: Tuan Yang di-Pertua, Kerajaan Pusat akan menimbangkan perkara mengadakan

sekolah menengah yang berbahasa kebangsaan di-Sabah, apabila sahaja Kerajaan Pusat menerima permintaan saperti ini daripada Kerajaan negeri Sabah. Ada-lah di-fahamkan bahawa lembaga di-negeri Sabah telah pun mengshorkan kapada Kerajaan negeri Sabah supaya sekolah² dalam negeri ini di-buka dengan sa-berapa segera.

MELUASKAN TALIVISEN SAMPAI KA-SABAH

31. Enche' Mohd. Arif Salleh bertanya kapada Menteri Penerangan dan Pe-nyiaran ada-kah beliau berchadang meluaskan talivisen sampai ka-Sabah.

Enche' Senu bin Abdul Rahman: Tuan Yang di-Pertua, memang-lah menjadi tujuan Kerajaan hendak meluaskan perkhidmatan Talivisen sampai ka-Sabah dan juga Sarawak. Tentang bila-kah masa-nya ranchangan tersebut akan di-laksanakan tidak-lah dapat saya pastikan lagi pada masa ini kerana ini ada-lah bergantung kapada beberapa perkara saperti hasil penyeli-dekan dari segi kejuruteraan, soal kewangan dan sa-bagai-nya.

DATO' SIR JAMES THOMSON—CITIZENSHIP

32. Enche' Lim Kean Siew [*under S.O. 24 (2)*] asks the Minister of Justice whether Dato' Sir James Thomson, the Head of the Malaysian Judiciary, is a Malaysian citizen and whether he has at any time sought to be one. If so, when was his application for Malaysian citizenship made.

Dato' Dr Ismail: The Honourable Member has inherited the question properly. Well, the Honourable the Lord President, Dato' Sir James Thomson, is not a Malaysian citizen and I have no knowledge as to whether he has at any time sought to be one.

ASIAN CHIEF JUSTICES' CONFERENCE IN TOKYO (OCTOBER, 1965)—MALAYSIA REPRESENTATIVE

33. Enche' Lim Kean Siew [*under S.O. 24 (2)*] asks the Minister of Justice whether the Government proposes that Malaysia should be represented at the

forthcoming Asian Chief Justices' Conference in Tokyo in October and, if the answer is in the affirmative, who it is proposed should lead the Malaysian delegation.

Dato' Dr Ismail: Sir, Malaysia will be represented at the Asian Chief Justices' Conference in Tokyo by the Chief Justice of Malaya.

COMMONWEALTH LAW CONFERENCE, AUSTRALIA (AUGUST, 1965)—REPRESENTATION OF MALAYSIA

34. Enche' Lim Kean Siew [*under S.O. 24 (2)*] asks the Minister of Justice whether he proposes that Malaysia should be represented at the forthcoming Commonwealth Law Conference in Australia commencing on 25th August, 1965 and, if the answer is in the affirmative, who it is proposed to lead the Malaysian delegation.

Dato' Dr Ismail: This is not an Inter-Governmental Conference but a Commonwealth Law Conference to be attended by Judges, Law Officers, Law Teachers and Members of the Legal profession. Leading members of the Malayan Bar Council, some Judges and Law Officers have been invited. They will go there as individual invitees and the question of the leader of the delegation, therefore, does not arise.

BILLS PRESENTED

THE FEDERAL STATUTE LAW REVISION (JOHORE) BILL

Bill to repeal certain Enactments of the State of Johore relating to matters on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL STATUTE LAW REVISION (KEDAH) BILL

Bill to repeal certain Enactments of the State of Kedah relating to matters on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL STATUTE LAW REVISION (KELANTAN) BILL

Bill to repeal certain Enactment of the State of Kelantan relating to matters on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL STATUTE LAW REVISION (PERAK) BILL

Bill to repeal certain laws of the State of Perak relating to matters on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL STATUTE LAW REVISION (PERLIS) BILL

Bill to repeal certain Enactments of the State of Perlis relating to matters on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL STATUTE LAW REVISION (SELANGOR) BILL

Bill to repeal an Enactment of the State of Selangor relating to a matter on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL STATUTE LAW REVISION (SABAH) BILL

Bill to repeal certain laws of the State of Sabah relating to matters on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL STATUTE LAW REVISION (FORMER FEDERATED MALAY STATES) BILL

Bill to repeal certain laws on matters on the Federal List enacted by the legislature of the former Federated Malay States; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE FEDERAL STATUTE LAW
REVISION (FORMER STRAITS
SETTLEMENTS) BILL**

Bill to repeal certain Ordinances of the former Straits Settlements; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE FEDERAL STATUTE LAW
REVISION (BRITISH MILITARY
PROCLAMATION) BILL**

Bill to provide for the Repeal of Proclamations of the British Military Administration in force in Malaysia relating to matters on the Federal List; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE FEDERAL STATUTE LAW
REVISION (FORMER MALAYAN
UNION) BILL**

Bill to repeal certain laws on matters on the Federal List enacted by the legislature of the former Malayan Union; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE FEDERAL STATUTE LAW
REVISION (FORMER FEDERATION
OF MALAYA ORDINANCES)
BILL**

Bill to repeal certain Acts of Parliament which have had their effect; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE FEDERAL STATUTE LAW
REVISION (FINANCIAL LEGISLA-
TION) (STATES OF MALAYA)
BILL**

Bill to repeal certain laws on Financial and connected matters which have become spent or redundant; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE FEDERAL STATUTE LAW
REVISION (GENERAL PROVI-
SIONS) BILL**

Bill to make certain general provisions in relation to the Statute Law Revision of Federal Laws and to repeal certain obsolete existing legislation on that subject; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE REPRINT OF FEDERAL
LAWS (AMENDMENT) BILL**

Bill to amend the Reprint of Federal Laws Act, 1965; presented by the Minister of Justice; read the first time; to be read a second time at a subsequent sitting of the House.

**THE INSURANCE (AMENDMENT)
BILL**

Bill to amend the Insurance Act, 1963; presented by the Minister of Finance; read the first time; to be read a second time at a subsequent meeting of the House.

THE UNCLAIMED MONIES BILL

Bill to make provision for the payment of unclaimed moneys into the Federal Consolidated Fund; presented by the Minister of Finance; read the first time; to be read a second time at a subsequent sitting of the House.

**THE INCOME TAX LAWS
(MALAYSIAN) (AMENDMENT)
BILL**

Bill to further amend the laws relating to income tax of Sabah, Sarawak, Singapore and the States of Malaya; presented by the Minister of Finance; read the first time; to be read a second time at a subsequent sitting of the House.

**THE ESTATE DUTY LAWS OF
SABAH, SINGAPORE AND THE
STATES OF MALAYA (AMEND-
MENT) BILL**

Bill to amend the laws relating to estate duty of Sabah, Singapore and the States of Malaya; presented by the Minister of Finance; read the first time; to be read a second time at a subsequent sitting of the House.

**THE CONSOLIDATED FUND
(EXPENDITURE ON ACCOUNT)
BILL**

Bill to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of December, 1966; presented by the Minister of Finance; read the first time; to be read a second time at a subsequent sitting of the House.

THE FEDERAL HOUSING BILL

Bill to enable the Government of the Federation to carry out housing schemes; presented by the Minister for Local Government and Housing; read the first time; to be read a second time at a subsequent sitting of the House.

**THE NATIONAL LAND CODE
(PENANG AND MALACCA TITLES)
(AMENDMENT) BILL**

Bill to amend the National Land Code (Penang and Malacca Titles) Act, 1963, presented by the Minister of Land and Mines; read the first time; to be read a second time at a subsequent sitting of the House.

**THE REGISTRATION OF
GUESTS BILL**

Bill to repeal certain laws relating to aliens and to make provision regarding the obligation of keepers of residential accommodation in respect of the registration of their guests and for matters connected therewith and ancillary thereto; presented by the Minister of Home Affairs; read the first time; to be read a second time at a subsequent sitting of the House.

**THE PENANG AND PROVINCE
WELLESLEY JUBILEE FUND BILL**

Bill to make better provision for the Penang and Province Wellesley Silver Jubilee Fund; presented by the Minister for Welfare Services; read the first time; to be read a second time at a subsequent sitting of the House.

THE MUI TSAI (REPEAL) BILL

Bill to repeal certain legislation relating to Mui Tsai; presented by the Minister for Welfare Services; read the first time; to be read a second time at a subsequent meeting of the House.

THE TRADE UNIONS BILL

Bill to make further provision with respect to the law relating to trade unions; presented by the Minister of Labour; read the first time; to be read a second time at a subsequent sitting of the House.

**THE INDUSTRIAL COURTS
(AMENDMENT) BILL**

Bill to amend the Industrial Courts Ordinance, 1948; presented by the Minister of Labour; read the first time; to be read a second time at a subsequent sitting of the House.

**THE MUSLIM PILGRIMS
(AMENDMENT) BILL**

Bill to amend the Muslim Pilgrims Ordinance, 1951; presented by the Minister of External Affairs; read the first time; to be read a second time at a subsequent meeting of the House.

**THE SOCIAL AND WELFARE
SERVICES LOTTERIES BOARD
(AMENDMENT) BILL**

Bill to amend the Social and Welfare Services Lotteries Board Ordinance, 1950, and the Social and Welfare Services Lotteries Board Act, 1962; presented by the Minister for Welfare Services; read the first time; to be read a second time at a subsequent sitting of the House.

**THE MAJLIS AMANAH RA'AYAT
BILL**

Bill to establish a corporate body by the name of the Majlis Amanah Ra'ayat to replace the Rural and Industrial Development Authority and to repeal the Rural and Industrial Development Authority Ordinance, 1953; presented by the Assistant Minister of National and Rural Development; read the first time; to be read a second time at a subsequent meeting of the House.

**THE RUBBER INDUSTRY
(REPLANTING) FUND
(ORDINANCE) BILL**

Bill to amend the Rubber Industry (Replanting) Fund Ordinance, 1952; presented by the Minister of Commerce and Industry; read the first

time; to be read a second time at a subsequent sitting of the House.

BUSINESS OF THE HOUSE (MOTION)

[STANDING ORDER 26 (1) (d)]

Dr Lim Swee Aun: Mr Speaker, Sir, I beg to move that under Standing Order 26 (1) (d) the second reading of the Companies Bill be taken before the National Land Code Bill.

Tuan Haji Abdul Hamid Khan: Mr Speaker, Sir, I beg to second the motion.

Question put, and agreed to.

Resolved, that under Standing Order 26 (1) (d) that the second reading of the Companies Bill be taken before the National Land Code Bill.

BILLS

THE COMPANIES BILL

Second Reading

The Minister of Commerce and Industry (Dr Lim Swee Aun): Mr Speaker, Sir, I beg to move that this Bill be now read a second time. This Bill is certainly one of the largest, if not the largest that has ever been considered by this Parliament. In my submission, Sir, it is one of the most important. Every country, which hopes to develop through free private enterprise, must have an up-to-date law governing the operation of limited companies. That law must be adequate to protect the interest of the public, but at the same time must not cause undue hardship or inconvenience to company promoters. It has been found in the United Kingdom, and elsewhere throughout the Commonwealth, that company law needs to be revised at intervals of about twenty years, if it is to be kept in line with the changing commercial practices and to adequately meet the needs of the people. The present company legislation in Malaysia consists of separate but similar ordinances for each State. All these ordinances are essentially based on the 1929 United Kingdom legislation which has, of course, been superseded by the legislation of 1948, and the 1948 legislation has already

been considered and reported on by the Jenkin's Committee and many amendments to it have been suggested. This Bill is the result of consideration given to the problem of suitable legislation for Malaysia by a representative committee which met under the chairmanship of Raja Mohar, Secretary for Commerce and Industry of my Ministry. That Committee considered not only the present legislation in force in the United Kingdom, Australia, India and New Zealand but also the draft code prepared for Ghana by Professor Gower and the very valuable report presented in the United Kingdom by the Committee chaired by Lord Cohen and Lord Jenkin respectively.

The Bill is necessarily long and complex, but in my submission no longer or more complicated than is necessary to deal with the great growth of commercial activities in Malaysia. The draft Bill prepared under the offices of Raja Mohar's Committee was made available to the public from the 7th March, 1964 to the end of November, 1964, and that Committee has given careful consideration to the numerous comments and suggestions that were received from members of the public and the learned bodies of lawyers, accountants, secretaries and businessmen, who have studied the proposals. At this stage I would like to thank all those who have given so much of their time to study the draft and who have made so many valuable suggestions. The draft Bill has been substantially revised in the light of these comments, and I believe that the measure now before Parliament has the substantial support of all sections of the commercial community. There are many changes in the law but I will outline to the House only the most important ones. I am sure Honourable Members of the House have read the Explanatory Statement in the Bill, therefore points of detail can best be left for consideration in Committee.

