Jilid IV
No. 10



Hari Khamis
7hb Mach, 1968

PERBAHATHAN PARLIMEN

DEWAN NEGARA (SENATE)

PENYATA RASMI

PARLIMEN MALAYSIA YANG KEDUA
PENGGAL KEEMPAT

KANDONGAN-NYA

PENANGGOHAN MAJLIS DENGAN TIDAK DI-TETAPKAN HARI MESHUARAT (USUL) [Rgn. 1315]

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DI-CHETAK DI-JABATAN CHETAK KERAJAAN
OLEH OOI THEAM HOCK, PENGUASA, IPOH
1969

Harga: $1

MALAYSIA

DEWAN NEGARA (SENATE)

Penyata Rasmi

Jilid IV Dewan Negara yang Kedua Penggal yang Keempat No. 10

Hari Khamis, 7hb Mach, 1968

Persidangan bermula pada pukul Sa-puloh pagi

YANG HADZIR:

Yang Berhormat Tuan Timbalan Yang di-Pertua, DATO' SHEIKH ABU BAKAR BIN YAHYA, D.P.M.J., P.I.S., J.P. (Johor).

„ TUAN A. ARUNASALAM, A.M.N. (Di-lantek).

„ TUAN ABDUL RAHIM BIN ABDUL MANAN, P.J.K. (Negeri Sembilan).

„ TUAN ABDUL RAHMAN BIN AHMAD (Perlis).

„ TUAN ABDUL SAMAD BIN OSMAN, P.J.K. (Di-lantek).

„ TUAN HAJI AHMAD BIN HAJI ABDULLAH, A.M.N. (Penang).

„ TUAN HAJI AHMAD BIN HAJI ABDUL MANAP, P.P.N. (Melaka).

„ PUAN AISHAH BINTI HAJI ABDUL GHANI (Di-lantek).

„ PUAN BIBI AISHAH BINTI HAMID DON, A.M.N. (Di-lantek).

„ TUAN AWANG DAUD MATUSIN (Di-lantek).

„ TUAN CHAN KWONG HON, A.M.N., S.M.S., J.P. (Selangor).

„ DATO' J. E. S. CRAWFORD, D.P.M.P., J.M.N., S.P.M.P., J.P. Dato' Kurnia Indera (Di-lantek).

„ DATO' FOO SEE MOI, D.P.M.K., J.P. (Di-lantek).

„ TUAN GAN TECK YEOW, J.M.N. (Di-lantek).

„ TUAN GOH CHEK KIN, P.J.K. (Trengganu).

„ TUAN HOH CHEE CHEONG, A.M.N., J.P. (Pahang).

„ TUAN ANDREW JIKA LANDAU (Di-lantek).

„ DATO' LEE FOONG YEE, J.M.N., P.P.T., J.P. (Negeri Sembilan).

„ TUAN LIM HEE HONG, J.M.N., J.P. (Di-lantek).

„ TUAN S. T. MANI, P.J.K. (Di-lantek).

„ TUAN MOHAMAD ADIB BIN OMAR, P.J.K. (Trengganu).

Yang Berbahagia TAN SRI HAJI MOHAMED NOAH BIN OMAR, P.M.N., S.P.M.J., D.P.M.B., P.I.S., J.P. (Di-lantek).

Yang Berhormat TUAN HAJI MOHAMED SAAID BIN HAJI ABU BAKAR (Di-lantek).

„ DATO' ATHI NAHAPPAN, D.P.M.S. (Di-lantek).

„ TUAN S. P. S. NATHAN (Di-lantek).

„ NIK HASSAN BIN HAJI NIK YAHYA, J.M.N. (Di-lantek).

Yang Berhormat TEMENGGONG OYONG LAWAI JAU, M.B.E. (Sarawak).
„ TOK PANGKU PANDAK HAMID BIN PUTEH JALI, P.J.K. (Di-lantek).
„ TUAN SAIDON BIN KECHUT, A.M.N. (Di-lantek).
„ TUAN K. R. SOMASUNDRAM, A.M.N. (Kedah).
„ TUAN SYED DARUS BIN SYED HASHIM, A.M.N. (Perlis).
„ TUAN WILLIAM TAN (Di-lantek).
Yang Berbahagia TAN SRI T. H. TAN, P.M.N. (Di-lantek).
Yang Berhormat WAN SULAIMAN BIN WAN TAM, P.J.K. (Di-lantek).
„ TUAN YAHYA BIN HAJI AHMAD (Perak).

YANG TIDAK HADIR:

Yang Berhormat Tuan Yang di-Pertua, DATO' HAJI ABDUL RAHMAN BIN MOHAMED YASIN, S.P.M.J., P.I.S., J.P. (Johor).
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Yang Berhormat TUAN ABDUL GHAFAR BIN BABA (Di-lantek).
„ TUAN AMALUDDIN BIN DARUS, J.P. (Kelantan).
„ DATO' JOSEPH AUGUSTINE ANGIAN ANDULAG, P.D.K. (Sabah).
Yang Berbahagia TAN SRI TUNKU BUJANG BIN TUANKU HAJI OTHMAN, P.S.M., O.B.E. (Sarawak).
Yang Berhormat TUAN CHEAH SENG KHIM, J.P. (Penang).
„ DATO' DR CHEAH TOON LOK, D.P.M.K., D.M.K., J.M.N., J.P. (Di-lantek).
„ TUAN CHAN KEONG HON, A.M.N., S.M.S., P.J.K. (Di-lantek).
„ TUAN HONG KIM SUI, A.D.K. (Di-lantek).
„ DATO' O. K. K. INDAN BIN KARI, P.D.K. (Di-lantek).
„ TUAN C. D. ISMAIL, J.M.N., J.P. (Di-lantek).
„ TUAN KOH KIM LENG (Melaka).
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„ DATO' PENGIRAN MOHAMED DIGADONG GALPAM, P.D.K. (Sabah).
„ RAJA RASTAM SHAHROME BIN RAJA SAID TAUPHY (Selangor).
Yang Berbahagia TAN SRI G. SHELLEY, P.M.N., J.P. (Di-lantek).
Yang Berhormat DATO' E. E. C. THURAISINGHAM, D.P.M.J., J.P. (Di-lantek).
„ DATO' S. O. K. UBAIDULLA, D.P.M.S., J.M.N. (Di-lantek).
„ DATO' WAN MUSTAPHA BIN HAJI WAN ALI, D.J.M.K. (Kelantan).
„ TUAN YEOH KIAN TEIK (Perak).

YANG HADZIR BERSAMA:

Yang Berhormat Menteri Kesihatan, TUAN BAHAMAN BIN SAMSUDIN (Kuala Pilah).
„ Menteri Kebajikan 'Am, TUAN HAJI ABDUL HAMID KHAN BIN HAJI SAKHAWAT ALI KHAN, J.M.N., J.P. (Batang Padang).
„ Menteri Muda Kewangan, DR NG KAM POH, J.P. (Telok Anson).
„ Menteri Muda Dalam Negeri, TUAN HAMZAH BIN DATO' ABU SAMAH (Raub).

DO'A

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

PENANGGOHAN MAJLIS DENGAN TIDAK DI-TETAPKAN HARI MESHUARAT (USUL)

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan suatu usul yang berikut:

Bahawa apabila tamat meshuarat hari ini, Majlis Dewan Negara akan di-tanggohkan kapada suatu masa yang tidak di-tetapkan.

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

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

Di-putuskan,

Bahawa apabila tamat meshuarat hari ini, Majlis Dewan Negara akan di-tanggohkan kapada suatu masa yang tidak di-tetapkan.

WAKTU MESHUARAT DAN URUSAN YANG DI-BEBASKAN DARIPADA PERATORAN MESHUARAT (USUL)

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan satu lagi usul yang berikut:

Bahawa sunggoh pun ada sharat[2] yang di-tetapkan dalam Peratoran Meshuarat 11, Majlis ini tidak akan di-tanggohkan hari ini sa-hingga telah selesai di-timbangkan semua sa-kali Urusan Kerajaan yang ada dalam Atoran Urusan Meshuarat hari ini.

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

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

Di-putuskan,

Bahawa sunggoh pun ada sharat[2] yang di-tetapkan dalam Peratoran Meshuarat 11, Majlis ini tidak akan di-tanggohkan hari ini sa-hingga telah selesai di-timbangkan semua sa-kali Urusan Kerajaan yang ada dalam Atoran Urusan Meshuarat hari ini.

RANG UNDANG[2]

RANG UNDANG[2] PERBEKALAN, 1968

Bachaan Kali Yang Kedua

Atoran Urusan Meshuarat di-bachakan bagi menyambong sa-mula Perbahathan yang di-tanggohkan atas masaalah, "Bahawa Rang Undang[2] ini di-bachakan kali yang kedua sekarang" (6hb Mach, 1968).

Perbahathan di-sambong sa-mula.

Menteri Muda Kewangan (Dr Ng Kam Poh): Mr President, Sir, yesterday before I finished, I was talking about the question of the British withdrawal. As our Prime Minister has said, the British might withdraw earlier than 1971, but in reply to that question, I believe all Honourable Members of this august House would have noticed and read in the papers, the Prime Minister of the United Kingdom, Mr Harold Wilson, had said that they would not withdraw before the end of 1971. Be that as it may, Mr President, Sir, we were given assurances that there would not be devaluation; we were given assurances that they would not withdraw until the mid-1970s. Now, we are given assurances that there will not be withdrawal before the end of 1971. If the Government wants to believe that the withdrawal will be at the end of 1971, I leave it to the Cabinet to consider. However, I am afraid that Members of the Cabinet will have to take the assurances from the Prime Minister of the United Kingdom, Mr Harold Wilson, with a pinch of salt, because whatever assurances he has given us so far, he has always broken. Our Prime Minister has reason to believe, I suppose, because he has said that the British might withdraw before 1971 or even earlier, and we must make contingency plans for the withdrawal.

Meetings are being held with Sir Alan Dudley and our Ministry officials over the question of economic aid to Malaysia. As far as I know, the aid that is going to be given to us is only a very, very small sum, not commensurate with what we expect, thinking in terms of a long term policy of economic aid for Malaysia, and comparing Malaysia with Singapore. The

case in point, Mr President, Sir, is that they say that Singapore will lose its base and also that the complete withdrawal of about 30,000 troops in Singapore will cause economic hardship to Singapore. Mr President, Sir, I beg to differ because, amongst these workers, there is a very high percentage of Malaysians, and once withdrawal has taken place they will be driven back to Malaysia and Malaysia has got to find jobs for them. This is important, because the British must know that a very high percentage of Malaysians are working in the Singapore base and the Singapore Government is using work permits for the people working in the base, I hope that the Government as well as the British Government will realise this fact and take measures to give us sufficient economic aid to tide over this economic crisis of ours during the pull-out. This not only will add an additional burden of unemployment to this country but it will also add a great deal of economic dissatisfaction to this country.

Mr President, Sir, unlike the Prime Minister of Singapore, when he heard about the British pull-out by 1971, our Prime Minister had very gracefully and in a dignified manner stated to the people of our country that there is nothing to stop the British from pulling out, we understand their economic situation and we will help them as best we can. We do not act, our Government and our Prime Minister do not act, out of panic. We do a little bit of calculation and from the report the House of Commons, we know that the British interests here amount to roughly over $22,000 million in investments and reparations of profits come to the region of over M$800 million to the United Kingdom. So, as you see, Mr President, Sir, there are large investments and they are by no means to be written off by British just to save herself by changing her policy of withdrawing East of Suez and concentrating themselves in N.A.T.O. and in Europe. I am not contesting the fact nor the wish of the British Government in wanting to identify themselves with Europe and N.A.T.O., but I question the validity and the wisdom of leaving areas of South-East Asia unprotected, when such substantial sums of money have been invested in this part of the world.

I know—as I said before, I am giving a general outline of the economic policy of Malaysia—that the British have got synthetic rubber, that the British can do without a certain amount of tin and, in due course, probably oil too, because they have found natural gas in the North Sea, but to let down the allies who had fought so loyally by their side in two World Wars is something to be considered. I do not believe Britain could have won the Wars, the First and the Second, without the aid of the Commonwealth troops as well as support from all the Commonwealth countries East of Suez. Neither Malaysia, Singapore, Australia, New Zealand nor the Arab countries, for that matter, who were in the Commonwealth and who were supplying United Kingdom with their oil enable them to keep their ships going and bringing food from America, are going to be very, very happy with what the British are going to do. But that is a British decision, and so let it be. What we are really concerned about is that the economic aid must be commensurate with what the British have been doing here in Malaysia before the pull-out of the British troops.