The Bill attempts in sections 19 and 20 to overcome the injustices that can occur because of operation of the doctrine of *ultra vires*. This is in line with the recommendation of the Jenkin's Committee's and the Cohen Committee's

recommendations and follows the lines of the provisions in force in Australia and in some of the American States. There has been some misapprehension as regards the provisions in sections 20 and 121 of this Act as regards the names of the companies and the painting and fixing outside the office of the name of a company in legible romanised characters.

Under the provisions of section 22 of this Act, a limited company should have the word "Berhad" or the abbreviation "Bhd" as part of, and at the end of, its name, whereas under section 4 of the present law the name of a limited company must have the word "Limited" as the last word of the name of a company.

A private company should have the word "Sendirian" or the abbreviation "Sdn", as part of its name inserted immediately before the word "Berhad" or before the abbreviation "Bhd".

The purpose of using the word "Sendirian" or the abbreviation "Sdn" is to indicate that the company is a private company in contrast to a public company. A transitory period of two years after the commencement of this Act is provided whereby a company may continue to use its name set forth in its memorandum of association immediately before the commencement of this Act.

Therefore it follows:

- (i) That an existing company need not comply with this provision for a period of two years; but
- (ii) companies incorporated after the commencement of this Act must comply forthwith with this provision.

Section 121 provides that the name of a company should appear in legible romanised characters in its seal, business letters, and documents and that the company should paint or affix outside the office in which its business is carried on in a prominent position in easily legible romanised letters its name, and also in the case of the registered office, the phrase "Pejabat Yang di- Daftarkan".

It must be appreciated that romanised letters are English letters and that in fact except for the word "Limited" being changed into "Berhad" and the addition of the word "Sendirian" in the case of private companies, no other change is effected. The name of a company remains the same.

However, I would like to draw the attention of the House to section 360, where Malay can now be used to lodge any instrument, certificate, contract, or document with the Registrar. That is, applications for registration of a company can now be made in the Malay language and any document required by the Registrar under this Act can also be made in the Malay language.

The procedure that must be followed by a company which wants to alter its objects has been substantially simplified. It will no longer be necessary to make an application to the Court for approval of such a change unless a substantial minority of the members object.

The provisions governing the form and contents of the prospectuses have been substantially revised, and stringent provisions to deal with companies seeking monies on deposit or loan from the public are included in the Bill. Such companies, which are called "borrowing corporations" in the Bill, must issue debentures, publish prospectuses, provide a trustee to look after the interests of those who invest in the company and make quarterly reports to the trustee and publish half-yearly accounts.

In section 55 the practice of having disproportionate *voting rights* in companies, shareholdings of public companies and subsidiaries of such public companies, designed to give control to a particular section of the members as allowed under the present law, has been done away with. This provision can apply to existing companies, if an order is made by the Yang di-Pertuan Agong extending its application to existing shares.

In section 84 and in the following sections and in the seventh schedule, new provisions to control unit and land trusts and other types of investment schemes are included.

The control over the activities of directors has greatly strengthened, and the position of the secretary has been clarified. I would like to draw attention in particular to section 122, which requires a company to have at least two directors, who have their principal or only place of residence in Malaysia and which prevents corporations from acting as directors, to section 128 which gives members more power in relation to removal of directors of public companies; to section 129 which provides that directors of companies will retire at 70 years of age, unless they are re-elected by a three-quarter majority; to section 139 which requires a register of directors, their shareholdings and dealings to be kept, and in particular to the provisions of section 135 which require directors and shareholders who own at least 5% of the issued share capital to give notice to the company of such events and matters relating to themselves as may be necessary or expedient to enable the company or its officers to comply with the requirements of this Act.

Part VI of the Bill together with the ninth schedule, which deals with accounts to be kept and what must be dealt with in a company's accounts, provides a completely new approach to the question of disclosure in companies' accounts. It is generally accepted throughout the world that proper accounts are basic requirements to the control of companies and to the protection of investors and creditors. Great care has been taken to ensure that the auditors of companies will be competent and independent and not subject to undue pressure by the directors.

In Clause 179 and in the tenth schedule, there are most important provisions designed to protect members of a company which is subject to a take-over bid; and in section 181 there are some new provisions designed to give an effective remedy to the minority of shareholders, who are being oppressed by the majority.

The whole of Part IX, which deals with investigations in the affairs of a company, has been revised and

extended. Provisions are made not only for an investigation into the affairs of a company but also for investigation into the ownership of shares in the company.

The provisions relating to the winding up of a company have been revised, and provisions relating to winding up subject to the supervision of the Court have been omitted completely. This follows the current Australian practice and has been recommended for the United Kingdom by the Jenkin's Committee. In particular, I would draw attention to Clause 292 which deals with priorities in a winding up.

In Part XI there are a series of new provisions to control the operation of investment companies, and in Division 2 of that part a completely new approach to the control of foreign companies has been adopted. Generally speaking, it is proposed that foreign companies should be treated in exactly the same way as the local companies, but I would draw attention to the provision of sub-section 5, of section 336, which requires foreign companies to publish separate balance sheet and profit and loss account, showing the results of their operations in Malaysia, and to section 342 and the following sections which require foreign companies when requested by a local resident, who is a member, to establish a branch register in Malaysia to do so.

In section 363 and the following sections, stringent provisions designed to deal with various forms of share-hawking and misrepresentation connected with company promotions are to be found.

At the same time as many new provisions have been devised to deal with the various evils associated with the operation and promotion of companies, an attempt has been made to cut out unnecessary provisions and undue red tape. I have already mentioned the omission of the provisions dealing with the winding up under the supervision of the Court. The number of persons, who can form a company, has been reduced. The wholly own subsidiary has been given expressed recognition. In section 166, public companies have been given

the opportunity to exempt themselves from filing annual returns of members. A new provision enabling promoters to reserve a name for an intended company has been included. The numbering of shares can be dispensed with if share certificates are sufficient, and provision has been made for the certification of transfer of shares by the company.

In conclusion, Sir, I must refer to the vexed question of the publication of accounts of companies. Although there is a very strong case for requiring all companies to publish their annual accounts and indeed this has been recommended by the Jenkin's Committee the Government, on the recommendation of Raja Mohar's Committee, has decided that there should be an exemption from the requirements of filing annual accounts in the case of the small family company and in the case of a company, which is more like a partnership. This exemption, which is provided for in Part II of the Eighth Schedule of this Act, will apply to a private company which has not more than 20 members and in which a corporation is not a member. The Government believes that this decision will meet with general approval.

There appears to be some dissatisfaction that provisions for the protection of employees have not been included in the Bill. There are, in this country, ample legislation for the protection of employees, and nowhere in the world is legislation for the protection of employees included in Company Law. Provisions for comprehensive, social insurance and pensions schemes for employees and workers (as indicated from time to time by the statements issued by the Minister of Labour both inside and outside the House) are under active consideration of the Central Government.

There also appears to be some dissatisfaction as to why shares having no par value have not been introduced. It must be appreciated that this has not been introduced even in England and Australia, where members of the public are more familiar in matters relating to shares. It would not be wise to introduce such provisions in this coun-

try, because it would give room for abuses of the Law and in certain cases even malpractices.

The information furnished in the balance sheet of a company would give ample information about the affairs of the company to a shareholder, or an intending investor. The creditors of the company are amply protected, and no creditor is prevented from demanding direct from the company any up-to-date information he may need to protect his interest, if the information lodged at the Registry of Companies is insufficient. Perhaps it is pertinent to recall the old maxim that "the Law can protect the innocent but not the fools".

Sir, I hope that all Members will agree that a measure such as this is essential in Malaysia to continue to develop into one of the great training and industrial nations of this part of the world. Sir, I beg to move that this Bill be read a second time.

Enche' Hanafiah bin Hussain (Jerai):
Mr Speaker, Sir, I want to commend the Government generally on introducing this very comprehensive Companies' Bill which, all of us agree, should have been introduced long ago. I, personally, am in agreement with the provisions of the Bill in attempting to create more confidence for the public in getting more information and applying more stringent regulations to regulate the affairs of public companies. Nonetheless, I have one or two minor points, which I consider minor in the light of the colossal amount of work done by our Government. The first point that I would like to mention here, Sir, is the excessive amount of fees payable by public companies on the authorised capital. In Schedule 9, it states there "For registration of a company whose nominal share capital does not exceed \$25,000—\$300"; and then it goes on to state that "For every \$5,000 of nominal share capital or part of \$5,000 after the first \$25,000 up to \$500,000—\$20". "For every \$5,000 of nominal share capital or part of \$5,000 after the first \$5,000—\$10." The sums of \$20 and \$10 may look very small in relation to the total amount of fees, but when

you really work out the details you will discover, Sir, that the amount of fees payable by a public company on, say, an authorised capital of \$1,000,000 is \$3,200. This is compared to the amount of fees now payable at \$1,350 and it was suggested in the 1964 Bill at \$825 compared to the Australian amount equivalent to \$930. But then my point is not so much the increase over the existing amount. When you go into the \$50,000,000 authorised capital bracket you find that the fee payable by the new company amounts to \$101,200. In the 1964 draft Bill, it was required to pay only \$13,450 on the line of the Australian stamp duty; and then if you have an authorised capital of \$100,000,000 the fee is increased to \$201,200 and so on and so on; at every increase of \$50,000,000 authorised capital, you have to pay an extra of \$100,000 or so.

Sir, the fees payable for the registration of a company and on an increase of share capital are materially higher than those provided for in the 1964 draft Bill. I personally do not really understand why this amount has been revised. A comparison of the fees payable under the revised Bill with those provided under the draft Bill and under the Companies legislations of England and Australia shows the absurdity of the new scale. Let us look at it from different angles.

First of all, do we want to encourage foreign investment? If we do not want to encourage foreign investment, this is one of the good ways of doing it. If we do want to encourage foreign investment, then this higher scale of fees would inhibit foreign investment. Looking at it from the local point of view, the high registration fees also retard the formation of new companies and operate as a disincentive to private companies which might otherwise increase their share capital with a view of public participation.

Again, under Clause 17 (a) and 18 of the Second Schedule foreign companies are required to pay fees at one-half of the rates prescribed for local companies. This could be a serious disincentive to any substantial foreign

company considering a pilot operation in Malaysia and must, therefore, operate as a deterrent to foreign investment. That question is put to the Government, Sir, to consider and ponder, because if you want to have foreign investment, then we must get rid of this disincentive factor.

On the other hand, there is a case for Government to increase the stamp duties, but then let the increase be of a reasonable amount, more sensible to the outside world and even to the public generally. To increase from, say, \$1,500 applicable now under the Companies Ordinance to \$101,000 is an increase of thousands of percentage. We might find a situation whereby when the new Singapore independent Government introduces its own Companies Act and puts in very attractive stamp duties to encourage foreign investment into their country, then we shall be grinning at ourselves.

Therefore, I do urge the Government to think about this, because if the point is that any company which has an authorised capital of \$50 million, \$100 million or \$250 million can afford to pay \$100,000, then there is no reason why that fee should not be there. That may be true. They can afford to pay even \$1 million for that matter, but that is not the point. These stamp duties should not be a deterrent. The deterrent should be from other angles. But then, if it is because no companies will have an authorised capital of \$100 million or \$250 million, the more ludicrous it will look to the outside world for having those figures in the statute book, when knowing that nobody will come, you still say if you put in \$100 million, I will charge you \$201,200 stamp duty. So, why not delete it altogether and go back to the 1964 Draft Bill scale of stamp duties, which are more proportionate and more sensible?

In the 9th Schedule on the question of consolidated accounts, I mentioned this to the Honourable Minister yesterday—the question of the word “or”,—the way it has been put in the Bill, it looks as if that the word “or” is a case of an alternative between Clause 4 (b)

and 4 (c), although I feel the intention of the Legal Draftsman is that the "or" is either (a) and (b) put together or (c) and that applies to Clause 4 (1) (a), (b), (c) and also Clause 4 (3) (a), (b), (c). If the intention of the Government is (a) and (b) or (c) in Clause 4 (1) and 4 (3) then it should be more explicit so that doubts will not be created in the future.

Mr Speaker, Sir, there is one minor point which I wish to touch on and that is Clause 236 (1) (e), under the heading of "Powers of Liquidator". It says that the liquidator may with the authority of the court or of the committee of inspection appoint a qualified legal practitioner to assist him in his duties. One wonders whether it could be added to say "a qualified legal practitioner or any other expert", because we find that other than lawyers, qualified accountants and the like have in the past been attending to liquidation duties, and with that restrictive clause you confine these services only to those to be provided by the legal practitioners to the exclusion of qualified accountants, who can assist materially in this respect.