Mr President, Sir, when I mentioned the figure of $22,000 million assets here and reparations of profits of $800 million and over to the United Kingdom, I did not mean it as a veiled threat to the United Kingdom, I just said that they have vast interests here. What the Cabinet is going to do, what the Cabinet is going to decide, I have no knowledge because I am not a Cabinet Minister, but these vast interests and vast profits are by no means a small sum even to a country like the United Kingdom. An Honourable Senator has asked us to withdraw from the sterling area. We might if it suits our purpose, or we might not. This, Mr President, Sir, is again up to the Cabinet. They have got to weigh everything very carefully, whether it benefits us to remain in the Sterling area after the breaking of so many promises, or whether we should sell our sterling and tell the

British to go to "Thy Kingdom come", or to maintain closer relationship and keep our money in sterling. That actually is the crux of the whole situation. I regret I cannot give that answer here today. The Cabinet and the Cabinet itself, must decide what it is going to do. But I believe that if the people of the United Kingdom are going to egg us on by treating us as if we are poor beggars, as stated by one Honourable Senator, I am afraid a time will come when not even the Cabinet can control the cries of vengeance from the people of this country. I leave the question of the withdrawal from the Sterling area at this juncture.

Mr President, Sir, one Honourable Senator has asked us to trade more with Communist countries and not stick to our traditional trade with Western democracies. Mr President, Sir, it has always been our policy to trade with each and every country irrespective of ideology. The policy of our country where trade is concerned is this: if you can buy our rubber, tin, timber, palm oil and the like, we will only be too happy to sell you all these goods; and if we can buy your goods in return, we will buy your goods in return. However, if the country happens to be a Communist country, then we draw this line: you can be as Communist as you like, but we do not want you to export your Communism into this country and try to subvert this country: this country is a democracy and we do not want Communism. If you want to be Communist, go on being Communist; if you want to be socialist, go on being socialist; if you want to trade with us, we will always trade with you; but we would want one precondition, and that is no persons from other countries will put their foreign ideologies into this country and try to subvert us. That is the only precondition that we have, and so far we have been successful in trading with many Communist countries both in the Eastern Bloc and even with Communist China.

There has been a suggestion that we trade also with the developing countries. Mr President, Sir, we have been trying to trade with developing countries, but most of the developing countries are short of cash and thereby they cannot buy our products. In fact, they compete with us where selling of the primary commodities are concerned.

As for the $200 tax per acre of rubber, as suggested by the Honourable Senator Tan Sri T. H. Tan, it might be punitive in that respect; but if we do so, most of the British rubber estates will have to close down; and if we do that and take over all rubber interests in Malaysia, I regret we might not be able to sell our rubber to the But to be forewarned is to be forearmed, and if the British are not going to give us sufficient economic aid and countries to which we want to sell. also sufficient defence in this area, then something will happen. We do not know, Mr President, Sir, what the British mean by saying that they will have a defence air umbrella over this area. Does it mean that they will have to fly out troops all the way from England? Even in this jet age, it might take one-and-a-half days, in which case the war might be over. Does it mean that they are going to have bases in the Indian Ocean? Does it mean that the British are going to leave South East Asia and Asia for good and forget the market here, or does it mean that the British are withdrawing their troops from this area but will keep on trading with us and exploiting us in the various many ways, through their large companies that are here present in Malaysia? I believe, Mr President, Sir, that no Malaysian nationalist of any calibre will stand up to it, much less toe the British line.

There have been questions as to why there has been delay in setting up industries—that people have to go from one place to another before industries can be set up and that a great deal of time is being spent running from one Ministry to another. Mr President, Sir, at the present moment, we have set up FIDA which is meant to help these industrialists to get land all over Malaysia. From FIDA, they go to the Ministry of Commerce and Industry and then to the Ministry of Finance for

approval for pioneer status, or for approval for setting up companies. However, I do agree in some respects that a Co-ordination Ministry can be set up to look after these matters. This Co-ordination Ministry which in other countries may be called the Ministry of Economic Affairs, or in Singapore the Economic Development Board, can be set up to help and plan the economy of this country, to alienate land for industries, to sell it at whatever price is fixed and to get the consent of the Ministry of Commerce and Industry and also the Tariff Advisory Board and ACTAB together as one body. This body will also comprise the Economic Planning Unit of the Prime Minister's Department, the Industrial Division of the Ministry of Commerce and Industry and, probably, the Finance Division of the Treasury. But we still have far to go before we need this Ministry, and at the present moment we will have to make do with what we have.

There has also been a complaint that the Deutche-Asiatic Bank had taken many months to obtain sanction to set up a Branch in Kuala Lumpur. Mr President, Sir, this is partly true, but the sanction was given very early and the Deutche-Asiatic Bank had great difficulty in finding suitable premises and that is why it took such a long time for the Deutche-Asiatic Bank to set up a Branch here to do business.

There has been a question from the Honourable Tan Sri Haji Mohamed Noah bin Omar as to why Malaysia has not got an efficient economic intelligence unit in London or a Trade Mission in London, New York and Tokyo. Well, I honestly fully agree with him there should be, because in all probability if we had such a unit we would have known about the devaluation earlier than we had known then. However, being a developing country, we were very short of personnel and we were very short of economists who are well-trained and who could be sent overseas by the Ministry of Foreign Affairs. However, we have corrected the situation and at the present moment, at least for the time being, there is a Trade Commissioner in London, who is an economist. I hope that in the years to come when we get out of this mess we are in, wherein we suffer from current account deficiencies and we have to tighten our belts and make sacrifices, and we have reached the take-off point of economic progress, then I am sure the Ministry of Foreign Affairs and the Treasury together will send economic experts overseas to be posted to the various Embassies as listening posts of the economic affairs of each of the very important countries

Mr President, Sir, the Honourable Tan Sri Haji Mohamed Noah as well as Senator Puan Bibi Aisha has broached the question as to why we do not have a Council of Advisers to the Ministry of Finance. In point of fact, we do have. There is a Division called the Economic Division in the Ministry of Finance which comprises of Treasury officials, most of them economists, who advise the Honourable Minister of Finance on various matters and who submit reports to the Minister of Finance practically every month on what goes on around the world. Besides that, we have also the Economic Planning Unit in the Prime Minister's Department which advises on the planning and development of this country.

Mr President, Sir, the Honourable Senator Puan Bibi Aisha has made a very critical analysis of our national problem affecting smallholders because of the low price of rubber. In my speech yesterday on the general economic situation, I tried to give a picture of what happened to our rubber in general, and on this particular point, particularly where smallholders are concerned, I would like to say that they sell rubber which is of a very low quality. The Ministry of Commerce and Industry is going to set up small factories in areas where the smallholders are at the present moment having these estates They are going to set up factories to produce *heveacrumb* S.M.R. rubber.

This process of converting RSS 4 or RSS 5 into *heveacrumb* and selling it abroad as Standard Malaysian Rubber will give smallholders a chance to earn a better living and earn more income

for themselves as well as foreign exchange for Malaysia. It is not only beneficial to the smallholders but also beneficial to the economy of the country as a whole But the idea of the Ministry of Commerce and Industry will take time to implement. The process of changing from low grade rubber to *heveacrumb* is not difficult, but the setting up of factories all over the country will take some time. Given time, I am sure, the smallholders in this country will not be handicapped. If I am not wrong, and I stand to be corrected, 80% of the estate holdings have been replanted; roughly 50 over per cent of the smallholdings have been replanted. However, about 40 over per cent has still to be replanted. With replanting with high-yielding clones and with the factories producing *heveacrumb,* I can still forsee a bright future for the smallholders.

Besides that, we had convened a meeting here in Kuala Lumpur last year of the Natural Rubber Producers' Association and we had also gone to Rio to the Rubber Study Group to present our case to the world and the United Nations. Further, we have even gone to UNCTAD. In fact, at present, after the Minister of Commerce and Industry has come back to Malaysia, he will be leaving for UNCTAD in New Delhi to present a better case for the price of natural rubber and tin, whereby we can come to some form of agreement between the producers of natural rubber and the producers of synthetic rubber. Let it be known that the producers of natural rubber are anxious to come to terms with the synthetic producers, not because we are afraid of them, but because we have not produced enough to meet the consumption that is demanded of us and this gap has always been filled by the over-flow of synthetic rubber.

There is also a question by you, Mr Deputy President, as an Honourable Member of the Senate, as to why there is no increase of taxation on liquor. The reason, Mr President, Sir, is simply because in the economic language, this is a question of applying the law of diminishing returns—in other words, you can tax the nation so much and so much only. After that, the income will fall for the simple reason that the people cannot afford to drink good brandy or good whisky at a very high price and people of the lower income group will resort to illicit samsu. Not only that, you will encourage smuggling from Penang to the Mainland (the Principal Customs Area), from Thailand to this place, or from Singapore to Malaysia. That is why we have left the taxation of liquor alone.

There is also a question as to why women have to wait until the age of 55 before they could withdraw their money in the Employees' Provident Fund. Provident Fund contributions are to provide for social security in the old age, at 55 or after 55. It is true that the women retire at 45, but there is nothing to prevent them from going back to work after 45 and, besides, it is a known fact that the ladies live longer than the men even though they are termed the gentler sex.

There is a question posed by the Honourable Senator Nik Hassan, who says that there are some pioneer industries who import synthetic rubber instead of using natural rubber. I can only think of one industry that has to import synthetic rubber for its own use, and that is the Dunlop Industries. Mr President, Sir, natural rubber by itself is good enough to produce a tyre, good enough to produce a tyre that can suit the purpose of a motor car. However, with added synthetic rubber content, a tyre will give a far greater mileage than natural rubber alone can give. That is why we have to import a certain amount of synthetic rubber—it is not a very high portion but only a certain amount of synthetic rubber for mixing with natural rubber, in order to enable a tyre to get an adequate mileage, which is required by all the people who own cars and buy tyres. This is a fact, Mr President, Sir.

There are questions from the Honourable Senator Saidon bin Kechut concerning land that has been illegally settled and he has asked the Central Government to do something about. I most sincerely regret that the Central Government is in no position to do anything because lands, as you know,

is a State matter and the State Governments are very strong and are very, very insistent on one of the very few things they have complete rights over, and that is why we cannot interfere with State rights.

Mr President, Sir, I shall try to reply as best as I can to the question broached by the Honourable Senator Dato' Athi Nahappan. He has quoted figures saying that our expenditure has risen from 1961 to 1967 no less than four times or three times. We must realise, Sir, with due respect to his knowledge, that in 1963 there was the formation of Malaysia. Development expenditure has arisen and then the ordinary expenditure will naturally rise, because if you build something you will have to maintain it, and the personnel needs to be paid, to be housed, to be given travelling allowances, cost of living allowances, and so forth. That is why our national budget has gone up two or three times. In fact, Mr President, Sir, we should be proud that our national expenditure has gone up to that extent, because it is an indication that our development has gone up to that extent.

Mr President, Sir, the Honourable Dato' Dr Cheah Toon Lok has castigated the Government that we are keeping on borrowing and borrowing and what will be the future of our children. Mr President, Sir, the Honourable Senator is not present here at the present moment and I hope my reply will reach him in due course.

The national budget is for ordinary expenditure in all fields $50 million of the national budget is allocated usually to the Development Fund and that is why, Mr President, Sir, despite the insistence from some Honourable Members that there was deficit, I said there is no deficit in this year's estimates. It is a very well-balanced budget, because an expenditure of $1,932 million and an income of $1,882 million does not mean a deficit, because the short fall of $50 million in between $1,932 million and $1,882 million, is already allocated to the Development Fund. So, the budget this year is balanced, and that is the reason why it has been making the Opposition Members, in the Dewan Ra'ayat at least, to think that this is an election year, and they have been yelling at the top of their voices that this is an election year until our beloved Prime Minister told them that the election will be somewhere around May in 1969. We have never cheated the people. We have given them a long period of time for the election, unlike a neighbouring country of ours which I refuse to name.