Apart from that, Sir, although there are certain provisions in this new Bill, which were not inserted in the 1964 Bill, nonetheless I am in complete agreement with the Government and I wish the Government success. Thank you.

Dato' Nik Ahmad Kamil (Kota Bharu Hilir): Mr Speaker, Sir, I should like to add my words of congratulations to the Government for bringing this Bill to the stage of second reading today. As we all know, this Bill has been overdue for some time, and that our old company law had required revision for many years past. I should also like to say how very much we are grateful to the Committee which is referred to by the Honourable Minister as the Raja Mohar Committee, for the tremendous work they have put into this Bill. I know the Committee have received many comments, suggestions and observations from interested people in commerce and industry, and many of the comments have been heard and

taken heed of a good many of them have been included in the Bill. Today I rise to support the remarks made by my Honourable friend the Member for Jerai. The points which he mentioned on the fees were also brought to my notice and I should like to say that I agree with the expression of views which was made just now—that the fees as now provided for in the schedule would appear to be very, very high compared to what exist now and what are provided for in other countries, like the United Kingdom and Australia. I would ask that the Honourable Minister give due consideration to this particular matter.

Secondly, I would also like to suggest that the ambiguity which now appears in the 9th Schedule, I believe, concerning the consolidated accounts might also be looked into, because there has been expression made that this provision which now appears is not too very clear. At least, the Government could make it clear as to what it has in mind, because some people seem to think that it could be read in two ways.

Apart from those two items which I mentioned, Sir, in supporting the remarks made by my friend, I have nothing more to add, because I feel personally that with the passage of this Bill the operation of companies in this country would be placed upon a very secure footing, not only will the public who are becoming very business-minded nowadays, investing money in public and private companies will be happy, but the operation of companies itself would be run on a smooth and satisfactory footing. I, therefore, would like to say that I completely support this Bill and would hope that it will meet with the approval of the country as a whole. Thank you.

Tuan Haji Ahmad bin Said (Seberang Utara): Tuan Yang di-Pertua, saya bangun untuk menyokong Rang Undang² untuk mengemaskan sharikat². Sa-lain daripada itu, Tuan Yang di-Pertua, saya ingin menarek perhatian kepada Menteri yang berkenaan mengenai sharikat² public ia-itu public company, sharikat² chara bersendirian ia-itu private. Ini sa-bagaimana biasa

ada di-hadkan kepada 50 orang ahli sahaja, tetapi kalau sharikat public company tidak ada berhad, kita selalu dapati penubohan sharikat² public company ini, manakala tertuboh-nya dan di-ishtiharkan dalam surat²-khabar, minta orang² yang berkehendakkan saham itu membeli saham tetapi masa untuk membenarkan orang minta hendak beli saham itu di-hadkan kadang² kepada 3 hari dan sa-kecil²-nya saham \$500. Jadi ini berma'ana tidak ada peluang kepada orang² yang berpendapatan kecil untuk membeli saham².

Saya berharap kepada Yang Berhormat Menteri supaya mengkaji di atas perkara ini. Buat satu syarat supaya sharikat² yang hendak mendaftarkan itu sa-kecil²-nya saham itu biar-lah, sa-takat, \$100 atau \$50 supaya dapat peluang orang² yang berpendapatan kecil membeli saham daripada sharikat² yang saya sebutkan tadi: dengan chara ini dapat-lah banyak lagi di-antara warga-negara kita memileki saham² daripada company² yang akan di-tuboh dalam negara kita ini. Sa-bagaimana yang telah lalu berkenaan dengan taraf perintis (pioneer status) yang kita berikan, kita berasa sangat kechewa, kerana di-bukakan saham sa-lama 3 hari dan saham-nya lebeh daripada \$500 dan sa-tengah-nya manakala di-hantar wang saham di-hantar balek, tidak di-terima. Jadi, saya berharap mendapat perhatian daripada Yang Berhormat Menteri supaya dapat buat satu syarat supaya banyak warga-negara boleh membeli saham itu, sa-bagaimana kita berjalan di-atas dasar demokerasi memilek harta, biar-lah jadi sa-bagai satu dasar demokerasi memilek saham² daripada company.

Berkenaan dengan buroh, Tuan Yang di-Pertua, tidak ada syarat yang disebutkan dalam Rang Undang² ini, kerana buroh konon-nya termasuk dalam Undang² Buroh. Saya berharap Yang Berhormat Menteri gunakan jasa baik-nya supaya dapat kerjasama dengan pengarah² daripada sharikat² yang akan di-tubuhkan supaya memberi keutamaan, apabila mengambil buroh, kepada anak² bumiputra walau pun modal itu tidak datang banyak

daripada anak bumiputra. Saya harapkan supaya anak² bumiputra bekerja dalam kilang perusahaan yang akan di-tubuhkan tidak lama lagi. Manakala di-luluskan Undang² ini sa-bagaimana yang di-sebutkan oleh wakil dari Jerai dan wakil dari Kota Bharu Hilir tadi, saya berasa kkuatir kerana ada satu ranchangan Kerajaan mengenai ekonomi bumiputra, boleh jadi beberapa sharikat yang akan di-tubuhkan oleh bumiputra sendiri hendak mendaftarkan sharikat itu, dan jika mengikut peratoran yang hendak bayar di-atas modal-nya itu sa-hingga \$100,000 atau \$50,000 harus sharikat bumiputra ini tidak dapat berdiri kerana hendak membayar chukai modal kepada Kerajaan. Saya berharap Yang Berhormat Menteri ini supaya menimbangkan dan memberi keistimewaan kepada sharikat² bumiputra yang sedang diranchangkan dan akan di-tubuhkan tidak lama lagi. Sekian-lah, Tuan Yang di-Pertua. Terima kaseh.

Enche' Mohamed Yusof bin Mahmud (Temerloh): Tuan Yang di-Pertua, saya ada satu dua perkara sahaja hendak memberi pandangan dalam Rang Undang² berkenaan dengan hal sharikat² ini. Yang pertama, saya berharap supaya jabatan yang bertanggungjawab menyelenggarakan berkenaan sharikat² ini memerhatikan dengan lebeh teliti terhadap segala sharikat² yang di-tubuhkan itu, terutama sa-kali sharikat² yang mengenai dengan orang ramai yang mana kita harap Undang² itu di-teliti dengan halus supaya sharikat² ini tidak menyalah gunakan dan boleh menipu orang ramai. Sebab saya kata begitu ia-lah saya perhatikan sharikat insuran yang ada berjalan pada masa ini, saya ta' tahu-lah jika Kerajaan telah mengambil perhatian, ia-itu pada perasaan saya tentu-lah menjalankan perniagaan-nya itu tidak memuaskan hati orang ramai.

Umpama-nya, insuran berkenaan dengan hal motokar atau pun insuran kereta² berjentera ia-itu insuran yang di-katakan *comprehensive*, saya perhatikan pada masa yang akhir ini mereka yang mengambil polisi² berkenaan dengan insuran ini telah di-tetapkan ada di-kenakan satu syarat

yang saya fikir tidak sesuai atau pun tidak patut. Umpama-nya, kita mengambil satu kereta buatan daripada negeri Jepun mengambil satu *Comprehensive Policy* sa-banyak \$9,000 pada satu tahun di-kenakan syarat polisi itu, syarat yang tidak tertulis, tetapi syarat baharu ia-itu tiap² perkara akibat daripada insuran itu yang maknanya belanjanya \$500 ka-bawah, maka insuran itu tidak bertanggung-jawab. Jadi, kalau kita mengambil satu² *Comprehensive Policy* tentu-lah kita berkehendakkan yang insuran itu bertanggung-jawab terhadap segala kerosakan yang bukan di-sengaja. Jadi, jikalau \$500 di-kenakan ia-itu insurance company tidak bertanggung-jawab, saya rasa ini satu perkara yang tidak sesuai. Itu jatuh kepada motokar atau pun kereta² kita, tetapi yang menggelikan saya lagi kereta² kebal, kereta bulldozer yang kita tahu menjalankan kerja jentera di-dalam pembinaan jalan² raya dalam kampung di-kenakan mengambil polisi sa-banyak \$13,000 *Comprehensive Policy* pada sa-tahun, di-kenakan perbelanjaan accident atau pun kemalangan yang tidak sengaja \$500 ka-bawah tidak bertanggung-jawab kepada insurance company. Jadi rasa saya keadaan masa ini tidak-lah berma'ana perniagaan kita, insuran ini tidak berma'ana untuk betul² menjalankan tujuan polisi ini dan polisi itu memberi tanggungan terhadap segala dengan tidak sengaja. Jadi chara² inilah, saya harap pejabat ini boleh menyelenggarakan tiap² satu sharikat yang ada kena sangkut-paut dengan orang ramai yang kebanyakan-nya sekarang saya dapat tahu perkara yang tidak sesuai.

Lagi satu, Tuan Yang di-Pertua, pada masa yang lampau, banyak sharikat² yang telah di-tubuhkan yang patut Pejabat Pendaftaran mengambil tindakan yang tegas, kalau-lah sharikat itu tidak berjalan, tidak menghantar-kan penyata tahunan-nya, sa-patut-nya sharikat ini di-siasat apa nama, di-siasat oleh pegawai ini dan di-panggil segala pengarah² memberi penerangan sharikat² ini tidak berjalan dan mengapa, penyata tidak di-buat oleh sebab tiap² sharikat mengandongi orang ramai ahli²-nya. Dan separoh,

Tuan Yang di-Pertua, tentu-lah berasa tidak tahu di-mana telah di-masokkan banyak sharikat² di-tanah ayer kita. Jadi ini, satu perkara patut chara baharu, ia-itu pegawai yang bertanggung-jawab mesti mengambil orang ramai jadi ahli² dalam sharikat itu supaya terjamin tujuan yang asas itu tidak di-kelirukan oleh pengarah² yang tiga empat dalam sharikat² ini. Ini berat rasa saya, banyak perkara, kerana terjadi yang kita tidak tahu tarikh, bila-kah mati-nya, bila-kah hidup-nya, tetapi dengan jalan tegas seperti ini, saya percaya bahawa pengarah² itu akan berasa ada satu kuasa yang menjaga perjalanan mereka itu.

Yang ketiga, satu perkara telah di-sentuhkan, berkenaan hal pendaftaran ia-itu yang akan di-kenakan bayaran² bagaimana chadangan daripada Wakil Jerai, di-timbang-kan biarlah di-kenakan kepada bayaran kepada sher yang telah di-bayar, tidak di-kenakan kepada chadangan modal, sebab, bagaimana telah di-terangkan, ia-itu kompani di-chadangkan modal sa-banyak \$50 million maka terpaksa-lah mereka² yang meranchangkan kompani itu membayar sa-banyak tiga ratus ribu ringgit. Ini saya memandang sa-bagaimana wakil daripada Seberang Utara tadi mengatakan bumiputra, anak bumiputra, sedang menchadangkan suatu ranchangan yang besar ia-itu Bank Bumiputra, yang di-chadangkan mempunyai modal sa-banyak \$50 million, tiga ratus ribu hendak di-dahulukan kerana menubuhkan sharikat itu. Dengan ini, rasa saya sendiri maka impian atau chadangan hendak menubuhkan Bank Bumiputra, hendak mengambil bahagian yang chergas dalam segala perdagangan akan hanchor sama sa-kali. Jadi saya harap dapat pertimbangan, jikalau rasa-nya di-kenakan bayaran atas segala modal wang yang telah di-bayar sa-bagai dalam perdagangan, supaya di-kenakan bayaran chagaran atas chadangan modal yang ada dalam negeri kita ini. Jadi, dua tiga empat perkara ini sungguh pun barangkali Kerajaan tidak dapat menerima dengan sa-bulat suara, saya harap mendapat perhatian sa-kurang²-nya jaminan daripada sa-siapa untuk di-timbang-kan.