Besides the formation of Malaysia, Mr President, Sir, we have to cope with a greater Defence budget, which has risen from a mere $50 million to $252 million this year, for a greater Education allocation, which has risen from $100 million to $402 million this year and that is why, Mr President, Sir, our national budget has increased three-fold. However, even at the cost of increasing the national budget and increasing borrowing, the *per capita* income of Malaysia is one of the highest in this part of the world. I think we come second to Japan. Of course we have to exclude Singapore because Singapore is a city, an island State and a nation within 224 square miles of land sorry, 224.5 square miles of land as they have reclaimed about half a square mile of land. It is urbanised, highly industrialised, with banking services; and besides a legacy which the colonial government has given them of a sound banking system there is a system that has made the hinterland of Malaysia dependent on Singapore for many things—shipping, banking insurance. That is why, besides Singapore, we have the second highest *per capita* income.

Mr President, Sir, there was reference to the Incentives Bill, but I do not propose to debate that at the present moment and I would like to answer that when I move the Industrial Incentives Bill.

The Honourable Senator Abdul Rahim bin Abdul Manan has said that the rural electrification estimates are not enough in a number of cases and that often in certain mukims and districts as much as 30 houses are left out owing to lack of funds. He suggests that the National Electricity Board

make proper estimates so that no houses are left out in the future. Mr President, Sir, the Lembaga Letrik Negara, or the National Electricity Board in English, whichever way you want to call it, has not got the funds at the present moment to carry out rural electrification programmes for the country for this very very simple reason: whatever loans it has taken for dams which will generate hydro-electricity to supply to the people of Malaysia, it must earn back enough primarily to pay back the principal and the interest of those loans and make a bit more money before it can use this little bit more money to supply the rural areas.

At the present moment, Mr President, Sir, the N.E.B. has just borrowed roughly $110 million from the World Bank to build the Thermal Power Station in Johore, and it has completed its last phase in the Cameron Highlands. This electricity is to be supplied to various industries first, because they come first under the priority list. They are the earners, they are actually—shall I put it this way—the taxpayers towards the N.E.B., because from them only we can get enough money to pay back the loans which we have received either from the World Bank or from other countries. Above and beyond that, we have a certain amount of profit. That certain amount of profit will be taken off and used to provide social amenities to the rural areas like the kampongs, who are by themselves not economically viable and have to be subsidised by the N.E.B. So, this way of earning from the industrial areas and subsidising the kampongs will have to go on, and I am afraid that Honourable Members of this House, whose kampongs have not yet received electrification, will have to wait for a little while. This I regret, but we do not have enough money to give to social projects because we have to deal with economic projects along the priority list.

Mr President, Sir, I would now like to answer the Honourable Senator, Dato' Dr Cheah Toon Lok, as to why we borrow and why our children will not suffer in the long run. Mr President, Sir, through normal taxation, we will have enough money to run the Government and to run the various Ministries concerned, but unless we tax the people very highly, we do not have enough money for development, unless, of course, the price of rubber and tin is so high that we have sufficient foreign exchange to do so. At the present moment, we have to keep on borrowing from various countries at fairly low interest rates for development.

Now, what is meant by "development"? By "development", I mean the opening up of jungle land for the planting of padi like the Sungei Muda scheme, for the planting of oil palm like the Jengka Triangle, for the setting up of hydro-electric schemes like that in the Cameron Highlands and for the Thermal Power Station in Johore. Mr President, Sir, these are economic schemes which by themselves can earn enough money not only to pay back the capital but also the interest on the loans which have been taken. Sir, I can assure the Honourable Dato' Dr Cheah Toon Lok that we are by no means mortgaging our country's future down the drain. This must be managed wisely, and be managed in such a way that we do it economically and pay back as we go along. In due course, we will borrow less and less as we become economically stronger and stronger.

Mr President, Sir, which country does not borrow? The country with the greatest economic activity, the United States of America, has been borrowing from its people billions and billions of dollars, Yet, it is the country which has the greatest economic viability at the present moment. It is true that they do not borrow very much abroad, but their investments abroad have been bringing them down to such an extent because the other countries have been using their money as foreign exchange backing for their own currency. For example, people in Italy and Germany have been using the US dollar as foreign exchange to back their own currency. Of course, there are certain countries like France, who take all the U.S. dollars that have been earned by France, go to the United States of

America and say to them, "Look here, we have so many billion dollars worth of U.S. dollars. This is just paper. We want gold." That is why there is a run on gold in the United States. We have to understand the international economic situation before we can understand our own national problems.

The Honourable Tuan Abdul Rahim bin Abdul Manan also requested the Ministry of Commerce and Industry to assist the Negri Sembilan State Government in establishing industries in the Senawang Industrial Estate. Now, Senawang Estate has been set up with the specific purpose of setting up industries. Why it has not been successful, we do not know. Every effort has been made to induce industrialists to go to Senawang Estate to set up factories there. But somehow or other, Mr President, Sir, they prefer either Petaling Jaya or Batu Tiga, probably because they are near Port Swettenham—near a port. This one of the reasons for that. Again, as to the question of an oil refinery in Port Dickson, it could have been easily set up in Senawang Estate, but somehow or other the State Government had decided to set up both the refineries—the Shell and Esso refineries—in Port Dickson for the benefit of the people in Port Dickson. But they could very well be set up in Senawang. Why again, we do not know. But I can assure the Honourable Senator Tuan Abdul Rahim that the Central Government in general, and the Ministry of Commerce and Industry in particular, will do its utmost to set up some industries in Senawang Estate. Of course, we can try to ask the industrialists to set up factories there, but we cannot force them to do so. They have the right to pick and choose.

I believe the Honourable Senator Abdul Samad bin Osman has also brought up the question of rubber and I believe I have answered it fairly lengthily, and I hope he is satisfied.

There is one question by Honourable Senator Abdul Samad bin Osman to which I have not answered. It is the question of Insurance. The question was that the Commissioner of Insurance should look into the comprehensive insurance policies of vehicles which, although they are comprehensive, have an excess clause which binds the insurers to pay up to $200 in case of any accident. Well, the reason for this excess clause, Mr President, Sir, is because the insurance companies are paying a very, very high rate for insuring cars because the rate of accidents in this country is very high. So, they put up a minimum of $200 so that if you damage your car and the damage cost does not go above $200 you will have to pay for it, but over and above that the insurance company is willing to pay. However, this clause can be taken out if the insurer is prepared to pay a higher premium. There is nothing illegal about this clause, Mr President, Sir. We have consulted the Commissioner of Insurance. He has looked at the figures and he has informed us that this is a fairly normal practice in many countries, where the rate of accidents is very high—for example, in Italy and France. In Italy, the normal comprehensive insurance rate for a car comes to the region of $1,000 a year. That is perhaps, because the Italians are a very volatile people and they go around speeding at break-neck speed and bang into each other and shout at each other like nothing on earth, but they love each other very much too; and they damage their cars very, very often. In France too the driving system is different, and very often you see accidents all over the place. The insurance companies want to try to make a profit somehow. So, the insurance rate goes up—so, also in Malaysia. If you drive carefully and if your car damage is not beyond $200 you have to pay for it. If your car damage is beyond $200, then the insurance company will pay for it. But if you are prepared to pay a higher premium, then the insurance company will cover you for the whole lot. I think that answer covers the question raised by the Honourable Senator Abdul Samad bin Osman.

There was a question from Senator Chan Keong Hon who has asked us to set up a special committee to look into the problem faced by gravel pump operators. I can assure him that if and when the necessity arises and there is, as he says, such a great percentage of

gravel pumps producing tin, I am sure the Ministry of Commerce and Industry will look into the matter and give it due consideration.

Last but not least, I come to the Honourable Member from the Opposition, the Honourable Senator Amaluddin bin Darus. Mr President, Sir, throughout most of his speech he dealt with political matters and I do not care to reply to comments he made on political matters. But there was some reference he made concerning our selling of rubber to the Peoples' Republic of China. He said that the Peoples' Republic of China is willing to buy rubber from Malaysia provided Malaysia allows the Peoples' Republic of China or Red China to set up a bank in Malaysia. I do not know how much of this is true, Mr President, Sir. What I would like to ask him is this: is Senator Amaluddin bin Darus from the P.M.I.P. an agent from Communist China who comes here to ask this question? Or rather, is he posing questions and making statements without facts? If he is responsible for this rumour, if he is an agent from Communist China, I would like to know, and I would like him to stand up in this House and say, "I am here as a representative from the Peoples' Republic of China and I will trade with you provided you give me a licence to set up a bank in Kuala Lumpur". Well, that would be something and not just say he has heard rumours to that effect. Mr President, Sir, I come from the Treasury as you all know. There is no application from the Peoples' Republic of China for setting up a bank in Kuala Lumpur. The bank was closed for a very simple reason: that it was owned by the State and not owned by the people of the country. I do not see why this is in conflict with our trade with China or our trade with any part of the world for that matter.

Mr President, Sir, he has also asked the Central Government to economise. Surely, Mr President, Sir, the Honourable Senator from Kelantan is the last person who should ask us to economise, seeing that his State has got a deficit of nearly $10 million; it owes the bank $5 million, it owes the rest another $5 million. Without the aid of the Central Government, I am afraid it will go bankrupt, and it cannot even pay the officers in the Kelantan Government, much less teach us how to economise. I think I will be willing to listen to the advice from any Member of this House with the exception of the Member for Kelantan, that is Senator Amaluddin.

Mr President, Sir, he has also alleged that Kelantan as a State is full of natural resources and full of potentials. He says that it could be very well developed if restrictions and other obstacles in granting licences are not placed by the Central Government. Mr President, Sir, I would like to present an oral question which was given in the Dewan Ra'ayat and the explanation: "It is a fact that the Kelantan State Government is short of funds, as the accounts for the year 1966 showed that this State accumulated deficits as at the end of the year of over $5 million. Such deficits will have increased by the end of 1967. I cannot agree, however, that this is attributable to the Federal Government having collected State revenue. The Honourable Member should be aware of the fact that the division of the sources of revenue is clearly laid down in the Constitution and Part III of the Tenth Schedule lists all the sources of revenue assigned to the States. It would be a breach of the Constitution for the Federal Government to infringe State rights in this, or, for that matter, any other respect and the allegation is, therefore, patently false." In other words, Mr President, Sir, we cannot infringe on State rights. What resources are due to them are theirs; what resources are due to the Federal Government are ours. That is why, Mr President, Sir, what he is saying here is not exactly true.

There has been a question brought up by Honourable Senators here that the various leaders of the public wish to set up a committee concerning Shipping Conference. Mr President, Sir, I believe the Government is all for it because the Shipping Conference is taking away money from Malaysia, a tremendous amount, I think to the tune of roughly $600 million to $700

million a year. With the devaluation of the pound, we had hoped that the Far East Conference would drop their rates, but instead of dropping the rates by 14.3%, they raised the rates by 12.5%, thereby negating the effect of the devaluation of the pound. If anybody who is willing to come forward to have a committee or a conference to fight the Far East Shipping Conference, I am quite sure that the Government will give it all its backing (*Applause*) not only that it will give its blessings because we ourselves have a committee sitting on it and we will only be too happy if the private sector will come up with constructive suggestions; and with the knowledge that is in the private sector concerning commerce, shipping and industry, I am quite sure that they can come up with proposals whereby we can break the stranglehold of this Far East Shipping Conference.

There was a suggestion by Senator Dato' Foo See Moi concerning an all community congress to thresh out matters of economies, trade and so on. I am quite sure that the Government not only is not against such a question but actively supports Dato' Foo See Moi, if he so wishes to inaugurate a conference of all communities somewhat equivalent to the congress of the bumiputras. In this way, at least the Honourable Senator Dato' Foo See Moi has come up with a concrete suggestion to have an all community congress to debate and discuss how we can have—may be this is what he wants—joint-ventures among all these people, whether *bumiputras* or *non-bumiputras*. I am sure the Government will be only too happy and will be only too willing to back Dato' Foo See Moi if he can come up with this congress.

Before I end, Sir, there are headlines in to-day's papers that there was an uproar in the Senate, that Senator Dato' Athi Nahappan objected to the word "teach". Well, Sir, we hit the headlines anyway; but nevertheless, Mr President, Sir, I want to make this very clear, and I know the Honourable Senators in this House know it as well, that we did not have any animosity whatsover. Be it as it may, we may debate, he may be heated, I might be heated, with the debate going on, but I am sure all of them know, as they know me, that I have no animosity, no possible animosity, towards any one of them and if I should have been rude to them I sincerely apologise. Thank you very much, Mr President, Sir (*Applause*).

Tuan (Timbalan) Yang di-Pertua: Persidangan ini di-tempohkan sa-lama 15 minit.

Persidangan di-tempohkan pada pukul 11.30 pagi.

Persidangan di-sambong sa-mula pada pukul 11.45 pagi.