Enche' Hussein bin To' Muda Hassan (Raub): Tuan Yang di-Pertua, sa-panjang pengertian saya, Bill ini-lah yang baik sa-kali untuk bumiputra mengadakan sharikat² perniagaan. Tetapi jikalau saya ta' silap, ta' ada jaminan daripada Kerajaan untuk mengawas satu² Company, sama ada Company itu berjalan dengan lancar-nya atau pun ada perselisihan di-antara ahli² pemegang saham, yang demikian boleh jadi pergadohan di-antara ahli² yang memegang saham. Maka sa-bagai chontoh-nya saya hendak chuba buat di-sini berkenaan dengan di-tempat saya, ada satu sharikat bas yang telah di-tubuhkan semenjak daripada tahun 1938 hing-galah sampai masa sekarang. Maka sa-panjang yang saya dapat tahu sharikat itu sentiasa menanggung rugi ta' ada untong-nya. Oleh sebab-nya, kerana pemegang² saham di-dalam Company itu berebut kuasa hendak jadi pe-ngarah, hendak menjadi orang kanan di-dalam sharikat itu. Hanya di-dapati apabila sa-siapa² menjadi orang kanan di-dalam Company itu, dia akan men-dapat untong lebeh sedikit. Maka di-sana selalu saya dapati apabila mereka hendak mengadakan meshuarat agong, "police riot squad" atau "penchegah rusohan" selalu berjaga di-keliling tempat mereka meshuarat itu, kerana telah terjadi pukul-memukul, sampai pechah kepala pun ada. Jadi saya harap Kerajaan mengambil tindakan di-atas satu sharikat yang sa-macham ini, tidak aman ahli² pemegang sa-ham-nya dalam sharikat ini, harap Kerajaan ambil tindakan pembatalan, rombak-lah, tubuhkan sharikat yang lain supaya orang² yang agak mengerti mengelola, dudok di-dalam sharikat ini, seperti sharikat bas yang ada di-tempat² lain. Maka saya harap Kera-jaan membuat satu pindaan sedikit supaya di-beri kuasa kepada Kerajaan mengambil aleh satu² sharikat yang porak peranda yang tidak memberi keuntungan kepada tiap² pemegang saham di-dalam-nya. Sekian-lah.

Dr Lim Swee Aun: Mr Speaker, Sir, may I thank the Honourable Members for their very nice compliments to the Government, particularly to the work of the Raja Mohar Committee?

As I had anticipated, much of the debate centred around the new revised fees. Sir, I have myself had discussions with the members of the Committee and have asked them why they have taken this course of revising the fees to the ones as proposed in the Bill, and they tell me that the main reason is that this new rate of fees would make it not attractive for certain people who wish to misrepresent to the public that they have a large company with a big capital, so that if they want to start a company, then that nominal capital should bear relation to the actual intentions and the size of the company.

This is exactly the point which the Honourable Member from Temerloh has raised. He has suggested that the registration fee should be based on paid-up capital and not nominal capital. This is exactly what we don't want to happen, because then any company can, through the use of a low rate, register his company as worth \$100 million and then go on to call up for only \$10,000—but goes on hawking the shares, or in his prospectus say that its intentions are to start a business worth \$100 million when in fact it is only going to have a business worth about \$10,000. Sir, that is the intention why the rates of fees have been so increased. However, it must be borne in mind, too, that the fees in the Draft Bill of 1964 were brought up to a different calculation and they had not considered this point. But after the public had sent in memoranda, this Committee reconsidered the scale of fees in the light of this particular point; hence the revised fees. But even then, Sir, with these revised fees, I am assured that the small companies will not be unduly punished in that when the capital is \$25,000 the registration fee is only \$300; when it is \$100,000 the registration fee is \$600; when it comes to \$500,000 the registration fee is \$2,000. But when it comes to the upper ranks, when it is \$1,000,000 it is \$3,200; when it is \$5 million it is \$11,200; when it is \$10 million it is \$21,200; when it is \$50 million it is \$101,200; when it is \$100 million it is \$201,200; and when it is \$150 million it is \$301,200.

Sir, we have reduced this to percentages. When the nominal capital is \$1 million the registration fee is \$3,200 which works out to 0.32%. When it is \$10 million the registration fee is \$21,200—a percentage of 0.212%; when it is 150 million, the percentage is 0.2008%, which is less than one-fifth per cent. And in view of the fact that this is a once-and-for-all payment and in view of the privileges that this Companies Ordinance will give to these companies in the way of protection, and also because foreign companies would only pay half this rate, then it should not in any way dissuade foreign companies from coming into this country. However, I shall bear this in mind, and I do hope this House will allow this to go through, and after some time of experience, if these new rates are crippling, then I am prepared to come back to this House for a revision. (*Applause*).

Sir, the other point raised by the Honourable Member for Jerai is with regard to the Ninth Schedule, page 347, sub-section 4 (1). I would like to draw the attention of the Honourable Member to the wording. It says here:

“There shall be annexed to the profit and loss account of every holding company—

- (a) a separate profit and loss account of each subsidiary company;
- (b) a consolidated profit and loss account of the holding company and of its subsidiaries eliminating all inter-company transactions; or
- (c) a consolidated profit and loss account and so forth.”

Now the text of this under the modern drafting procedure means that there shall be annexed to the profit and loss account of every holding company either one of these (a), (b) or (c)—this is supposed to be the modern way of drafting where the “or” is put on after the second one; so it means that it is either (a) or (b) or (c).

Enche' Hanafiah bin Hussain: Why don't you put “or” in all places and clear up this.

Dr Lim Swee Aun: Well, I am told by the Legal Draftsman that this is the modern method of drafting; and similarly too with the other one on the next page. So, that is the situation.

It is either one of them—(a) or (b) or (c). The other point raised by the Honourable Member for Jerai on section 236 1 (e) where a liquidator may appoint a lawyer as his adviser, he has suggested why not auditors as well or experts as well? But the point now is that the liquidators under this Act are themselves professional auditors. Therefore, we felt it will not be necessary for one auditor to consult another auditor but ought to consult on a legal point.

Enche' Hanafiah bin Hussain: Excuse me, why do you include all experts? Those experts can be engineers, valuers, estate agents and so on—not an accountant.

Dr Lim Swee Aun: In this particular case it was meant that he might consult any legal advice—in this text.

Enche' Hanafiah bin Hussain: Earlier you restrict the services of other experts. Why? You also need valuers, estate agents and so on?

Dr Lim Swee Aun: No, that it does not. Sir, the Honourable Member for Kota Bharu Hilir practically raised the same point and I think in answering this I have answered his point.

The Honourable Member for Sebrang Utara has suggested that it would be a good thing if these companies could make their shares smaller in size, so that more and more of the public can buy them. Sir, that is a very desirable issue, but in view of the fact that we are making a companies law this matter can be dealt with administratively rather than inclusion in the Companies Act.

The second point is that he would like to see that something be written in the Companies Act, so that more and more *bumiputra* can be employed. Sir, that, again, is a matter which should be taken administratively rather than inclusion in law.

The Honourable Member for Temerloh has raised an interesting point about insurances—insurance companies are putting on certain conditions and limitations to claims which will not be paid by the company. Sir, that matter does not come within the province of

the Companies Act but comes under the province of the Insurance Act.

He has raised a very important point, and that is, to protect the interest of the shareholders of companies which often go out of action or become non-active; he has suggested that the Registrar of Companies should send somebody to go around and inspect those books. Sir, under this new Bill, we have put the onus on the directors to make periodic reports to the Registrar; and if they fail to make those reports, they are already liable; secondly, we also have powers for the Registrar to make such investigations. However, if shareholders after buying shares get no news of what is happening to the company, I would certainly advise them to write to the company to find out what has happened: you cannot sit down and wait for somebody else to look after your interests, because these interests are already protected in the law.

The Honourable Member for Raub has raised problems about disputes between shareholders in a company. Sir, the Government cannot go into disputes as suggested by him, but there are provisions in this Act where, if there are any grounds for investigation, they can write to the Minister and get that investigation done according to the provisions of this Act.

Sir, I think I have answered all the points raised, but I would like to inform this House, Sir, that because of this morning's motion and the fact that Singapore is now no more in the Federation of Malaysia, there will be certain consequential amendments to be made to the Act as we go on in the Committee stage. Thank you.

Question put, and agreed to.

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

House immediately resolved into a Committee on the Bill.

Bill considered in Committee.

(Mr Speaker in the Chair)

Clauses 1 to 3 inclusive ordered to stand part of the Bill.

Clause 4—

Dr Lim Swee Ann: Mr Chairman, Sir, I wish to move an amendment to Clause 4, page 10, of the Bill, in respect of the definition of "Sessions Court". It now reads, "Sessions Court' includes, in relation to Singapore, a District Court and, . . .". I move that the words 'in relation to Singapore, a District Court and' be deleted.

Question put, and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 15 inclusive ordered to stand part of the Bill.

Clause 16—

Dr Lim Swee Ann: Mr Chairman, Sir, at the bottom of page 23, Clause 16 (2) reads, "The Registrar may if he thinks fit require a statutory declaration made by a qualified legal practitioner engaged in the formation of the company . . .". The word "company" should be "campany". This is a typographical error. Sir, I beg to move that the word "campany" be substituted by the word "company".

Question put, and agreed to.

Clause 16, as amended, ordered to stand part of the Bill.

Clauses 17 to 120 inclusive ordered to stand part of the Bill.

Clause 121—

Dr Lim Swee Ann: Mr Chairman, Sir, I beg to move an amendment to the following amendments to Clause 121:

Clause 121 (3)—delete the word "conspicuous" in line 3 and substitute the word "prominent" therefor.

Clause 121 (4)—To be deleted.

Clause 121, as amended, ordered to stand part of the Bill.

Clauses 122 to 329 inclusive ordered to stand part of the Bill.

Clause 330—

Dr Lim Swee Ann: Mr Chairman, Sir, I beg to move that the word "the" before "Malaysia" in Clause 330 (2) (e)—page 270 of the Bill—be deleted.

Question put, and agreed to.

Clause 330, as amended ordered to stand part of the Bill.

Clauses 331-373 inclusive ordered to stand part of the Bill.

First Schedule—

Dr Lim Swee Aun: Mr Chairman, Sir, I beg to move that the First Schedule, Part A, page 295 of the Bill, all parts referring to Singapore—that is to say, Singapore Cap. 15, Foreign

Corporations (Execution of Instruments under Seal) Ordinance, Singapore Cap. 174, Companies Ordinance, Singapore of 1962, Banking Ordinance, 1962—be deleted; and in Part B, page 297, under FLN 470/64, Modification of Laws (Insurance) (Extension) Order, 1964, that part dealing with Singapore 174 (e) the Companies Ordinance of Singapore, be deleted; then after the reference to Co-operative Societies Ordinance, 1948, insert the following immediately:

"States of Malaya Acts/Ordinance, etc.

Title

Consequential amendment

33 of 1949 ... Trust Companies Ordinance, 1949

1. In section 2 the definition of 'the Companies Ordinance' shall be deleted.
2. There shall be substituted in the sections and subsections hereinafter listed in the first column, for the words appearing in the corresponding second column, the words set out in the corresponding third column—

(1)	(2)	(3)
5 (1)	'Part X of the Companies Ordinance'	'Division 2 of Part XI of the Companies Act, 1965'.
21 (1)	'section 109 of the Companies Ordinance'	'section 165 of the Companies Act, 1965'.
	'section 303 of the Companies Ordinance'	'section 336 of that Act'.
23 ...	'Companies Ordinance'	'Companies Act, 1965'.
	'that Ordinance'	'that Act'.
30 ...	'Companies Ordinance'	'Companies Act, 1965'.

"59 of 1949 ... Stamp Ordinance, 1949

1. In section 2 the definition of 'Companies Ordinance' shall be deleted.
2. In proviso (b) to section 15 (1) there shall be substituted for the words 'Companies Ordinance' the words 'Companies Act, 1965'.
3. In the First Schedule—
(a) there shall be deleted the words 'see s. 11 of the Companies Ordinance, 1940' appearing in the third column against item 10;
(b) there shall be deleted the words 'see s. 5 of the Companies Ordinance, 1940' appearing in the third column against item 53; and
(c) there shall be substituted for the words 'Companies Ordinance' appearing in the second column against item 71, the words 'Companies Act, 1965'."

The above amendments, Sir, are in the amendment slip circulated to Honourable Members, and there is an additional amendment which I would like to move, i.e., to delete the part dealing with Singapore—Cap. 157, Workmen's Compensation Ordinance, and 26 of 1961, the Road Traffic Ordinance, 1961.

Sir, I beg to move.

Question put, and agreed to.

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

Second Schedule ordered to stand part of the Bill.

Third Schedule ordered to stand part of the Bill.

Fourth Schedule—

Dr Lim Swee Aun: Mr Speaker, Sir, I beg to move that the Fourth

Schedule, Table A, in Regulation 45, for "seven days" substitute "fourteen days".

Question put, and agreed to.

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

Fifth Schedule ordered to stand part of the Bill.

Sixth Schedule ordered to stand part of the Bill.

Seventh Schedule ordered to stand part of the Bill.

Eighth Schedule ordered to stand part of the Bill.

Ninth Schedule ordered to stand part of the Bill.

Tenth Schedule ordered to stand part of the Bill.