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

RANG UNDANG² PERBEKALAN, 1968

Bachaan Kali Yang Kedua

Usul di-kemuka bagi di-putuskan, dan di-setujukan. Rang Undang² di-bachakan kali yang kedua.

Bachaan Kali Yang Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya memohon menchadangkan ia-itu Rang Undang² Perbekalan 1968 di-bachakan kali yang ketiga dan di-luluskan.

Tuan Saidon bin Kechut: Tuan Yang di-Pertua, saya menyokong.

Usul di-kemukakan bagi di-putuskan, dan di-setujukan. Rang Undang² di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG² PERBEKALAN TAMBAHAN (1967)

Bachaan Kali Yang Kedua

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya memohon menchadangkan ia-itu Rang Undang² Perbekalan Tambahan (1967) di-bachakan kali yang kedua sekarang.

Dato' J. E. S. Crawford: Tuan Yang di-Pertua, saya menyokong.

Dr Ng Kam Poh: Tuan Yang di-Pertua, saya memohon izin memberi uchapan saya dalam bahasa Inggeris oleh kerana Bill ini sangat technical.

Mr President, Sir, Clause 2 of the Bill seeks authority for a further additional expenditure of $33,139,379 for the service of the year 1967 and this total amount is shown in the Schedule to the Bill and also in the Supply expenditure section of the Second Supplementary Estimates of Expenditure, 1967 tabled as Command Paper No. 5 of 1968. Of the amount required as additional expenditure, a sum of $30,355,339 has been advanced from the Contigencies Fund to meet urgent expenditure and this sum has now to be recouped. It will be observed that out of the total sum of $59,063,875 included in the Second Supplementary Estimates, a sum of $25,924,496 is required to meet the cost of financing "charged" expenditure services which are not included in the Supplementary Supply Bill. The items of "charged" expenditure are fully explained on pages 3, 4 and 5 of Command Paper No. 6 of 1968.

In the "supply" section of this supplement the biggest item of expenditure is in respect of Head S. 24—Contributions to Statutory Funds, which requires a sum of $26.7 million, of which $10 million is for advance payment of one-half month's salary for January, 1968 to Muslim Government employees for Hari Raya Puasa, $0.25 million for the Miscellaneous Advance Account to make advances to officers against their retirement benefits, $15 million for the Government Rubber Trading Trust Account, $1 million for the Fishermen's Rehabilitation Fund and $0.45 million for the Personal Advances (Public Officers) Fund. Head S. 23—Treasury General Services, requires a sum of $1.76 million, of which $1.2 million is for payment of economic rentals on State Government quarters occupied by officers serving in Federal departments in East Malaysia, and the balance is to cover losses of Government stores and public money, and to make certain refunds of Federal revenue. Head S. 64—Civil Aviation, requires a sum of $1.6 million as Malaysia's contribution to the Regional Air Traffic Control Centre for the cost of services in respect of the period 9th August, 1965 to 31st December, 1966. Head S. 20—Ministry of Foreign Affairs, requires a sum of $1.09 million for newly established Malaysian Missions in Islamabad, Jakarta, Medan and Taipeh and also for supplementing the various subheads of the Ministry. Head S. 39—Ministry of Information and Broadcasting, requires a sum of $0.5 million as the Government's contribution for the establishment of a National News Agency "Bernama" in 1967. Head S. 42—Information, requires a sum of $0.5 million for meeting the cost of production and distribution of "Suara Malaysia" (now renamed "Warta Malaysia"), a weekly Government publication issued by the Information Department.

The other items of expenditure in the Second Supplement which have not been singled out by me are relatively small in amount and these are described in the Treasury Memorandum mentioned before which has already been circulated to Honourable Members, and it is not necessary, therefore, for me to elaborate on them. Thank you.

Dato' J. E. S. Crawford: (*Dengan izin*) Dato' Yang di-Pertua, I rise to support the Supplementary Supply (1967), Bill, as the money has already been spent. I would like to ask the Honourable Assistant Minister of Finance whether this Supply Bill for the extra expenditure for 1967 contains provision for a subvention, or contribution, to the Malacca State Government to enable it to refund to the holders of rubber land in Malacca of 5 acres and above the additional quit rent and education cess levied from January, 1967, under Section 439 of the National Land Code applicable only to Malacca and Penang, which would have been normally unlawful under Section 102 of the said National Land Code. In the 11 States of West Malaysia, only Malacca levied a quit rent including education cess of $11.50 per acre in 1967, against the maximum of $6.90 per acre in all the other ten States of West Malaysia. I appeal to our very fair-minded and extremely democratic Alliance Government to ensure that rubber land in, Malacca until 1970,

like all the other States in West Malaysia pay the same maximum—quit rent of $6.90 including education cess, instead of the present rate of $11.50 inclusive of education cess for 5 acres and above.

In conclusion, I hope my sincere plea on behalf of holders of five acres, and above, of rubber land in the State of Malacca receives the sympathy and consideration it deserves, and I sincerely trust that out of the $33 million odd provided in the Bill, now being debated in this Honourable House, sufficient can be found for the Malacca State Government to enable it to refund the additional quit rent and educational cess levied from 1967 onwards above the standard rate of $6.90 per acre levied in all the other ten States of West Malaysia. That is my plea on behalf of the Malacca section of the the Malaysian rubber industry. Thank you.

Puan Aishah binti Haji Abdul Ghani: Dato' Yang di-Pertua, saya berdiri menyokong Rang Undang[2] ini dan di-samping itu saya suka-lah mengambil peluang mengulangi balek pertanyaan[2] yang telah pun saya kemukakan dalam perbahathan Rang Undang[2] Perbekalan, 1968 yang nampaknya belum lagi mendapat jawapan daripada pehak Kerajaan.

Yang pertama sa-kali ia-lah saya ada mengemukakan bahawa pehak Bangsa[2] Bersatu ia-itu Commission on the Status of Women telah pun memutuskan untok mengadakan suatu seminar bagi negara[2] Islam bagi membinchangkan masaalah[2] yang bersangkut dengan hal[2] masharakat orang[2] Islam yang mengenai dengan taraf kaum wanita dan Malaysia telah di-chadangkan sabagai Host Country kapada seminar tersebut, maka suka-lah saya mengemukakan pertanyaan ini sa-kali lagi kapada pehak Jabatan Perdana Menteri sama ada pehak Kerajaan dapat menyetujui atau pun dapat menerima chadangan tersebut atau tidak.

Yang kedua ia-lah saya minta penjelasan kapada pehak Kerajaan kerana ini saya kemukakan lagi sa-kali oleh kerana saya ada-lah salah sa-orang yang berkali[2] di-tanya dalam perkara ini oleh kaum[2] wanita di-negeri ini, ia-itu apa-kah yang sa-benar-nya yang menjadi alasan kapada Kerajaan tidak lagi dapat melaksanakan gaji yang sama untok kerja yang sama kapada kaum wainta, kerana memandangkan kapada perkara yang telah saya sebutkan ia-itu boleh di-katakan semua negara[2] di-Asia, sa-lain daripada Hong Kong yang saya tahu, telah pun memberikan gaji yang sama kapada pekerja[2] wanita. Jadi, tentu-lah pehak kaum wanita meminta penjelasan yang jelas kapada Kerajaan dan memberikan alasan[2] mengapa-kah pehak Kerajaan kita maseh lagi mengamalkan dasar bedza-membedza saperti yang telah pun saya sebutkan di-dalam uchapan saya yang terdahulu. Saya sebutkan lagi, saya ulangi lagi, mengapa-kah Pegawai[2] Wanita Division 1 yang telah berkhidmat lebeh daripada 10 tahun dengan Kerajaan berhak mendapat chuti, ia-itu makan angin saperti yang biasa di-buat oleh Pegawai[2] Division 1, tetapi pehak laki[2] boleh membawa isteri dan pehak kaum wanita-nya tidak dapat membawa suami, kalau suami-nya itu tidak bekerja dengan Kerajaan. Jadi, perkara ini saya minta-lah penjelasan kapada pehak Kerajaan supaya biar-lah soal[2] ini dapat di-timbangkan. Bagi pehak diri saya yang sentiasa menerima pertanyaan[2] ini dapat-lah saya sampaikan alasan[2] yang di-beri oleh Kerajaan. Terima kaseh, Dato' Yang di-Pertua.

Menteri Kebajikan 'Am (Tuan Haji Abdul Hamid Khan bin Sakhawat Ali Khan): Tuan Yang di-Pertua, dua perkara yang telah di-bangkitkan dalam perbahathan ini. Satu daripada-nya oleh Dato' Crawford berkenaan dengan hasil tanah di-negeri Melaka, tanah[2] getah hasil tahunan. Jadi sa-bagaimana kita sedia ma'alum ia-itu tanah getah tanggong-jawab satu[2] Kerajaan Negeri dan oleh kerana itu Kerajaan Negeri ada-lah bertanggong-jawab untok menentukan hasil tanah itu. Bagaimana pun, saya rasa perkara ini ada-lah di-ambil perhatian oleh Kementerian Tanah dan Galian untok menyampaikan kapada pertimbangan Kerajaan Negeri.

Berkenaan dengan perkara yang di-bangkitkan oleh Senator Aishah binti

Haji Abdul Ghani ia-itu berkenaan dengan taraf gaji sama atau pun kedudokan sama bagi orang[2] perempuan. Jadi saya rasa perkara ini telah pun dibangkitkan beberapa kali dan Kerajaan telah pun memberi jawapan di-Dewan Ra'ayat, kalau saya tidak silap ia-itu berkenaan dengan gaji[2]. Umpama-nya professional officers ada juga yang mendapat gaji sama, walau pun daripada kaum wanita, tetapi ada perengkat[2] kerja yang ada berlainan gaji-nya bagi kaum laki[2] dengan kaum winata oleh kerana di-pandangkan kerja[2] itu tidak bagitu sama. Jadi, saya tidak dapat menjawab dengan lebeh panjang lagi dalam perkara ini.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya mohon izin daripada pehak Menteri, ia-itu dapat kira-nya menerangkan, kata pehak Yang Berhormat Menteri tadi ia-itu ada kerja[2] yang tidak di-beri gaji sama, kerana barangkali nature atau pun keadaan kerja itu tidak sama bagi orang perempuan, ma'ana-nya tidak sama keadaan-nya. Jadi, saya suka-lah bertanya bagaimana-kah pendapat Kerajaan tentang guru[2] ada-kah di-pandang guru[2] wanita itu tidak mengerjakan atau pun tidak melaksanakan tugas yang sama saperti guru laki[2]. Kalau itu-lah alasan yang di-beri oleh pehak Kerajaan—kerana saya hendak minta penjelasan supaya dapat-lah saya beri pula penjelasan ini kapada pehak[2] yang bertanya kapada saya.

Tuan Haji Abdul Hamid Khan: Perkara ini patut sa-benar-nya di-jawab oleh Menteri Pelajaran, Tuan Yang di-Pertua, dan saya tidak dapat-lah memberi jawapan dengan tepat-nya pada hari ini.

Dato' J. E. S. Crawford: Sir, may I interrupt the Honourable Minister and make one point of clarification? I agree with him, Sir, that quit rent is a State matter. But you have a National Land Code, which is passed by both Houses and approved by His Majesty the Yang di-Pertuan Agong, and in Section 102 of that Code it says that you may not raise the quit rent above the standard rate, which is $6.00 until 1970. Thank you, Sir.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, saya telah beri tahu tadi ia-itu perkara ini akan di-ambil perhatian oleh Kementerian Tanah dan Galian dan akan di-sampaikan, saya rasa, kapada Kerajaan Negeri yang berkenaan.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya berasa dukachita, kerana satu lagi soalan saya nampak-nya tidak lagi berjawab, ia-itu berkenaan dengan menjadi Host Country kapada seminar yang di-chadangkan oleh Bangsa[2] Bersatu. Saya minta-lah jawapan daripada pehak Kerajaan.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, perkara itu saya rasa akan di-ambil perhatian.

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

Rang Undang[2] di-bachakan kali yang kedua.

Bachaan Kali Yang Kedua

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan Rang Undang[2] the Supplementary Supply (1967) Act, 1968, di-bachakan bagi Kali Yang Ketiga dan di-luluskan.

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

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

Rang Undang[2] di-laporkan, di-bachakan kali yang ketiga dan di-luluskan.