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

THE NATIONAL LAND CODE BILL

Second Reading

The Minister of Lands and Mines (Enche' Abdul-Rahman bin Ya'kub): Mr Speaker, Sir, I beg to move that the Bill intitled the National Land Code Bill be read a second time. The measure, Mr Speaker, Sir, was first projected in the original Alliance Manifesto a few years ago and since then it has entailed many years of patient preparation during which the views of State Governments in the States of Malaya have been correlated and discussed and the individual needs of different States provided for. The present Bill, Mr Speaker, Sir, which applies a single uniform Code to the eleven States of Malaya, is presented with the unanimous support of the Governments of all the States.

The drawbacks of the present position, in which within these eleven States there are no less than seven separate systems of land law, need hardly be stressed. Even though in the nine Malay States the land laws are substantially the same, they contain many differences of detail which are inconvenient and cause confusion. Moreover, in all these

States the laws are out-of-date and reflect the society of about sixty years ago rather than that of today.

The situation, Mr Speaker, Sir, in the two States of Penang and Malacca, which preserve the English laws of property and conveyancing is even more unsatisfactory. However, the difficulties peculiar to these States will be overcome when the National Land Code (Penang and Malacca Titles) Act comes into force concurrently with this Code. Full publicity with respect to that Act was given at the time when it was passed in 1963 and no further explanation is necessary now.

Mr Speaker, Sir, the achievement of the National Land Code is two-fold—

- (1) it establishes a uniform clear-cut system of land tenure and dealing, in place of a confusion of systems, and
- (2) it incorporates all those new provisions required to adapt that system to the social and economic changes of half a century or more.

The achievement of uniformity I have just mentioned has been combined with a general process of rationalisation—the re-arrangement of subject matter, the elimination of ambiguities, the making good of omissions and, in particular, the provision of straight-forward and detailed procedures. These amendments are far too many for individual mention and the resulting differences in general appearance between this Code and its predecessors are so great that they may give the impression that more profound changes have been made than is in fact the case.

Basically there is a change of form rather than of content. The principles of the earlier laws remain largely unchanged but the subjects are now properly classified and presented in logical sequence: their study is assisted by meticulous cross-referencing.

The changes in substance which have been introduced, can almost all be related to the process of modernisation I have just mentioned. All these changes will inevitably benefit the nation as a whole, but some will also

be of the greatest value to individual landowners and to persons purchasing or dealing in land by providing facilities which they do not at present enjoy. For the purpose of description, indeed, it is convenient to consider these changes in two parts—according to whether they operate primarily for the benefit of the individual or for the benefit of the community.

Innovations advantageous to persons interested in land—I will now deal first with the innovation advantageous to persons interested in land. Under existing laws there are considerable difficulties in the way of developing lands for various purposes essential to modern conditions, e.g. housing-estates, agricultural small-holdings, multi-storeyed building, etc. Whether land is being newly alienated for such purposes, or whether large holdings are being broken down into small units, formal survey of the areas affected must precede issue of title. Delays are therefore inevitable and until title is issued no land can be bought, or sold, or charged as security for a loan. Various legal expedients can be employed, but these themselves are complicated and time wasting and add considerably to the costs and difficulties of development.

These particular difficulties are now cured by the introduction of the entirely new principle of "Qualified Title". Other drawbacks with respect to multi-storeyed buildings are removed by another major innovation, namely, "Subsidiary Title", and there are in addition other minor but important changes which I will now explain.

Qualified Title—Title, differing only from "final" grant or lease in that the boundaries of the land are not precisely surveyed, will now, on request, be entered with a minimum of formality. Such Qualified Title will be indefeasible and will be capable of being transferred, leased or charged: it will in every way confer the same advantages as final title with the sole exception that the land cannot be further sub-divided or amalgamated until formal survey has been completed. All proprietors, purchasers, etc.,

will, or course, take the land with the knowledge that its supposed area is liable to modification once the boundaries are finally determined. At that time qualified title will be exchanged for final title.

Subsidiary Title—The current emphasis on the development of large multi-storeyed buildings has made it necessary to provide means whereby individual flats, office units, etc., can be bought and sold as conveniently as are lots on the surface. Under existing laws it is true that flats can be leased, but this can be done only for a period of 30 years, and only at the cost of considerable complications in the land registers.

The introduction of the new "Subsidiary Register" solves these problems. Upon the application of the developer, Government will now issue subsidiary title in respect of every individual "parcel" into which the building is sub-divided. The proprietors of the parcels as registered in these titles will not only have complete freedom of disposal but will automatically become members of the "Management Corporation", in which the control of the building vests and automatically have voting rights in the conduct of the Corporation's business proportionate to the "share-values" of their parcels.

Tenancies—As regards tenancies, the normal form of urban letting is by short-term lease. Under existing laws such leases must be registered, if their terms exceed one year.

Provision is now made for—

- (i) "leases" which shall be for terms exceeding three years, and
 - (ii) "Tenancies" which shall be for terms not exceeding three years,
- and it is further provided that "Tenancies" are exempt from registration, and do not need to be made by any formal instrument.

It is believed that this provision for exemption will be a great convenience to all landlords and tenants.

To prevent disputes between unregistered tenants and possible purchasers and charges of the land in question,

provision is also made whereby such tenants may protect their interest by securing the endorsement on the register document of title of the words "Exempt tenancy claimed". This endorsement will serve as notice to all prospective purchasers that they take subject to the claim.

Easements—Let me touch briefly on the question of easements. These have so far not been recognised by Malayan land laws. Provision is now made by which simple easements may be created and registered both on the servient and the dominant land. Cross-easements in relation to *bona fide* party walls are also provided for.

These new facilities should be of the greatest interest and value to land-owners.

Innovations made primarily in the public interest—Mr Speaker, Sir, I will now deal with innovations made primarily in the public interest. The general form and content of the present land laws clearly imply that there was to be continuing State intervention in respect of alienated lands, and, in particular, in respect of the control of their use and development.

The main instruments of this control were to be the various express and implied conditions provided for in the laws, but however adequate these may have been in the simpler conditions of two generations ago, experience has proved that they cannot meet the needs of today: they can neither secure necessary development of lands nor prevent improper use.

The principles of town and country planning are now universally accepted and it is, therefore, appropriate that amendments be introduced to facilitate such planning. Of these amendments, I shall explain in detail. The needs of the community as a whole must necessarily take precedence before the narrower interest of individuals, and it has therefore been impossible to avoid some degree of interference with private property rights. I must emphasise here that the latter are curtailed only to the minimum extent, consonant with the new State powers to enforce planned development.

Control of Sub-division—Mr Speaker, Sir, as regards control of sub-division the most obvious amendment to the law is, perhaps, that regarding sub-division and other forms of redistribution of alienated land. Private proprietors will no longer enjoy an unfettered right to sub-divide, partition or amalgamate their lands at will; these processes are now placed under the control of the Land Offices. This measure of control will not affect *bona fide* development, but it will prevent the careless or ill-advised proprietor from sub-dividing his land into lots too small to be of economic size, or of shapes, not capable of proper development.

The chief feature of the new controls, however, is that which requires the provision of proper access: sub-division will not be approved unless the Land Office is satisfied that there is adequate access to all sub-divisional parts. This control is especially devised for the protection of the small man purchasing his house plot, or his agricultural smallholding, in a big development, and in appropriate circumstances may extend to a requirement that properly made-up roads be provided to each individual holding.

The internal sub-division of buildings to which reference has been made under Subsidiary Title above will also be subject to these controls.

General Planning and Control—Mr Speaker, Sir, the improper use of land and its development in a manner inconsistent with the needs of long-term planning will be prevented by the new classification of lands into three "categories", viz., Agriculture, Building and Industry. For each of these categories an appropriate series of statutory provisions is provided the effect of which will be these:

- (i) to prevent the use of the land for any purpose not appropriate to its category, and
- (ii) to enforce the use of the land for the purpose for which it was alienated.

Lands already alienated under existing or previous laws are, of course,

not subject to any of these new categories. It is however impolitic that they should remain completely immune from the above controls, and it is considered that an equitable compromise has been achieved by the special provisions of Clauses 53 and 54. By these clauses, two separate phases are distinguished, in the first of which alienated lands will be subject only to the "negative" form of control I have just mentioned, viz., the prevention of improper use; only in the second phase will they become subject to the "positive" form of control, that is to say, the enforcement of full and proper use.

Since the prevention of improper use of land will not impose any actual burden upon the proprietor, the first phase will, upon the introduction of the Code, commence automatically by operation of Clause 53.

The introduction of the second phase raises quite different issues. Since enforcement of building conditions, insistence on full and complete development of lands only partially used, and imposition of other positive controls must involve proprietors in heavy expenditure, the relevant Clause 54 provides that the extension of positive control—to be affected by the imposition of particular categories on all lands in particular areas—shall be subject to one year's notice. An additional safeguard is also given by the provision that the land of a defaulting proprietor can be forfeited only after payment of appropriate compensation.

Enforcement of Conditions—Quite apart from the particular question of categories and the controls appropriate to them, which has been discussed earlier on, there remains the question of the adequacy of the means of enforcement of conditions in general.

Under the existing laws the provisions for enforcement are quite insufficient. Procedure in cases of default has depended on whether the breach is a continuing one or not: this is a highly technical legal matter, and its difficulties have frustrated Government action in the past. The position is now remedied by making

the criterion, in cases of default, depend not on the nature of the *breach* but on the nature of the *condition*, namely, whether the condition is one which "requires continuous performance" or one which "is subject to a fixed term".

Proprietors can no longer be in doubt as to their obligations since all conditions, by definition, automatically fall into one class or the other. Enforcement procedure is also clear.

Mr Speaker, Sir, Part Six of the Code on "Rent" is extremely short, but it contains no fewer than three major changes—(i) with respect to Rent Collection, which is dealt with in Chapter 2 (ii) with respect to Rent Revision, which is dealt with in Chapter 3.

Rent is no longer regarded as "first charge" on land. Payment of rent is the basic consideration on which alienation is made, and failure to pay is accordingly a breach of that obligation. Such a breach renders the land liable to forfeiture—as does breach of any other condition—and not liable as now, to sale by auction.

The position of a defaulting proprietor is in no way worse than before, but the new procedure will operate to the public benefit instead of to the benefit of private purchasers at auction sales.

With regard to Rent Revision, a subject which is quite important and which all the States are interested in, the right to make periodic revisions of rent is now extended to all alienated lands, including those omitted from previous statutes, and the term of such revisions is decreased from thirty years to fifteen years.

A far more significant power of revisions of rent, quite distinct from the general periodic revision, has now been provided by Clause 102. Where land bears no rent, or bears rent at sub-standard rates, the State may, once and once only, impose the normal standard rent.

It is considered that such increases are in no way inequitable. Land were originally alienated rent-free, or at

preferential rates, in order to encourage the development of remote, or unattractive, regions; but there is no reasons why such concessions should continue 50 or 60 years later, when such regions have long enjoyed all those benefits of public services they formerly lacked.

I will now deal with the new forms of documents of titles. Although this change is hardly a radical innovation, it is a measure of general rationalisation of sufficient importance to warrant specific mention. The final documents of title, Grants and State Leases, Mr Speaker, Sir, have been completely redrafted in a concise and simple form, free from all unnecessary verbiage. Further, the "Certificate of Title", which is at present issued, on continuation of grants and leases, when the original documents of title can no longer be used, has been abolished. Under the new Code, title in continuation of a Grant or State Lease will be a new document of Grant or Lease, identical with the document it replaces. Accordingly, at all times the current document of title to any piece of land will be in a new form properly descriptive of its nature, whether in perpetuity, or a term of years, and containing every detail of the tenure by which the land is held. This change will be of considerable advantage both for administrative purposes and also for the information of purchasers.

Before I sit down, Mr Speaker, Sir, I would like to add a few words, and that is to say how thankful we are to a few of the officers, who have been working during the past few years, to prepare this Bill. I would like to mention especially the present Commissioner of Land Legislation, Mr Baker, who we can consider to be the Architect of this Land Code. Thank you.

Dr Lim Chong Eu: Mr Speaker, Sir, after the shocks and surprises earlier today, what I am going to say in these opening remarks in participating in this debate, perhaps, does not come with the same force. However, Sir, it is rather interesting to this House, and to the country at large, that the Bill happened by coincidence to be introduced by a Malaysian, who hails from

Sarawak, and seconded by a Malaysian, who comes from Sabah.

Sir, I feel that the title of this Bill is a misnomer and one which should be corrected if we are trying to present the concept and the image of a united Malaysian nation abroad, especially after the manner of severance that has taken place today.