THE EXCISE (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan satu Rang Undang[2], ia-itu The Excise (Amendment) Bill di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) The Bill that is before the House is for the purpose of providing for the control of "bottling", "compounding", blending" and "varying" of intoxicating liquors

which are not controlled at the present moment under the Excise Act of 1961. This lack of control under the Excise Act of 1961 is unsatisfactory and certain businesses which are doing "bottling", "compounding", blending" or "varying" of intoxicating liquors have become outlets for the products of the illicit distillers. As illicit distilling is difficult to prevent, one way of checking the spread of illicit distilling and reducing it, would be to stop, as far as possible, the marketing of illicit liquors. To do this, it is necessary that such activities should be licensed and the movement of such intoxicating liquor to and from any place of manufacture should be controlled.

The Excise (Amendment) Bill, 1968, before the House, would make it necessary for any person who bottles, compounds, blends or varies intoxicating liquor to have a licence for this activity. This is achieved by amending section 2 of the Excise Act of 1961 by including in the definition of "manufacture," such operation as "bottling," "blending," "compounding" or "varying". The movement of intoxicating liquors to and from the place of manufacture will be controlled by the proposed amendment to section 85, sub-section (2) (*l*) of the Exise Act, 1961. This control over the movement of intoxicating liquor will greatly reduce the supply of liquor to dishonest bottlers. The Excise (Amendment) Act, 1968 will not adversely affect *bona fide* manufactures or distillers who, at the moment, possess licences for their activities, but will actually be of great benefit to them, as it wil reduce the unfair competition offered against them by dishonest and unscrupulous dealers.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan Timbalan Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 hingga 4 di-perentahkan menjadi sa-bahagain daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan:

Di-bachakan kali yang ketiga dan di-luluskan.

THE MALAYAN ESTATES STAFF PROVIDENT FUND (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] bernama "the Malayan Estates Staff Provident Fund (Amendment) Bill" di-bachakan kali yang kedua sekarang.

Puan Bibi Aishah: Tuan Yang di-Pertua, saya menyokong.

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, the Malayan Estates Staff Provident Fund Ordinance, No. 32 of 1947, established a provident fund for the benefit of employees engaged in the business of growing and producing tropical agricultural products. In recent years, the Rules of this Fund have been amended from time to time to bring them into line with Inland Revenue requirements, and it is now necessary to amend certain sections of the Ordinance itself to bring the law up-to-date, particularly in regard to definitions and the control of the Fund itself.

The various changes proposed by the Bill are as follows:

(i) Clause 2 of the Bill changes the definitional term "area" from "the Malay Peninsula, the Riau Archipelago and all the islands and territories in the Malayan Archipelago which are British colonies or possessions or are under British protection" to "Malaysia, the State of Singapore and the State of Brunei". The new term is more in keeping with the present political set up of the area covered by the Ordinance.

(ii) Clauses 3 and 4 of the Bill change the word "Malayan" to "Malaysian" in reference to the name of the Fund and the Board of the Fund.

(iii) Clause 5 of the Bill vests control of the Fund in the Rubber Producers' Council of Malaya, a Malaysian body, instead of the Rubber Growers' Association, which is a United Kingdom body. This amends section 5 (2) of the Ordinance. This change will be beneficial to the Fund because it is now controlled by a local Malaysian organisation which is more in touch with local conditions rather than by an organisation far away in the United Kingdom.

(iv) Clauses 7 and 8 of the Bill extend the membership of the Fund by enabling the employees or consortia of persons or bodies corporate engaged in the business of growing and producing tropical agricultural products in the area to participate in the Fund.

(v) Clause 9 of the Bill provides a specification that the auditors employed by the Fund must be approved company auditors within the meaning of the Companies Act, 1965.

(vi) Clause 10 of the Bill is consequential to the transfer of control of the Fund from the Rubber Growers' Association to the Rubber Producers' Council of Malaya, due to amendment to section 5 (2) of the Ordinance in paragraph (iii) above.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan Timbalan Yang di-Pertua)

mempengerusikan Meshuarat Jawatan-kuasa)

Fasal 1 hingga 10 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

THE BANKING (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] bernama "the Banking (Amendment) Bill' di-bachakan kali yang kedua sekarang.

Dato' J. E. S. Crawford: Tuan Yang di-Pertua, saya menyokong.

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, it has become apparent to both the Treasury and Bank Negara Malaysia that a number of amendments to the Banking Ordinance, 1958, are called for in the light of the experience gained in implementing this particular law during the last nine years. The operations of a few banks recently have also pointed to the need to strengthen the legislative framework within which licensed banks operate in Malaysia and the proposed amendments are designed to enable Bank Negara to tighten its supervision and control over such banks. I shall also be presenting separately to this House a number of amendments to the Central Bank of Malaysia Ordinance, 1958, for a similar purpose.

The underlying reasons for the proposed amendments to the Banking Ordinance are set out in the Explanatory Statement. However, as Honourable Members may be aware, the Association of Banks in Malaysia has since made representations on them. I have carefully considered these representations and will deal in detail with the more important of them.

Clause 2 of the Bill is designed to ensure that the original intention of the capital requirement provisions of the law in respect of a foreign bank operating in Malaysia is fulfilled. Such a bank is required to bring in funds

of at least $2 million, but because of the present wording of the relevant provisions in the law, it is possible for a foreign bank to utilise its deposits or its borrowings in Malaysia for investment in approved assets of a value of at least $2 million in this country and remit back the original $2 million to its head office. The capital requirement provisions relating to such banks are now to be changed to require them to hold net assets in Malaysia, instead of approved assets, in order to ensure that these banks not only bring in a minimum amount of foreign capital into this country but retain it here.

Clause 4 is designed to meet the situation created by those domestic banks which appoint business advisers, who are neither directors nor employees of such banks. It cannot be denied that the business adviser has a certain amount of influence in the bank and, for all practical purposes, is fully identified with it. As such a business adviser, however, is neither a director nor an employee of the bank, the various provisions of the Banking Ordinance restricting loans and advances to directors and employees do not apply to him. A similar doubt exists as to whether a compradore employed by a foreign bank is an employee of that Bank. It is necessary, therefore, that the provisions restricting loans and advances to employees of banks should be extended to cover the business adviser and the compradore, as well as other persons appointed by a bank to perform similar functions by whatever name called. The amendments proposed in Clause 4 of the Bill are meant, therefore, to extend the restricitions on loans and advances of banks to cover such persons as well. I should add that in reply to a query raised by the Association of Banks in Malaysia, the Attorney-General's Department has confirmed that the proposed amendments would not cover professional persons like solicitors, auditors and doctors, whose services may be retained by any bank.

Clause 5 deals with a very important problem that has arisen in recent years as a result of directors using the names of nominees to borrow money from their own banks for themselves. Although a provision exists in Section 131 of the Companies Act, 1965, which requires directors of all companies, including banks, to make disclosures of their interest in connection with contracts with companies in which they are directors, it is considered necessary to introduce a specific disclosure clause in connection with advances in the Banking Ordinance itself and to provide for a heavier penalty in the event of non-disclosure. Clause 5 is designed to meet this need and will make it mandatory for bank directors to disclose to their boards of directors their interest in loans and advances made by their banks.

Clause 6 is designed to meet another situation that has arisen over the last few years in regard to loans and advances, both secured and unsecured, given by banks to their directors and to firms and companies in which such directors have an interest. It is essential that banks should be required to report to Bank Negara not only unsecured loans and advances to companies in which bank directors have an interest, but secured advances as well. The existing provisions in the law require the reporting of unsecured loans and advances only, and there have been occasions where loans and advances which were only partially secured were not reported. The proposed Amendments to the Ordinance will now require banks to report to Bank Negara all loans and advances to certain categories of persons and organisations. As a result of the representations of the Association of Banks in Malaysia, amendment during the Committee stage had been moved in the Dewan Ra'ayat to include a provision for appeal to the Minister against any orders issued by Bank Negara Malaysia in the exercise of the powers granted to it under this Clause.

It is also considered necessary that there should be some control over banks investing the funds of their shareholders in other companies. The Association of Banks, however, in its representations has claimed that there should be no restriction on the use by banks of their shareholders' funds for

investment in shares, and that Clause 7 of the Bill would fetter the banks in carrying on a branch of their legitimate business. I cannot accept this contention. Carried to its logical conclusion, the Association's contention that there should be no restriction on the use by banks of their shareholders' funds for investment would mean that the banks should be permitted to conduct their business without any share capital of their own and be entirely dependent on depositors' funds for their banking business. I would regard such a contention as thoroughly irresponsible.

When a group of people get together and subscribe capital towards the establishment of a bank whose business is to collect deposits from the public, the shareholders, in fact, should regard themselves as trustees of such public money. That being so, their paramount responsibility is the safety of deposits held in trust for depositors, committing their shareholders' own funds as a guarantee for the proper discharge of that responsibility. Banks sometimes incur losses and shareholders' fund should be used to make good such losses. This must be the fundamental approach to the business of banking which is so unlike any other type of business enterprise in which only its own shareholders' funds are involved. In other words, the directors of an ordinary business enterprise take risks with the funds of their own shareholders, whereas banks directors can take risks with the funds of the public. I do not have to make the point that one of the most delightful things in the world is to gamble with somebody else's money. If you win, you gain correspondingly. If you lose, you do not suffer, because you have only lost somebody else's money. Under such cirumstances, it is imperative that the laws governing the conduct of banking business must be far stricter than that governing the conduct of any other kind of business.

Moreover, the experience of Bank Negara over the years has underlined the need to control the type and extent of a bank's investment in other com-companies and to ensure that a bank's capital is used primarily to strengthen its structure and organisation. I would like to give a few examples of the practices of some banks: one bank invested a very substantial proportion of its share capital in the shares of trading and other companies. Another bank which agreed to increase its paid up capital, which was insufficient in relation to its network of branches and deposits, utilised practically the whole of this increase in capital in buying the shares of another company abroad. Yet another bank had an arrangement with another company to invest in the shares of the other company to the same extent as the other company invested in the shares of the bank, thus increasing the capital of each without having to put in any additional funds at all. All these malpractices clearly demonstrate the need to control the type and extent of a bank's investment in other companies.

I have carefully considered the representations of the Association of Banks in Malaysia on this Clause. While I agree that there may be a case for introducing a more flexible clause to allow banks in Malaysia to invest in shares of companies which are trustee securities, I consider that, at the same time, there should be provision in the Banking Ordinance to prohibit investments of the type referred to above. An amendment was moved in the Dewan Ra'ayat during the Committee stage by introducing a new Clause 10A and deleting the present Clause 7 to provide for the control by Bank Negara of investment by banks by regulation, in order to provide for a fair degree of flexibility in the control of such investments. I should explain that the purpose of this Clause is not to prevent banks from investing their shareholders' funds but to ensure that such investment does not weaken their financial structure.

As a further measure of control, Clause 8 of the Bill is designed to extend Bank Negara's jurisdiction to cover the subsidiaries of banks. Bank Negara's jurisdiction at present is limited to banks only, although under the Companies Act, 1965, an investigation of any company can be made on the direction of the Minister of Com-

merce and Industry under certain conditions and after a public proclamation by the Yang di-Pertuan Agong. As there is a very close relationship between the finance subsidiaries of banks and the banks themselves, and as the inspection provisions in the Companies Act, 1965, are not adequate for this purpose, it is felt that Bank Negara should be empowered to inspect the books and accounts of the subsidiaries of licensed banks. Clause 8 of the Bill proposes an amendment to the Ordinance whereby Bank Negara will be given such powers.

Clause 9 is designed to stop officers of banks from receiving commissions and gifts from the customers of such banks as a consideration for favours granted or to be granted. Such a practice should be curbed in the interest of the public which deposits money with banks, as a corrupt banker endangers the safety of such deposits by being prepared to grant risky overdrafts which a prudent banker would not be prepared to do. As bankers make use of depositors' funds for their lending activities, it is considered that they should be prohibited from accepting commissions and gifts from customers of the bank and the new section 24A will take care of this question. However, it may be sometimes difficult for bank managers to refuse to accept nominal gifts from their customers during festive occasions and as a result of the representations of the Association of Banks in Malaysia, a minor amendment was moved during the Committee stage at the Dewan Ra'ayat to exempt gifts of nominal value received during festive occasions from the provisions of this clause.