Sir, if we look at this Bill, right on the top, first page, the title of the Code is the "National Land Code". The Act, however, if you look into the Bill, page 637, second Article says that the Act shall apply only in the States of Malaya. Sir, unless we want to make it absolutely certain that when we refer to a nation and we refer to the Malaysian nation—the Malaysian nation includes the States of Malaya and now Sabah and Sarawak only—I think the name of the Bill should properly be "National Land Code (States of Malaya)". I do suggest this to the Government for serious consideration, because the international impact and the present national controversy over the concept of Malaysia is extremely important, and we accept the fact that this particular set of laws when passed will apply only to the States of Malaya. In view of the fact that in any nation, the population, the citizens and the land, constitute the important basic concept of a nation, I think if we are talking in terms of a National Land Code, which does not apply to Sabah and Sarawak, we are not talking in terms of a Malaysian Land Code, and for that I recommend to the Honourable the Minister to consider seriously putting a proper title to this Bill.

Sir, apart from this general observation, I would, myself, associate our thanks to those which were given by the Honourable Minister to the officers, who have taken very great care and time in the preparation of this Land Code—this has been going on for a long time. In so far as the States of Malaya is concerned, particularly where the State of Penang is concerned, this Land Code is long overdue. There are one or two observations, however, which I would bring forward to the notice of the Honourable the Minister.

I think he has already touched upon them, but I do feel that they can well bear repeating. The first question is that of survey, for the whole problem of title and the Code cannot be put into proper effectiveness, unless quick and rapid surveys are provided; and following the surveys, I think the Government must expedite the machinery whereby the issue of titles is made as rapidly as possible.

Sir, we note with particular interest and we commend the inclusion of the new provisions for parcel development, which will provide for the issue of titles for flats; and I think this is very important in our growing nation with our development programme, with further integration of rural and urban industrialisation, and the associated housing. The provisions on the easements too, Sir, I think are commendable and we would like to take the opportunity to congratulate the Government for these provisions. However, these two new provisions, together with the third new provision on items concerning rent and rent payment, introduces a new aspect, which I suggest to the Government for future provision—namely, that we have in the past experienced great difficulty over the control of land and issue of title through complexities and this new integration of a National Land Code, though in form it appears very well integrated, may in practice lead to new unforeseen complexities, and I think a provision for rapid review is a very important one.

Sir, one of the details which I immediately would like to suggest for review rather than just to criticise the Bill, is that of a dispossessed proprietor who seeks to obtain an annulment of forfeiture. From the explanatory notes we find that with regard to the question of appeals in matters where forfeiture is carried out, that is under Part A, the Government in its explanatory note says quite clearly that every possible safeguard is provided to protect the dispossessed proprietor who seeks to obtain an annulment of the forfeiture. However, when you refer to Clause 133 onwards, which deal with this particular matter, we find that in fact the

State has absolute discretion and there is no real provision for appeals, and the position of the owner or the person whose land is forfeited is not as clearly written into the Land Code as we would wish it to have been. Sir, this is extremely important because the integration of distinct Land Codes will mean difficulties in interpretation in certain areas, particularly in the States of Penang and Malacca, whose former Land Codes have been most affected by the new Bill, where certain people, living in the rural areas with less thorough understanding of the new provisions of the Bill, are more likely to commit errors of omission in the payment of rent and will therefore be subject to forfeiture. Under those circumstances, I think the Government should not only assist in the appeals but should really ensure that the appeals are given every consideration as the Government has put forward in the explanatory note. With this comment, Sir, I support the passage of this Bill.

Enche' Ong Kee Hui (Sarawak):
Mr Speaker, Sir, I have only one observation to make and that is in support of the remarks made by the Honourable Member for Tanjong with regard to the title of the Bill—The National Land Code—because it might well lead to misunderstanding. When the Bill was in fact received in Sarawak, we were under some apprehension, because it followed on the recent, what may be called, crisis in Sarawak where the Government of the day had to hastily withdraw certain measures, which it had put forward. We have now discovered the purpose of the National Land Code which has been put before this House, but we were under the impression that this would in fact supersede the legislation which was being put forward by the State Government. I would, therefore, urge the Government to consider seriously a correction in the title of the Land Code, I have no further observation to make because, as the Honourable Member for Tanjong has pointed out, this Bill is only intended to cover the States of Malaya and has no application to the Bornean States although, as he has pointed out, it was moved by an Honourable Minister who comes from Sarawak and

seconded by another Honourable Minister who comes from Sabah.

Enche' Ismail bin Idris (Penang Selatan): Tuan Yang di-Pertua, sabagai sa-orang yang tinggal di-Pulau Pinang, saya sangat-lah berasa sukacita terhadap Bill ini kerana Kerajaan juga ada di-dapati di-dalam Pulau Pinang. Sangat-lah susah bagi sa-orang yang membeli sa-keping tanah itu untuk mendapat geran atau pun surat sa-hingga bertahun² lama-nya. Dengan ada-nya Bill ini sangat-lah menyenangkan bagi orang yang membeli tanah dalam negeri Pulau Pinang umpama-nya kerana mengikut apa yang di-maksud di-dalam Bill ini tidak-lah payah mereka itu berjumpa loyar untuk membuat surat pembelian dan juga tidak-lah payah lagi pembeli itu membayar wang setem umpama-nya yang akan memakan masa yang bagitu lama.

Satu perkara yang saya suka hendak bertanya, Tuan Yang di-Pertua, ia-itu berkenaan dengan tanah² yang tidak kena bayar quit rent. Di-Pulau Pinang ada lebeh kurang 30 ribu tittle tanah² kechil atau besar yang sa-hingga hari ini tidak bayar chukai di-sebabkan oleh satu undang² yang mengatakan tanah² ini tidak kena bayar. Saya hanya hendak bertanya apa-kah akan jadi pada tanah² itu sa-kira-nya Bill ini di-luluskan? Lagi satu perkara yang saya hendak tanyakan ia-lah berkenaan dengan tanah² yang telah lama tidak mempunyai nama hak kuasa warith. Ini ada-lah terjadi pada tanah² yang telah berpuluh² tahun yang tidak ada mengambil kuasa oleh warith²-nya. Ada-lah di-dapati hari ini di-dalam membayar wang sagu hati kepada tuan² tanah, yang Kerajaan telah mengambil tanah-nya di-sebabkan oleh ranchangan pembangunan Luar Bandar. Hal ini ada di-dapati banyak wang² yang patut di-beri kepada tuan tanah, tetapi oleh sebab tidak di-dapati tuan² tanah yang asal itu maka wang itu maseh ada di-dalam simpanan Kerajaan. Tuan Yang di-Pertua, saya hendak bertanya apa-kah akan terjadi pada tanah² dan kapada tanah² yang ada sekarang ini tiga puluh ribu geran yang sa-hingga hari ini tidak membayar wang pada Kerajaan sa-kali

pun. Sa-lain daripada itu saya atas nama penduduk Pulau Pinang meng-ucapkan berbanyak² terima kaseh kapada pereka Bill ini dan di-harapkan supaya Bill ini dapat di-luluskan dan dapat di-jalankan dengan sa-berapa lekas yang boleh. Terima kaseh.

Tuan Haji Ahmad bin Said (Seberang Utara): Tuan Yang di-Pertua, sa-belum Bill ini di-luluskan oleh Dewan Yang Berhormat ini, saya telah mendengar Yang Berhormat wakil Tanjong memikirkan bahawa Bill ini di-kemukakan oleh Menteri dari Sarawak dan di-sokong oleh sa-orang Menteri daripada Sabah. Yang Berhormat ini merasa pelek, tetapi yang sa-benar-nya kita jalankan satu dasar yang tidak menghiraukan chorak atau warna kulit atau di-mana tempat. Ini menunjukkan kita menjalankan dasar Malaysian Malaysia. Tuan Yang di-Pertua, sebab pun saya mengalu²kan Bill ini ia-lah oleh kerana di-dapati di-Pulau Pinang khas-nya banyak tanah² yang dahulunya di-beli oleh pehak pemodal dan di-pechahkan ia-itu dengan chara "fragmentation". Jadi tanah ini sa-hingga sa-puluh tahun belum dapat geran² milek-nya lagi. Maka dengan lulus-nya undang² ini saya yakin beberapa orang yang berkenaan mengalu²kan-nya. Mereka beli sa-orang dua ekar atau tiga hingga sa-puluh ekar, sekarang dapat memiliki tanah² yang mereka beli daripada pehak² pemodal itu. Dengan chara dasar pemechahan tanah ini nama tanah yang besar itu ia-lah dengan nama pehak pemodal itu. Chuma di-beri kuasa untuk mereka buat sementara mengambil hasil, memotong getah yang ada di-tempat itu. Tetapi tuan pemodal boleh gadaikan tanah itu kapada bank² dan kapada tuan² yang di-perchaya² dan gunakan wang itu untuk membeli ladang yang lain dan di-pechah² pula. Ini satu perkara yang baik manakala di-luluskan Bill ini. Kerumitan mengenai pembelian² sa-bahagian daripada tanah besar itu dapat di-selesaikan.

Yang kedua, Tuan Yang di-Pertua, saya ingin menarek perhatian Yang Berhormat Menteri yang berkenaan mengenai Undang² Tanah ini. Saya dapati tidak ada satu section atau perkara untuk menyekatkan pehak²

orang yang ada duit membeli tanah sa-takat mana sa-lebeh²-nya. Jadi ini satu perkara yang akan memberi peluang kapada orang² yang ada duit, pemodal², hartawan² dan jutawan² sahaja boleh membeli 1,000 ekar, 10,000 ekar, 100,000 ekar. Jadi tidak ada had, sa-hingga tanah² yang di-mileki oleh petani² kita boleh di-beli kesemua-nya dan di-buat ranchangan² untok tempat perusahaan dan juga perumahan dan lain². Saya berharap Yang Berhormat Menteri tolong-lah' ambil perhatian di atas perkara ini supaya dapat buat satu undang² menyekat sa-saorang itu' tidak boleh memileki lebeh daripada, kata-lah, tanah) untok pertanian 10 ekar, tanah untok perumahan sendiri sa-takat 1 ekar dan tanah untok perusahaan² besar 5 atau 10 ekar. Dengan chara yang macham ini saya yakin dan perchaya dapat-lah orang² yang tidak memileki tanah membeli tanah dengan chara bayaran beransor daripada Kerajaan sa-kira-nya ada ranchangan hendak membuat sa-bagaimana dasar rumah murah, kerana banyak daripada penduduk² yang dalam bandar tidak ada tanah untok mendirikan rumah mereka itu. Jadi molek-lah Kerajaan menimbangkan perkara ini supaya diadakan satu dasar ia-itu dasar supaya membeli tanah bagi orang membena rumah-nya sendiri yang berhampiran dengan bandar² yang besar supaya dapat di-bayar dengan beransor sa-lama 10 atau 15 tahun kemudian jadi hak milek-nya sendiri. Saya lihat banyak di-bandar² penompang² di atas tanah orang. Saya harap dengan chara ini dapat membaiki perkara itu, dan kita jalankan sa-bagaimana saya katakan tadi dasar demokerasi memileki harta dengan sa-benar²-nya.

Satu lagi perkara, Tuan Yang di-Pertua, banyak daripada pak² tani kita berusaha di atas tanah orang. Saya dengar Yang Berhormat Menteri menerangkan bahawa orang yang menyewa tanah itu akan di-daftarkan. Ini ada-lah satu perkara, sa-bagaimana kata Yang Berhormat Menteri, "tenant" akan di-paksa daftar nama mereka itu—Menteri menggeleng kepala, dia kata bukan. Kalau begitu saya berharap orang² yang menyewa tanah, khas-nya peladang², dapat perlindungan.

Saya boleh beritahu di-sini, di-Pulau Pinang ada satu ladang ia-itu Brown Estate ada 3,000 ekar sawah yang penduduk² di-situ membuat bendang di atas tanah itu lebeh daripada 50 tahun membayar sewa kapada Tuan Brown hingga kapada keturunan-nya yang ada sekarang ini tiap² bulan. Jadi, manakala Kerajaan hendak memajukan tanah itu dari segi undang² tidak dapat di-buat taliayer untok hendak menolong petani² kerana tanah itu ia-lah tanah bersendirian di-punyai oleh satu kampeni. Saya harap pehak Kerajaan dengan ada-nya Undang² *acquisition of land* ambil perhatian supaya acquire tanah yang 3,000 ekar itu daripada Brown Estate di-Pulau Pinang dan di-bahagi²kan kapada penduduk² di-situ yang telah menyewa sa-lama 30 hingga 40 tahun supaya mereka itu dapat memileki harta, walau sa-orang 3 ekar, jadi hak kepunyaan masing².

Sa-perkara lagi mengenai tanah terbiar sa-bagaimana yang di-katakan oleh wakil dari Penang Selatan. Saya pun bersetuju banyak tanah² yang terbiar yang tidak dapat di-ambil kuasa. Apabila Undang² ini di-luluskan dapat-lah mereka ini mengambil kuasa, beri punggu masing². Sunggoh pun saya perchaya manakala Undang² ini di-luluskan, satu perkara kerumitan akan berbangkit ia-itu mengenai perkara sukat tanah, pegawai² sukat tidak bagitu banyak. Saya harap Menteri mengambil perhatian supaya menambah beberapa banyak pegawai sukat supaya apa juga yang di-buat perjanjian atau di-pindah di-daftar nama pemilek² harta, dapat di-sukat sa-berapa chepat yang boleh.

Saya harap manakala Undang² ini di-luluskan Kerajaan Negeri akan menjalankan kuat-kuasa mengikut Undang² ini. Saya dapati, khas-nya Kerajaan Pulau Pinang, dahulu-nya ada satu undang² mengenai Undang² Kawal Sewa Tanah yang di-luluskan pada tahun 1955 sa-hingga hari ini Kerajaan Pulau Pinang tidak jalankan. Saya takut manakala Bill ini di-luluskan, Kerajaan Negeri tidak mahu terima, jadi susah sadikit. Saya harap Yang Berhormat Menteri tolong gunakan jasa baik, mendesak Kerajaan Negeri

Pulau Pinang supaya menerima Undang² ini dan melaksanakan sa-berapa chepat yang boleh. Sa-kian-lah, Tuan Yang di-Pertua. Terima kaseh.

Enche' Ahmad bin Arshad (Muar Utara): Tuan Yang di-Pertua, saya adalah menyokong Rang Undang² Tanah Kebangsaan yang di-kemukakan oleh Yang Berhormat Menteri yang berkenaan. Oleh itu gemar saya membawa pemandangan chara 'am yang sa-lama ini menjadikan kesusahan dan kesulitan pada ra'ayat—dengan Undang² Tanah yang lampau. Sa-moga-nya dengan di-luluskan Undang² Tanah Kebangsaan ini dapat mengatasi pemandangan yang saya akan kemuka-kan ini.

Tuan Yang di-Pertua, saya menyentoh dalam pemberian tanah churam atau tinggi pada masa sekarang. Menurut pendapat saya, kalau salah boleh di-betulkan, hanya di-bataskan tinggi ka-bawah daripada 26 degree (darjah) sahaja. Oleh kerana bukan ka-seluruh kawasan ada tanah datar atau rendah, saya menhadangkan hendak di-longgarkan walau lebeh daripada 26 darjah di-berikan kepada ra'ayat. Dengan ini kita boleh memberikan sharat² dengan di-buatkan teres di-kawasan ini dan lain² lagi, kerana di-kawasan churam terkadang lebeh subur.

Tuan Yang di-Pertua, saya menyentoh dalam pembayar chukai atau sewa tanah di-mana masa yang lalu, tanah di-ladang yang besar seperti negeri saya di-Johor hanya di-kenakan 50 sen atau \$1.00 sa-ekar. Ladang ini di-teroka oleh orang Inggeris, tentu pada masa dahulu hendak mendatangkan kemudahan bagi penjajah. Oleh itu saya mengshorkan dapat Kerajaan menimbangkan pembayar chukai ini di-samakan kepada pekebun kechil ia-itu \$6.00 sa-ekar dan dengan ini akan menambahkan penghasilan negara.

Tuan Yang di-Pertua, menyentoh dalam masaalah pemohon tanah ada kira² saya sebutkan, mithal-nya 700 ekar, di-pohonkan oleh 100 orang ra'ayat dengan chara beramai² kalau di-kirakan satu orang 7 ekar. Mereka meminta peta di-Pejabat Tanah, tetapi Pejabat Tanah pula mengeluarkan peta

atau tanah itu juga kepada ketua permohonan yang lain. Jadi pada tanah yang saya sebutkan 700 ekar itu, ada empat lima ketua permohonan tanah, A.B.C, sampai tujuh kali permohonan berlapisan². Apa yang saya harapkan, kepada satu² tanah yang telah di-pohonkan, di-tandakan supaya tidak di-benarkan orang lain dari memohon dalam kawasan itu. Ini mendatangkan kesulitan kepada ra'ayat, kadang² terlampau ramai-nya ra'ayat berhajatkan tanah itu, mendatangkan satu pertengkaran, mendatangkan satu kesulitan pula kepada Pejabat Tanah untok hendak menyelesaikan permohonan yang sa-macham ini.

Dato' Yang di-Pertua, kerja ini di-buat oleh sa-tengah kaki-tangan Pejabat Tanah bukan sahaja di-negeri Johor bahkan di-seluruh Malaya ini. Mereka kerja jual peta. Siapa hendak tanah Kerajaan menggunakan "kaki" di-luar Pejabat dan "kaki" ini mengambil faedah², satu nama \$30, \$40, di-kenakan kepada siapa yang hendak tanah ini—bayar \$30. Sudah permohonan "A" itu di-ambil pula "SB". Bagitu-lah keadaan, kesulitan yang di-hadapi oleh ra'ayat berhubung dengan permohonan tanah. Sebab zaman ini, Dato' Yang di-Pertua, zaman ra'ayat sangat berhajatkan tanah. Kita tidak tahu perkembangan sekarang, semua berhajatkan tanah dengan ada pentadbiran yang mendatangkan kekechewaan, mendatangkan nama yang kurang baik kepada Kerajaan kita.

Akhir-nya Dato' Yang di-Pertua, ada satu chara pemberian tanah Kerajaan kepada ra'ayat ia-itu dengan menurut kuat kuasa perkumpulan beramai G.S.A. G.S.A. ini tidak pula di-berikan bantuan kalau mereka hendak menanam getah sa-mula, ia-ini "New Replanting" satu kawasan menanam getah di-buat 5 ekar. Kemudian mereka hendak menanam kebun baharu kepada kawasan G.S.A. Pejabat Menanam Getah Sa-mula tidak dapat meluluskan permohonan dan memberi bantuan kepada kuat-kuasa G.S.A. Pada hal tanah itu telah di-berikan kepada mereka dan mereka telah membayar chukai kepada Kerajaan dan di-kawasan itu telah di-tanam batu. Jadi ini menjadi satu

kesulitan kepada ra'ayat. Saya harap kuat-kuasa yang di-berikan kepada permohonan tanah, dengan kuat-kuasa G.S.A. itu juga di-berikan bantuan dapatkan kepada "Lembaga Menanam Getah Sa-mula" dengan kerjasama Yang Berhormat Menteri Tanah dan Galian dengan Menteri Perdagangan dan Perusahaan. Terima kasih.

Enche' Abu Bakar bin Hamzah:

Tuan Yang di-Pertua, saya bangun hendak berchapak sadikit berkenaan Rang Undang² Tanah Kebangsaan ini. Ia-itu, pada keseluruhannya bolehlah kita menerima sa-bagai satu perubahan yang di-tunjukkan oleh Kerajaan Malaysia yang baharu pada hari ini, ia-itu Kerajaan baharu dengan undang² baharu. Dan saya selalu-lah apabila di-kemukakan oleh Menteri yang berkenaan, terutama Menteri yang sekarang ini, saya selalu menyokong kerana dia Menteri yang paling bertuah sa-kali dalam Dewan Ra'ayat ini, Tuan Yang di-Pertua, kerana dia kalah di-dalam pilihan raya dia dapat menjadi Menteri juga.

Tuan Yang di-Pertua, saya suka hendak menyokong sahabat saya daripada Muar, ia-itu berkenaan dengan permintaan tanah yang bertindan² itu. Saya perchaya Yang Berhormat Menteri kita sekarang ini menumpukan fikiran berkenaan dengan tanah ini dan dia boleh menyelesaikan perkara itu. Ia-itu patut-lah di-adakan sekatan² supaya jangan bertindeh² permintaan itu, kerana kalau tidak di-buat dengan sa-macam ini akan berlaku-lah apa yang berlaku di-negeri Johor itu. Ia-itu banyak Councillor² Perikatan ini menipu ra'ayat, kata mereka hendak memberi tanah, jadi datang 40 orang—"yes saya akan berkira." Jadi, permintaan itu bertindan². Patut wakil ra'ayat daripada PAS berbuat sa-macam itu? (*Gangguan*) Ta' dengar! Jadi perkara yang sa-macam ini, Tuan Yang di-Pertua, apa yang berlaku di-negeri Johor patut berlaku juga di-negeri lain. Dan saya perchaya ra'ayat, kalau di-beri tahu bahawa permintaan ini sudah di-minta dia akan berebut lagi kerana ini satu perkara yang tidak rumit mengalami di-negeri Kelantan sendiri. Apabila dua tiga orang² itu

bergaduh kepada wakil ra'ayat supaya wakil ra'ayat ini menyelesaikan permintaan yang bertindan² itu.

Dan yang kedua, Tuan Yang di-Pertua, berkenaan dengan tanah yang menjadi tanah² pesaka sa-bagaimana Ahli Yang Berhormat sebutkan di-Pulau Pinang, ia-itu, boleh jadi ada Clause atau pun perkara² yang mengubati perkara itu. Tetapi, saya perchaya perkara ini patut-lah di-beri perhatian yang khas, ia-itu amat-lah menjadi kerumitan kepada waris² itu apabila tanah itu tidak diselesaikan dengan chepat. Saya maseh ingat lagi ia-itu Ahli Yang Berhormat dari Sungei Petani dahulu berchapak dalam perkara ini dan meminta pehak Kerajaan apabila mengadakan satu undang² yang selaras yang "uniform" bagini patut-lah perkara itu di-kaji dan bagi Clause² yang tertentu dan saya perchaya Menteri kita akan menjawab perkara ini dengan terang.

Tuan Yang di-Pertua, apa yang saya bimbang satu, ia-itu dengan undang² yang berchorak kebangsaan ini, sa-bagai satu chara yang boleh mendedahkan pehak Kerajaan melakukan sa-suatu yang merupakan rampasan kuasa daripada kuasa² yang ada di-dalam negeri. Saya tidak tudoh kita ini hendak merampas tetapi boleh mendedahkan pegawai² atau membuka peluang kepada pehak Kerajaan melakukan perkara itu, meski pun Yang Berhormat Menteri mengatakan perkara² yang besar dalam perkataan "remain unchanged"—tidak berubah. Perkara yang ada kuasa bagi State bagi negeri itu "largely remain unchanged" tetapi Tuan Yang di-Pertua, saya merasa hairan satu Bill yang merupakan satu Bill National bagini hanya yang di-titek beratkan "arrangement of clause" atau perkara yang "routine" sedang kita berharap daripada Kerajaan Malaysia ini mengadakan perubahan² yang "major"—yang besar² berkenaan dengan peratoran kerana yang sa-macam dahulu, "remain unchanged" begitu, saya tidak nampak di-mana panduan yang di-berikan oleh Kerajaan Pusat ini kepada negeri sa-lain hendak menunjukkan bahawa Kerajaan Pusat ada membuat sa-suatu dalam

perkara itu walau pun perkara itu "remain unchanged".

Tuan Yang di-Pertua, sa-lain daripada itu berkenaan dengan "land fragmentation" kalau saya ta' salah ia-itu chara² kita membelah² tanah kapada ra'ayat ini saya rasa perkara ini maseh belum di-kemukakan oleh Kerajaan. Ia-itu tanah² yang patut kita "classify" atau pun menetapkan dia itu untuk sesuai satu² perkara bagi perkembangan national kita, belum pernah di-kemukakan oleh pehak Kerajaan Pusat kita dan saya berharap Menteri kita itu akan mengemukakan satu gambaran apa-kah Bill ini sa-lain daripada merupakan arrangement bagitu tidak merupakan panduan kapada "Land Reform" bagi negeri. Atau pun sa-mata² dia merupakan peratoran biasa yang hendak menyelaraskan kedudukan antara satu negeri dengan satu negeri supaya menjadi satu chorak yang sama. Jadi, Tuan Yang di-Pertua, ada perbezaan-nya, kita membuat satu Bill sa-mata² hendak menunjukkan uniformity dengan satu Bill yang mengemukakan perkara baharu berkenaan dengan Land Reform dan saya tidak dengar daripada Yang Berhormat Menteri tadi memberi penjelasan dalam perkara ini. Jadi, yang di-hajat oleh satu² negara yang muda dalam kita hendak membuat pembangunan, terutama berkenaan dengan tanah ini, ia-lah Land Reform itu yang mustahak-nya bukanlah arrangement clause itu sahaja, sa-mata² kita hendak merupakan Undang² ini sa-bagai written code itu sahaja—bukan kita menuju kapada tujuan yang di-kehendaki, dan saya rasa ini satu perkara yang Menteri kita sila jawab biar bagi terang sadikit.