In the existing law, there are no provisions for the punishment of directors and managers of licensed banks for failure to take reasonable steps to ensure compliance with the requirements of the Banking Ordinance. The new section 24B of the Ordinance is designed to ensure that directors and managers of banks exercise reasonable diligence in the discharge of their duties. As a result of the representations of the Association of Banks in Malaysia on this clause, an amendment was moved to this clause during the Committee stage at the Dewan Ra'ayat, so that bank directors and managers who can prove that they have taken the necessary steps to ensure compliance with the provisions of the law will be absolved from blame. It is proposed, under clause 10 of the Bill, to introduce provisions into the Ordinance whereby the Governor of Bank Negara Malaysia with the concurrence of the Minister of Finance, may compound any offence by a bank under the Banking Ordinance.

There are other consequential amendments to the Ordinance which do not touch on matters of principle but the main amendments which I have referred to are all designed to ensure that banks operate in this country with the minimum of supervision, consonant with sound and stable banking so that depositors' funds are adequately safeguarded and the national interest duly served. I must emphasise that these amendments have become necessary in the light of the Central Bank's experience during the last nine years in promoting sound banking practice within the framework of the Banking Ordinance, 1958, and they arise but of the operations of a few banks. I know that many banks in Malaysia are very conscious of their responsibilities and have co-operated with the authorities in promoting a sound banking structure. There are, however, others who have not yet realised that, as bankers, their primary responsibility is to their depositors. They have yet to realise that forming a bank with the main idea of getting their hands on public money with which to gamble, so that they can get rich quickly and with practically no risk to themselves, but with the maximum of risk to the members of the public who have entrusted them with their money, is tantamount, in so far as banking is concerned, to an act of criminal irresponsibility. The amendments proposed in this Bill would not have been necessary if this fundamental duty had been fulfilled by all banks in Malaysia. The Government has a duty to stop all malpractices in this vital segment of our economy and it will not hesitate, if this should prove

necessary, to introduce further regulatory measures to ensure that banks in Malaysia operate on sound lines and that depositors' funds are adequately safeguarded.

Before I close, I would like to refer to some of the ill-informed criticism that has been levelled at this extremely important piece of legislation. It is clear that much of this criticism has come from those who did not even bother to read, let alone digest, this Bill. It is ridiculous to suggest that the passing of this Bill into law will hinder legitimate trade or make it more difficult for the business community to finance its legitimate operations. Neither will this legislation hinder in any way the legitimate activities of any bank. I do agree, however, that the aim of this legislation is to protect innocent members of the public who have entrusted their money to banks from the rapacious fingers of some of the unscrupulous bank directors. In other words, this Bill is aimed at dishonest bank directors, not at the honest ones, and those with a clear conscience have nothing to fear from this law.

Furthermore, more than adequate time has been given to all concerned to study this Bill. This Bill and the Central Bank of Malaysia (Amendment) Bill got their first reading in this House on 13th November, 1967 and were published immediately thereafter. A period of $3\frac{1}{2}$ months has, therefore, been provided for their study, and the very fact that the Association of Banks in Malaysia has had time to submit a lengthy memorandum to the Government on these Bills and to follow up this memorandum with exhaustive discussions with both the Governor of Bank Negara and the Minister of Finance, is an indication that adequate time has been given for these Bills to be thoroughly studied by interested parties. The fact also that the memorandum submitted by the Association of Banks in Malaysia and the Government's subsequent discussions with it have resulted in amendments being proposed to this Bill, shows that the Government has taken due and full account of the representations made, and the Bill as proposed has been amended in Committee in the Dewan Ra'ayat should, therefore satisfy everybody except those with ulterior motives, and I think Honourable Members will agree with me that it is not my duty as the Assistant Minister of Finance to encourage these gentry. Thank you.

Nik Hassan bin Haji Nik Yahya: Tuan Yang di-Pertua, sa-belum saya berchakap mengenai Bill ini terlebeh dahulu saya hendak bertanya kapada Menteri yang berkenaan atas beberapa soalan untok mendapatkan sadikit pengetahuan berkenaan dengan perjalanan Undang[2] Bank ini. Soalan saya yang pertama bagaimana-kah Bank Negara boleh mengeluarkan lesen untok membuka bank[2] dalam Malaysia ini—bagaimana-kah chara pertimbangan Bank Negara mengeluarkan lesen untok membuka bank di-dalam Malaysia ini. Ada-kah dengan menyimpankan wang deposit sahaja $2 juta kapada Bank Negara itu sa-barang orang atau sa-barang kumpulan boleh di-benarkan membuka bank dengan tidak memandang berapa banyak bank yang telah ada dalam Malaysia ini?

Soalan saya yang kedua ada-kah peratoran[2] di-perbuat oleh Bank Negara untok menghadkan berapa banyak wang yang boleh di-keluarkan oleh Board of Directors bagi satu[2] bank itu sa-bagai pinjaman overdraft yang tidak terpaksa menyimpankan chagaran dan berapa banyak pula had kuasa yang di-berikan kapada Managing Director bagi satu[2] bank itu untok mengeluarkan pinjaman yang sa-umpama itu dengan tidak di-adakan chagaran dan sa-terus-nya kapada Manager bagi mana[2] bank boleh mengeluarkan pinjaman yang sa-umpama itu.

Sa-lain daripada itu saya suka bertanya ada-kah peratoran[2] yang menyekatkan Manager[2] bank atau pun Pengarah[2] bank yang berhak mengeluarkan pinjaman[2] itu bagi menchampori diri-nya menjadi sa-bagai ahli perniagaan dalam gulongan jual-beli sher yang pernah berlaku di-dalam negara kita ini sa-lepas Menteri yang berkenaan memberi keterangan kapada soalan itu, kalau patut, saya akan memberi pandangan saya kapada masaalah ini.

Tan Sri Haji Mohamed Noah: Tuan Yang di-Pertua, saya mengalu²kan Rang Undang² ini dengan sebab tujuan pada asas-nya hendak mengawal perjalanan bank² dalam negeri kita ini, akan tetapi bila saya membacha dalam Rang Undang² ini, saya dapati kuasa yang hendak di-beri kapada Gabernor Bank Negara ini terlalu-lah luas. Sunggoh pun dalam satu fasal di-sini menyatakan, sa-kira-nya ada salah satu daripada bank² yang tidak puas hati dengan keputusan yang di-buat oleh Gabernor Bank Negara, boleh merayu kapada Minister of Finance, akan tetapi lazim-nya kita dapat tahu Minister of Finance itu biasa-nya mendengar perchakapan daripada Gabernor Bank Negara. Jadi walau pun ada fasal itu, saya takut dalam perjalanan tidak akan berhasil bagaimana yang di-kehendakkan atau di-hajatkan. Saya suka juga hendak meminta keterangan yang terang daripada Menteri yang berkenaan atas beberapa fasal dalam Rang Undang² itu. Satu daripada-nya, berkenaan dengan Fasal 2 yang meminda Fasal 4 yang asal, yang di-kehendaki bank² luar negeri itu menyimpankan asset-nya apabila hendak membuka bank di-sini sa-banyak $2 juta. Pada pandangan saya wang $2 juta ini tidak chukup. $2 juta pada hari ini boleh di-katakan tidak besar memandang kapada harga mata wang, memandang kapada apa yang kita nampak pada hari ini, sa-patut-nya Kerajaan menimbangkan perkara ini sa-kurang²-nya $5 juta. Saya tidak tahu fasal apa Kerajaan memandang kapada bank² luar membuka chawangan-nya di-negeri kita ini hanya-lah di-minta $2 juta sahaja—pada pendapat saya $2 juta itu tidak chukup. Saya suka hendak menarek perhatian pada asal-nya atas Fasal 4 pada meminda Fasal 10 tetapi Menteri yang berkenaan telah menerangkan sadikit sa-banyak di-dalam masa membentangkan Rang Undang² bachaan kali yang kedua. Perkara yang saya tidak berapa terang dalam fasal ini, ia-itu Fasal 4 ini yang mengatakan ". . . . . other persons being persons receiving remuneration from such licensed banks . . . . . ." Ini kalau di-bachakan sa-kali imbas bagitu, saya takut ada mempunyai fahaman yang berlainan², boleh jadi tidak termasok orang² yang tertentu yang di-katakan dalam bahasa Inggeris orang² "professional", saperti loyar², doktor², sunggoh pun Menteri tadi di-dalam masa membentangkan Rang Undang² bachaan kali yang kedua tadi mengatakan tidak termasok mengikut pendapat Attorney-General pada hari ini; tetapi saya fikir bila sa-suatu Kementerian membuat sa-suatu Undang² baik di-terangkan dalam Undang² itu daripada mengadakan satu² fasal yang boleh berma'ana tidak bagitu terang dan terpaksa pula merujokkan kehendak yang betul itu kapada Peguam Negara, baharu-lah dapat di-terangkan; itu saya fikir tidak berapa bagus, baik di-terangkan betul² berkenaan dengan Fasal 4 ini, orang² yang "professional", saperti doktor², loyar² tidak termasok dalam fasal ini.

Satu perkara lagi dalam Fasal 5 Rang Undang² ini yang memaksa director² itu memberi tahu apa-kah interest mereka di-dalam sa-suatu perkara. Saya rasa ini satu fasal yang berat dan luas, bila sa-orang membacha kalimah yang di-gunakan di-dalam fasal ini, kalimah yang saya hendak terangkan itu, ia-lah satu kalimah sahaja: kata-nya Fasal 10A (1) "Every director of a licensed bank who is in any manner whatsoever, whether directly or indirectly . . . . . ." ini kalimah "*indirectly*" saya rasa sangat luas, bermacham² boleh jadi "indirectly", maka hukuman di-bawah fasal ini sampai $5 ribu, atau pun *jail,* atau pun kedua²-nya. Jadi, pada pendapat saya kalimah "*indirectly*" itu patut-lah di-terangkan sadikit, kerana sa-suatu Undang² itu dengan sebab satu kalimah itu boleh menjadi bermacham² hujjah, khas-nya di-dalam mahkamah² yang loyar di-antara satu pehak dengan satu pehak boleh berchakap berjam² dengan sebab satu kalimah itu ma'ana-nya hendak di-berikan.

Lagi satu perkara, Tuan Yang di-Pertua, berkenaan dengan Fasal 6 dalam Rang Undang² ini, saya rasa Fasal 6 dalam Rang Undang² ini sudah di-pinda, molek-lah bagaimana yang telah di-pindakan itu, akan tetapi ini akan memberi pekerjaan yang banyak kapada bank—kebanyakan-nya "paper

works". Kita tahu hari ini bank[2] itu bermacham form yang hendak di-isikan dengan kehendak[2] Central Bank tiap[2] minggu, tiap[2] bulan; kemudian dengan ada-nya Fasal 5 ini akan menambahkan lagi beberapa banyak kertas[2] yang hendak di-gunakan dan pekerja[2] yang mesti membuat-nya. Saya rasa patut-lah di-beri sadikit timbangan atas perkara ini, kerana ini-lah yang akan membanyakkan lebeh[2] kerja kapada bank[2] yang ada di-sini kerana hendak menghantarkan kenyataan[2] itu dan form[2] yang di-beri daripada Bank Negara. Saya rasa kalau satu[2] bank itu boleh di-katakan beribu ada advances pada tiap[2] bulan, maka itu terpaksa di-buat tiap[2] satu-nya itu yang hendak di-berikan kapada Central Bank, itu akan mengambil kerja yang sangat berat kapada bank[2] yang ada ini.

Sa-lain daripada itu, saya juga suka hendak menarek perhatian Menteri yang berkenaan, berkenaan Fasal 9 bagi menahan daripada menerima apa[2] commission. Ini pun sudah di-pinda juga—saya suka-lah tetapi ada satu perkara yang saya fikir patut di-fikirkan: tidak-kah berkenaan dengan commission, atau gift itu, satu perkara di-antara orang[2] yang bekerja dengan majikan? Satu perkara yang sa-macham itu patut-nya tidak boleh-lah pehak yang lain champor, kerana ini hanya-lah antara dua pehak, pehak orang[2] yang bekerja dan pehak bank. Sunggoh pun barangkali perkara itu terpaksa di-buat juga, tetapi ada-kah boleh di-jalankan? Itu yang sa-patut-nya di-fikirkan. Boleh kita membuat Undang[2], tetapi kalau kita tidak boleh jalankan, itu tidak akan menjadi faedah kapada kita. Tiap[2] satu perkara yang kita hendak buat itu, hendak-lah di-timbangkan yang Undang[2] itu boleh di-jalankan dan dengan senang pula menjalankan-nya.

Pada akhir-nya, ini pada dasar Kerajaan, kita tahu hendak menolong bank[2] dalam negeri kita ini, bank[2] yang di-tubohkan oleh orang[2] kita sendiri di-galakkan kata-nya dengan di-kawal, tetapi kalau kita pandang policy Kerajaan belum lagi berubah tentang menerima atau Kerajaan[2] menyimpan wang[2]-nya ka-dalam bank[2], saya nampak sa-hingga hari ini pehak Kerajaan, pehak Perbadanan, atau pehak[2] yang sa-paroh Kerajaan, maseh lagi suka menyimpan wang[2]-nya dalam bank[2] luar negeri, "Foreign Bank." Kenapa? Ada-kah Kerajaan berfikir bank[2] yang ada hari ini tidak bagitu kuat, tetapi ada orang yang mengatakan bank kita itu "as solid as the *rock of Gibraltar*", kalau kita dengar dia punya advertisement-nya; saya tidak-lah hendak menyebutkan nama[2] bank yang luar itu di-mana Kerajaan menyimpan-nya, tetapi maseh berjalan, simpan wang berapa banyak Kerajaan, Perbadanan, Pejabat yang sa-paroh Kerajaan maseh lagi hendak menyimpan wang[2] ini, walhal Kerajaan mengatakan mesti-lah kita menggalakkan bank[2] tempatan menyimpan-nya di-sini, tetapi tidak di-buat sa-bagaimana kehendak-nya.

Itu-lah sahaja, Tuan Yang di-Pertua, pandangan saya sadikit sa-banyak atas Rang Undang[2] ini, sunggoh pun pada mula-nya saya daripada sa-orang-nya yang hendak menahan sa-kuat[2]-nya supaya tidak dapat di-luluskan Undang[2] ini di-dalam Dewan ini, tetapi sa-lepas daripada beberapa pindaan yang di-terima itu, saya rasa tidak-lah ada jalan melainkan kita rasa-nya terpaksa juga menerima pindaan ini. Sakadar itu-lah sahaja pandangan[2] yang dapat saya berikan kapada Kementerian ini sa-bagai pendapat saya berkenaan dengan Rang Undang[2] ini. Terima kaseh.

Tuan (Timbalan) Yang di-Pertua: Ahli[2] Yang Berhormat meshuarat di-tempohkan sampai pukul 2.30 petang.

Persidangan di-tempohkan pada pukul 1.00 tengah hari.

Persidangan di-sambong sa-mula pada pukul 2.30 petang.

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

THE BANKING (AMENDMENT), BILL

Perbahathan di-sambong sa-mula.

Tuan Lim Hee Hong: Dato' Yang di-Pertua, jikalau saya tidak salah dengar uchapan yang di-beri oleh Menteri Muda Kewangan pagi ini, saya rasa chukup hairan satu bank dari luar negeri boleh memulakan perniagaan

bank mereka dengan modal $2 juta. Bila bank itu sudah buka mereka boleh meminjam dari lain[2] bank dan hantar balek $2 juta itu ka-Ibu Pejabat negerinya. Ini rasa saya tidak patut. Jadi dengan sebab itu mereka boleh datang ka-sini membuka bank[2] untok buat perniagaan dengan modal orang[2] lain.

Lagi satu perkara yang saya hendak chakapkan di-sini yang saya dapat tahu bank[2] luar negeri berniaga di-dalam negeri kita ini mereka itu membuat perniagaan bank[2] saperti kiriman wang dari negeri ini pergi ka-lain negeri untok pinjam wang mereka, dan juga di-benarkan menerima simpanan atau deposit dari pendudok[2] dalam negeri ini. Ini satu perkara yang saya fikir tidak patut. Yang saya tahu mana[2] negeri pun Kerajaan-nya tidak-lah membenarkan bank[2] bukan kepunyaan ra'ayat[2] negeri itu dia tidak benarkan menerima simpanan atau deposit dari pendudok[2] negeri itu.

Saya harap Menteri Kewangan mengambil perhatian atas hal ini.

Terima kaseh, Dato' Yang di-Pertua.

Tan Sri T. H. Tan: (*Dengan izin*) Mr President, Sir, let me preface my remarks on this amending Bill, with an assurance to the Minister that in making my remarks I have no ulterior motive whatever.

I rise, Sir, not to oppose the passage of this amending Bill but, in fact, to congratulate the Minister of Finance for the further amendments he incorporated into the Bill during its presentation in the Dewan Ra'ayat. These further amendments were the result of certain representations made to the Minister by the Association of Bankers of Malaysia and by the Associated Chinese Chambers of Commerce. As the Association of Bankers in Malaysia, who will be principally affected by this legislation, has agreed to the amendments, there is obviously no reason for further objection, especially as the Bill is designed to ensure honest operations of banks in the public interest.

I am happy, Mr President, that it has been made clear beyond any shadow of doubt that under the Banking Ordinance and the Central Bank of Malaysia Ordinance, the ultimate authority is the Minister of Finance, as it should be. Under an elected system of Government, Ministerial powers are rarely, if ever, delegated to a single public servant however high up he may be in the Civil Service hierarchy.

There are, however, Mr President, two points which still bother me. The first is that unless parallel legislation or restrictions are legislated in Singapore, is it not conceivable that the business of financing will shift from Malaysia to that country?

The second point that worries me is the powers given to the Governor of the Central Bank to compound, with the concurrence of the Minister of Finance, offences under the Banking Ordinance. Clause 10 of the Bill states "any offence". If the offence is of a purely technical nature, it is fair enough for it to be compounded. However, offences under the Banking Ordinances are usually of a dishonest or fraudulent nature. Under no law, except by virtue of Clause 10, can such grave offences be compounded, and I will not want the Minister of Finance to be involved in this. Let the Governor of the Central Bank take the full responsibility, which, after all, is rightly his. As an example of compounding offences, I have to refer to the remarks of the auditors which appear in the Annual Report of the Malayan Banking Limited. In my view, these remarks unfolded a multitude of sins. For example, if anybody bothered to study the Report, he would find that whereas the fully-owned subsidiary of that particular bank made a loss of $3 million in the year under review, that loss was not reflected in the accounts of the parent company, and yet the parent company was able to record a profit of nearly $1.5 million and to declare a profit on what must be a bogus profit. That is the reason why I say that one cannot be too careful in compounding offences. Thank you, Sir.

Dato' Athi Nahappan: Dato' President, Sir, I would like to associate myself with the general consensus of

support for this desirable piece of legislation.

I beg your pardon, Sir, for I did not ask your permission to speak in English. May I have your permission to continue in English? (*Tuan (Timbalan) Yang di-Pertua indicates assent*).

As the Honourable Minister has said, this Bill has not been just hurriedly introduced, but that it is the result of experience gained.

A bank is a company but it is different from most other companies in that it is a repository of public savings. It is an instrument of formation of capital to a great extent, and the directors of a bank—quite apart from the fact that they are businessmen who owe their loyalty to their shareholders—are also in the position of trustees with loyalty to depositors from the public and they are expected to be highly prudent. It is, therefore, necessary to keep a very close watch on how they exercise their discretion and that they do not abuse the very privelege they find themselves in.

This Bill, Sir, tends to minimise the extent of any abuse that can arise. It is not a complete safeguard. I suppose it is very difficult to seek for a complete safeguard, but such as it is, it is a reasonable safeguard, and with the necessary degree of supervision from the Central Bank, I do not see how it would in anyway affect the normal working of a bank. There have been instances pointed to us which justified the introduction of this Bill and I would not go into them.

Sir, I do share the view of Yang Berhormat Tan Sri Haji Mohamed Noah as regards lack of clarity in one or two places in terms of semantics, but explanation has been given by the Honourable Minister that insofar as professional people are concerned, such as lawyers, accountants, who serve the bank, even though they may be receiving some form of remuneration, they would not be caught within the provision coming after the words "employees" or "officers" and so on. The word "other persons", of course, are too wide, but read in the light of the whole provision as stated in Clause 4 and with reference to not more than six remuneration, they are governed by six months remuneration, they are governed by the words "officers" and "employees", that the "other persons" also should be of like character, and they would not extend to solicitors, accountants and so on. As it is, the assurance has been given.

I would like to take opportunity at this juncture to state one other view, Sir, and that is again in the light of what Yang Berhormat Tan Sri Mohamad Noah said, when he spoke under the Supply Bill, and that is to make use of the banks as financial institutions for development purposes. As it is, under the Central Bank of Malaya Act, the Central Bank has power to make recommendations to private banks as regards policies for granting advances and the extension of credit facilities, including class of purposes for which advances may or may not be made or credit facilities extended. These are recommendations on the part of the Central Bank, but these recommendations may subsequently be approved by the Honourable Minister in the form of direction in writing to the banks requiring that effect is given to the recommendations within a reasonable time. Though these provisions are there in the Central Bank Act, I would like to see that, since we are now keyed up to this question of development, and development demands finance, and these banks are the repositories of public savings, the banks should be made use of as definite instruments of credit facilities in terms of economic development of the country and not merely for the sake of short term profit making. We are in the midst of our First Malaysia Plan and we are not having all the money that we need and, therefore, the banks should have some clear-cut policies drawn in terms of priorities as regards credit facilities, and these credit facilities must be geared to economic development of the country. I do not say that all the banks should operate as development banks, though some banks may call themselves development banks and other banks

may call themselves agricultural, mortgage banks and so on; some may call themselves as commercial banks, but whatever their character may be, the time has now come that these important instruments of public savings and deployment of public finance should be geared and utilised as instruments essentially for development primarily and then, of course, for other benefits. I hope the Ministry would think in that direction in a more positive manner. I do not want to kill the incentive of bankers by having some kind of controls because that might serve to their own disadvantage, though in some other countries banks are being used essentially as instruments for development, and there is a clear-cut policy as regards credit facilities. It has been stated that in those countries, even in France I am told, the banks are used as instruments of social development and banks should come under social control rather than just as business operations. With these observations, Sir, I welcome this piece of legislation which is desirable, as it has been stated, in the light of experience gained.

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, there are various questions that have been brought up in the debate on the Banking (Amendment) Bill, 1967. Many of them were very intelligently put and I should say all of the questions are put in such a way that they pertain particularly to this Bill, its framework and the amendment. However, a couple of them are somewhat out of line in the sense that Senator Nik Hassan has asked what is the procedure under which Bank Negara issues licence to a bank.

This is something new and I will have to answer to him in a manner I know. Now, to get a licence to operate a bank from Bank Negara, for example, he has to apply to Bank Negara and state that he wants to set up a bank. He must tell Bank Negara what his called up capital will be, what his paid-up capital will be, vis-a-vis, the directors, the shareholders, and the regular routine. In addition to that, Mr President, Sir, he must make a statement as to why he wants to open this bank. This will also cover the question brought up by the Honourable Senator Dato' Athi Nahappan. Some may say that such and such a bank is wanted so that it can help people who want to build houses, for example; some of the others have a clause saying that they want to set up a bank to help people to build small cottage industries; some may say that they want to set up banks to help the country for development purposes. These are the various purposes stated in the applications that will be submitted to the Bank Negara. Bank Negara makes a thorough study of all the directors and the liquid assets and all that and submits them to the Minister of France. He is the final authority on whether the bank should be approved or not. This is the normal procedure.

Another question which the Honourable Senator Nik Hassan brought up was that he wanted to know whether there was any maximum limit imposed on overdraft which bank directors could obtain; and if so, the amounts of such limit. Mr President, Sir, before this amendment, there was no such law and because of that there was abuse or malpractice in various banks. For example, a bank director will use his friend as a nominee and then he loans out money to this nominee and he says, "I authorise a loan of, say, $2 million to So-and So" and then he gets his money from this nominee through an indirect account—this is one of the ways where malpractice can be done.

Now, under Clause 6 of the Amendment Bill, all banks are required to furnish returns of all loans and advances granted to directors and companies in which such directors have an interest. There is also a provision in sub-clause (2) for the control of loans and advances granted to directors of banks. If in the opinion of the Central Bank any such loans and advances granted to directors and to companies in which they have an interest are being granted to the detriment of the interests of the depositors of the bank, the Central Bank may, by order in writing, prohibit the bank from granting any further such advances or impose

restrictions on granting of such advances, or to direct a bank to secure repayment of such advances. Any bank which is aggrieved with the order of the Central Bank may appeal to the Minister of Finance. So, this loophole is now plugged. In other words, you cannot again lend money to a company in which a Director has a share. He has got to submit reports to the Central Bank; and, if we know, we will ask for such repayment and the like. That is why clause 6 has been brought in.