Tuan Yang di-Pertua, ada satu perkara yang saya puji Bill ini, jadi Kerajaan Perikatan pun yang burok itu burok juga, yang baik baik juga, Tuan Yang di-Pertua. Ada juga dia buat baik, saya tidak kata burok semua—ada baik-nya, ia-itu ini satu usaha dia hendak menyamakan peratoran² yang dahulu-nya di-jalankan oleh Negeri dengan jalan adoption bagitu sahaja. Jadi, dalam perkara ini bukan-lah sahaja perkara berkenaan dengan title atau grant atau pun lesen atau pun perkara² yang biasa, tetapi saya minta

juga di-adakan philosophy atau pun falsafah satu peratoran baharu sa-bagaimana yang di-sebutkan oleh Ahli Yang Berhormat dari Seberang Utara tadi ia-itu mengadakan sekatan membeli tanah, orang ini kaya sangat jangan, dan dengan demikian Kerajaan Perikatan tidak-lah lagi fanatic sangat kapada liberal capitalism yang membiarkan orang memiliki beberapa banyak yang dia suka. Jadi ini, Tuan Yang di-Pertua, satu perkara yang kalau Menteri berani mengemukakan lain daripada peratoran ini sahaja, saya perchaya baharu-lah Menteri kita itu dapat membuktikan diri-nya sa-bagai Malaysian Malaysia Minister. Jadi erti-nya, biar-lah kita buang Lee Kuan Yew dan konsep Lee Kuan Yew itu biar-lah Perikatan pula menjalankan. Jadi, buang orang lain, dia berebut konsep Malaysian Malaysia itu. Kalau-lah benda² ini tidak di-jalankan sa-mata² sa-bagaimana yang saya katakan tadi, mengadakan arrangement of clauses bagini sahaja, saya tidak nampak di-mana baik-nya yang kita menchari sa-laras itu. Saya perchaya Menteri ini, dia selalu-lah menjawab menang dia daripada saya. Tetapi saya hendak sangat betul² dia menerangkan perkara ini dan saya tidak mahu-lah dia twisting bagitu sahaja. Saya tahu dia ahli dalam perkara ini. Tetapi saya minta betul² ada-kah Bill ini merupakan menuju kapada Land Reform, satu. Yang kedua, ada-kah dia masokkan spirit² baharu sa-lain daripada mengadakan arrangement dan ketiga, ada-kah ini merupakan satu perkara yang menyelesaikan masalah² berkenaan dengan tanah sa-bagaimana kerumitan pusaka dan sa-bagaimana penyekatan² permintaan. Dan kalau perkara ini dapat Menteri itu menerangkan dan ada di-dalam Bill ini dengan penoh-nya di-masa itu-lah saya akan serahkan lagi sa-kali terima kaseh kapada Menteri. Sekarang ini saya tidak dapat hendak memberi terima kaseh kapada Menteri. Terima kaseh.

Dato' Abdullah bin Abdulrahman (Kuala Trengganu Selatan): Tuan Yang di-Pertua, saya juga menyokong Rang National Land Code yang ada dihadapan kita pada hari ini. Saya

mengucapkan berbanyak² tahniah kepada Kerajaan kerana mengemukakan National Land Code Bill pada ketika ini. Ada-lah menjadi harapan kita semua dengan ada-nya Undang² Tanah yang baharu ini, kita akan dapat hasil yang lebeh lagi daripada tanah yang ada di-negeri ini. Saperti yang kita semua tahu, tanah ada-lah satu² yang memainkan peranan penting di-dalam ekonomi di-negeri Malaysia ini.

Sa-lain daripada Undang² baharu yang kita akan dapati, saya jua berharap kepada pehak Kerajaan supaya dapat streamline pentadbiran di-dalam Pejabat² Tanah untuk menyesuaikan dengan Undang² yang baharu ini. Sakian sahaja, Tuan Yang di-Pertua.

Enche' Hussein bin To' Muda Hassan (Raub): Tuan Yang di-Pertua, saya ter-lebeh dahulu menyokong bersama² dengan rakan² saya terhadap National Land Code ini tetapi saya suka hendak menyentoh berkenaan dengan "Rights and Powers of the State Authority." Saya mengeshorkan kepada Menteri yang berkenaan, jangan-lah bagi luas sangat kuasa kepada Kerajaan Negeri itu, sa-elok-nya kita control sedikit di-sini. Sebab-nya, di-tempat saya ada satu kawasan lombong yang luas barangkali di-buka dalam tahun 1900 yang di-panggil Raub Australian Gold Mining. Maka tanah lombong itu telah di-ambil oleh satu komani yang lain ia-itu terdiri daripada penduduk² di-situ tetapi baharu² ini saya dapat tahu yang sharikat baharu ini telah memohon kepada Kerajaan Negeri Pahang menukarkan syarat darpiada tanah lombong di-jadikan tanah pertanian. Sa-panjang yang saya ketahui, apabila satu mining lease yang hendak di-tukarkan syarat-nya, terpaksa-lah orang yang memegang mining lease itu menyerahkan balek kepada Kerajaan yang bertanggung-jawab. Tetapi saya dapati dalam hal ini tidak berlaku di-sana malah di-buat chara penukaran syarat sa-bagaimana tanah² biasa sahaja. Tanah lombong ini, saya tahu, luas-nya lebeh kurang 9,000 ekar. Samasa sharikat perlombongan dahulu hanya membuka tanah itu lebeh kurang 2,000 ekar sahaja, 7,000 ekar

itu di-tinggalkan begitu sahaja dengan tidak ada memberi faedah kepada ra'ayat² yang dudok di-sekeliling kawasan itu. Maka di-sini saya berpendapat sa-elok²-nya Kerajaan Pusat atau Kementerian ini menasehatkan kepada Kerajaan Negeri supaya tanah² yang tidak di-buat lombong begitu lama, di-ambil balek dan di-serahkan kepada ra'ayat jelata yang laparkan tanah di-sekeliling tempat itu.

Dan berbangkit juga saya kepada tanah lesen T.O.L. Sunggoh pun kuasa T.O.L. yang ada di-kawasan Town Council itu di-bawah Kerajaan Negeri, tetapi saya harap Kementerian ini mengambil berat sedikit berkenaan dengan tanah lesen ini, kerana di-dalam kawasan bandaran Raub atau Lembaga Bandaran Cameron Highland, sangat susah hendak mendapat tanah lesen ini, kerana di-kehendaki meminta kelulusan daripada Pesuruh Jaya Tanah Negeri, atau pun Majlis Meshuarat Kerajaan Negeri. Di-Cameron Highland, semenjak perkembangan berkenaan dengan Hydro Elektrik, apabila sa-saorang berkehendakkan tanah di-situ terpaksa di-dapati jawapan daripada Pejabat Khazanah Tanah kawasan itu ia-lah kawasan catchment area C.E.B., kawasan reserve, saya harap

Mr Speaker: Masa sudah sampai, di-sambong balek besok.

ADJOURNMENT

(MOTION)

The Minister of Finance (Enche' Tan Siew Sin): Mr Speaker, Sir, I beg to move that this House do now adjourn.

The Minister of Welfare Services (Tuan Haji Abdul Hamid Khan): Tuan Yang di-Pertua, saya menyokong.

ADJOURNMENT SPEECH

STRIKE BY E. & O. HOTEL EMPLOYEES

Enche' Lim Kean Siew: Mr Speaker, Sir, what I am going to speak about is a far cry to what happened this morning. What I am going to speak

about concerns only 100 men many of whom are old, and many of them have served us faithfully for many years. They are the waiters of the E. & O. Hotel, Penang, who went on strike.

Mr Speaker, Sir, this strike started in a very modest way, with a very modest demand by very old people, who are far from being militant. These people belonged to a union. This union asked for recognition. It asked for nothing else—not conditions of service or pay. It merely asked for recognition. The Industrial Relations Officer took a confidential check and found that it qualified, but still the management would not recognise it. Another officer from the Labour Department came down to Penang from Kuala Lumpur and again did a private check and took votes. Again, it was certified that this union had the majority of the workers' support and should be recognised, and again, the management refused to do so. This thing went on for nearly two years. Most of the workers there earn only \$90 a month—some of them only \$65.

Some two weeks ago, in spite of exhortation, the management gave or issued instant dismissal notices to 11 workers, who were, in fact, the organisers of the union. Had the union accepted the dismissals, the union would have been smashed. So, there was no alternative but to call for a strike or industrial action. The management still refused to speak to the strikers, or the union, for some reasons or other, in spite of persuasion—and very ardent persuasion at that—by the Industrial Relations Officer, Penang. Then, all of a sudden, the management of the E. & O. Hotel followed the Singapore practice by making an announcement that they were going to close down at the end of last month, in order to render strike action completely ineffective.

Mr Speaker, Sir, the painful thing is that we have set up an Industrial Relations Office and a Labour Department, and we have set up trade union machinery and trade union ordinances, in order to satisfy workers and to prevent violence and dissatisfaction of

workers in their struggle against their employers.

Now, with the strike going on in Penang, and with the inability of certain type of unions to go on strike, it is possible that management may take advantage of such a situation on the assumption that the Government does not support industrial action in any event.

Mr Speaker, Sir, we must accept that the Government cannot keep on saying, "We are unable to do anything because the laws do not provide us the power to do so"—after all, the law does not provide for Singapore's secession, and yet this morning Singapore was excluded from Malaysia by a Bill which became an Act in less than four hours.

Mr Speaker, Sir, I hope that the Honourable Minister of Labour will try both morally and legally, if it is possible, to persuade managements in general that they should not close down during strikes—that is cheating; and, if necessary, if they are able to do so, to pass laws at least preventing closure for the purposes of defeating a strike, in order to open again and re-employ new workers after the strike is over.

The other recommendation that I would like to make in this House is that the Honourable Minister of Labour should at least go to Penang and see in what way he can persuade the management to accept recognition of the union, for that is all these people have asked.

The Parliamentary Secretary to the Minister of Labour (Enche' Lee San Choon): Mr Speaker, Sir, the Honourable Member for Dato Kramat has in his speech raised the question of the industrial dispute in the E. & O. Hotel in Penang. Let me first state the facts in this dispute.

Enche' Lim Kean Siew: Mr Speaker, Sir, I am talking of industrial action taken by the strikers.

Enche' Lee San Choon: Yes. The National Union of Hotel, Bar and Restaurant Workers sought recognition from the management of the E. & O.

Hotel but, despite various forms of assistance provided by the Ministry of Labour, the question of recognition of the union could not be resolved. As further discussions on this question were proceeding, the management terminated the services of 11 employees, and this was immediately followed by a strike by employees of the Hotel. As the strike progressed, officers of my Ministry had further discussions with the union and the management, with a view to finding an amicable settlement to the question of dispute. But, unfortunately, no settlement could be arrived at, and the management subsequently closed down the Hotel. These are the facts of the case.

Sir, as you will see, officers of my Ministry have done their best to resolve the dispute. We are still—I emphasise we are still—in contact with the union and the management. It would be appreciated, Sir, that the Government has no power to force an unwilling employer to stay in business. This is the question that the employer himself will have to decide as his best interests dictate.

The subject of recognition of trade unions by employers, over which the dispute in the E. & O. Hotel arose, is under the voluntary system of industrial relations in the States of Malaya—a matter to be mutually agreed between the parties themselves. Though the Government renders all possible assistance to the parties, it is not in a position to force the hands of either the employer or the union.

However, there are some long standing arrangements between the Malaysian Trades Union Congress and the Employers' Organisation regarding the procedure to be followed in dispute over the recognition of trade unions by employers. By and large, Sir, these arrangements have been successful in resolving amicably questions of union recognition between the parties themselves. In some cases such mutual arrangements have not been possible, largely due to the attitude or the stand taken by one or the other party.

I am aware that these few cases, where differences over union recognition cannot be solved amicably under the existing procedure, can be a problem and a source of discontent. Accordingly, the Minister of Labour has submitted certain proposals to the National Joint Labour Advisory Council to deal with the question of trade union recognition, but no final agreement could be reached in the Council, though both the employers' and the workers' representatives on the Council have agreed on the need for more effective measures to be provided in this regard. The Honourable the Minister of Labour is now studying this question with the view to arriving at a decision soon. I can assure the Honourable Member that every effort is being made to bring about an early settlement to the dispute. Thank you.

Question put, and agreed to.

Adjourned at 8.10 p.m.