There are several questions brought up by Senator Tan Sri Haji Mohamed Noah. He wants to know whether $2 million of net assets by foreign banks is sufficient. Mr President, Sir, in my opinion it is not sufficient, because of late we have raised the paid-up capital to $5 million, and at the present moment even up to $12 million, but the Banking Ordinance of 1958 has stipulated $2 million as the minimum. At the present moment we think it inopportune to change that figure of $2 million as yet, but, for example, when a new bank applies for a licence, we would tell them "Look here, $2 million is not sufficient; you will put up your paid-up capital to $12 million". This is one of the ways by which we get round that clause, but in the Banking Ordinance of 1958, the $2 million net assets has not been changed.

The question of $2 million assets has also been brought up by various people. I believe, Sir, Senator Lim Hee Hong has also brought up the question of net assets of $2 million and that to allow them to repatriate their funds is not very fair to Malaysia in particular. I definitely concur with him, because we will now insist on foreign banks having foreign assets here of $2 million at least. Perhaps, if the Minister of Finance thinks that in the near future, or in the future, $2 million is not sufficient, he will amend the Banking Ordinance again to raise the net assets of the bank from $2 million to, say, $5 million. I have said in my speech Mr President, Sir, that if there is need for further amendment or further regulation, the Minister of Finance will come to this House for further amendment so as to tighten up the laws concerned with the control of the banks.

The Honourable Senator Tan Sri Haji Mohamed Noah also wanted to know whether Clause 4 of the Bill will definitely exclude professional people retained by the banks. Under Clause 4 only persons in receipt of remuneration from banks are covered by this provision. Professional people retained by the banks do not receive remuneration, they receive professional fees. They are, therefore, not covered by this provision, as I have pointed out in my speech earlier, and the Attorney-General has also confirmed that such professional people like lawyers, doctors, will not be covered under this provision as employees of the bank.

Tan Sri Haji Mohamed Noah also wants a clarification of the word "indirectly" in the disclosure clause (clause 5)—he says that this is ambiguous. Mr President, Sir, this word was actually taken from the Companies Act. Clause 5 of the Amendment Bill has been taken practically wholesale from Section 131 of the Companies Act of 1965. As I have said in my speech earlier, the words "indirectly interested" have also been included in Section 131 of the Companies Act of 1965, and would have the same meaning as in the Companies Act. I would like to explain that this clause only imposes a duty on the directors of the banks to declare their interests to their own Board of Directors and to nobody else. Surely, even if a director has an indirect interest in any particular firm, he should in all conscience declare such an interest to the other directors of the same bank.

Referring to Clause 6 of the Bill, the Honourable Senator Tan Sri Haji Mohamed Noah said that it would require a lot of paper work. Mr President, Sir, this question had also been brought up by the Member for Batu in the Dewan Ra'ayat. But if a bank is clean, honest and has no, shall we say, malpractices in this respect, the work involved in the filling of this form is negligible; but if there are a lot of malpractices in this bank, then it will have

to fill in a lot of these things in this form. So, you see the work involved is not important at all unless, of course, a bank is involved in malpractices—otherwise, it is a question of dash, dash, nil, nil, nil.

The Honourable Tan Sri Haji Mohamed Noah also said that Clause 9 of the Bill referring to the control of gifts and commissions to the bank staff would be difficult to implement and, therefore, the clause should not be introduced. But, this is a very delicate thing Mr President, Sir. Public officials are also prohibited from obtaining free gifts and commissions and this is provided for in the Criminal Procedure Code. It is just as difficult to implement this provision in the Criminal Procedure Code as to implement the proposed Clause 9 of the Amendment Bill. Therefore, the fact that it may be difficult to implement a clause, should not be grounds for deletion of the clause from the Act. Mr President, Sir, this question of nominal value is something which is very difficult to define. As my Minister has said, six bottles of whisky during a festive occasion is of nominal value. I mean, if you are my friend, and I am your friend, and if we have no connections whatsoever, if I were to give you six bottles of brandy or whisky, or whatever it is, during Hari Raya, or Chinese New Year, or the New Year, it is a very common occurrence in this country. However, if that person who gives the gift has got an ulterior motive, then it is no more of nominal value. It depends on how you interpret that Clause. I agree that it is difficult to interpret. But, nevertheless, you cannot delete this clause, because the Association of Banks comes with representation and says, "Look here, I get a lot of gifts during the Chinese New Year. What am I to do! I can't drive them away. People come here and give me a couple of chickens, one dozen of eggs, what can I do?" I myself, Mr President, Sir, have been trying to drive away my constituents from giving me one dozen eggs. Sometimes they say, "Well, if you don't take it from me, you do not accept me as your friend." What am I to do? One dozen eggs! Sometimes I have tried to drive them away, but they come back and say, "It is not for you, it is for your son." So, what am I to do, Sir? So, this is a very debatable clause but nevertheless, the Clause is put in.

In Chinese custom, especially, it is a question of face. A person might just be an ordinary farmer, and to him a dozen eggs means a lot. To the Honourable Members of this House and to me probably it might mean nothing. But giving that present is a gesture in a way showing that he feels that you have done him and his family a great favour, even though you have not done him any favour at all—you have merely acted according to the law. That is why this clause is very difficult to debate. Nevertheless, it has got to be put into the Bill to prevent any form of malpractices on the part of the directors.

There is a question, also by Tan Sri Haji Mohamed Noah, that there are lots of deposits by the Government in foreign banks. To tell you the truth, there are no deposits from the Government in foreign banks, except Bank Negara. It is true, however, that foreign banks do buy a lot of Treasury Bills. That is a different matter. They buy our Treasury Bills and earn interest from them, but that is a different matter altogether. We do not have deposits with the foreign banks. I can give assurance to this House.

Mr President, Sir, lastly I would come to the question posed by the Honourable Senator Tan Sri T. H. Tan—that if there is no parallel legislation in Singapore there will be a migration of capital from Malaysia to Singapore. Mr President, Sir, I beg to differ. Just because we tighten up the legislation on banks, and it is for the good of the public and depositors of this country, I do not think there would be a flight of capital from these banks because of this legislation. When they know of this legislation people will have more trust in the Central Government and the banks concerned. I would have thought that there would be a flight of capital from Singapore to Malaysia, because Malaysian banks would be well controlled after this

legislation has been passed. So, that is why I say that our opinions differ: he has his opinion, and I respect it, and I have my opinion. I do not know whether the public at large will believe his opinion or mine. I think there will be a flight of capital from Singapore to Penang because our banks, after this legislation, will be very well controlled and there will be no abuses and malpractices.

Concerning the question of the power given to the Governor of Bank Negara to compound offences, with the concurrence of the Minister, it does not necessarily mean that we cannot bring the case to court. We can if we want to. This clause is put in, because if a cerain director is brought to court, then the exposure of the malpractice by that certain director might cause a run on the bank; in other words, people will be going to the bank and getting their money out of the bank. That is why the Minister and the Governor have got this power to sit in private and compound the offence. It does not mean also that the fines and penalties would be less than what they can get in a court. That I can assure this House. The Minister, as you know very well, Mr President, Sir, is by no means a very amiable person like myself. He is a very strict person and he believes in the rule of law and that is why the powers to be given to him and to the Governor Bank Negara are such that I have nothing to add. Thank you.

Tan Sri T. H. Tan: Mr President, Sir, Honourable Assistant Minister said that a person, say, a director of a bank who is brought before, say, the Governor of the Central Bank and the Minister of Finance need not necessarily suffer a penalty any less than he would have suffered had he been taken to court. Here, I would like to borrow his term—I beg to differ from him, because under Clause 10, it says clearly here, ". . . . . .may compound any offence punishable under this Ordinance by accepting such sum of money not exceeding the amount of the maximum fine to which that person would have been liable, if he had been convicted of the offence . . . . . .". Well, in court, as you know, if one is convicted of an offence which involves dishonesty or fraud, it is not necessarily a question of just paying a fine; he might as well even go to jail. Therein lies the difference.

Dr Ng Kam Poh: Mr President, Sir, I believe the Honourable Tan Sri T. H. Tan has got the wrong end of the stick. When I said that there is no difference, I did make mention that they can be brought to court. If we think that the offence is of such a magnitude that compounding it is of no value at all, the Governor of Bank Negara and the Minister of Finance can bring this thing to court and it can be thrashed out in court and this person can be imprisoned or fined, or both. That is the difference. Thank you, Mr President, Sir.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 hingga 12 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

THE CENTRAL BANK OF MALAYSIA (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] bernama "The Central Bank of Malaysia (Amendment) Act, 1968" di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, I have already presented to this House an Act to amend the Banking Ordinance, 1958, as part of the exercise to enable Bank Negara Malaysia to supervise and control banks in this country more adequately in the public interest. The Bill before this House to amend the Central Bank of Malaysia Ordinance, 1958, is complementary to the amendments to the Banking Ordinance which have already been approved.

Clause 2 of the Bill is designed to reduce the quorum required for meetings of the Board of Directors from five to four. This is purely a procedural matter designed to ensure that meetings of the Board may held even though it may not be possible to collect at any one time more than four members of the Board.

The Association of Banks in Malaysia in its submissions on the proposed amendments has claimed that clause 3 of the Bill will extend the powers of Bank Negara Malaysia to matters which lie outside the objects of a central bank. Two of the principal objects of Bank Negara are:

"(*a*) to promote monetary stability and a sound financial structure; and

(*b*) to influence the credit situation to the advantage of Malaysia."

In pursuing these objectives, Bank Negara has been empowered to make recommendations to banks in respect of the rates of interest payable to or by banks and the rates of discount chargeable by banks. Although control over interest rates is an important instrument of Central Bank policy, it could be evaded by the banks concerned if the powers of recommendation of Bank Negara were to be limited to interest rates only. Commissions and other charges imposed by banks are also important forms of charges levied by banks which affect the cost of credit in the country, so that empowering Bank Negara to make recommendations to banks on commissions and charges cannot, by any means, be said to be against its objects.

Under existing conditions, commercial banks in Malaysia follow the rules of their Association in the conduct of their banking business. Changes in interest rates have been effected by way of changes in the rules of the Association. As rates of commission and other charges which banks impose on their customers are also included in the rules of the Association, Bank Negara should be empowered to make recommendations on these rates of commission and other charges through changes to the existing rules of the Association or by introducing new rules if this should be necessary. As these rules will be observed by all banks alike, it is incorrect to suggest that Bank Negara, in exercising the powers of recommendation conferred by this provision, will need to be involved in the day to day affairs of any bank. Moreover, it is the practice of Bank Negara to consult the Association of Banks in Malaysia regarding changes in the rules so that the views of the Association are always taken into consideration.

I understand that not so long ago the Association interpreted its rules on commission on letters of guarantee so as to benefit only the banks themselves and against the interests of not only their customers but also the country as a whole, and Bank Negara had great difficulty in dissuading the Association from such an interpretation. In another instance, one or two banks resorted to levying a service charge of 1% to 2% per annum as a lump sum over and above the interest rate charged to their customers, and here again, it was only after some difficulty that Bank Negara persuaded the banks concerned to cancel such charges, which distorted the interest rate structure. I therefore consider it essential in the public interest that Bank Negara should be empowered to make recommendations to banks on rates of commission and other charges payable to banks.

The proposed amendment in clause 4 is designed purely to remove any possibility of doubt as to the effect of section 44 of the Central Bank of Malaysia Ordinance and section 11 of the Banking Ordinance. While section

44 (1) of the Central Bank of Malaysia Ordinance prohibits Bank Negara from asking for information on any individual account in a licensed bank in Malaysia, section 11 (1) of the Banking Ordinance, on the other hand, requires all banks in Malaysia to furnish particulars of all unsecured advances granted to certain categories of borrowers to Bank Negara. As all banks in Malaysia will now be required to furnish particulars of all advances, both secured and unsecured, granted to certain categoroies of borrowers, the proposed amendments to section 44 are designed to resolve the apparent conflict between these two provisions. I should add that under section 44 (2) of the Central Bank of Malaysia Ordinance, statistical information received from a bank is regarded as secret between that bank and the Central Bank. Thank you.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

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

Fasal 1 hingga 4 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan; di-bachakan kali yang ketiga dan di-luluskan.

THE FINANCE BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] bernama "The Finance Act, 1968" di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, the purpose of this Bill is two-fold. One is to remove an anomaly in the administration of the tin profits tax and the other is to raise the exemption limit for development tax from $500 to $2,000 per annum.

With regard to the tin profits tax, th law as it stands now provides that only the person who has sold the tin concentrates produced will be allowed the standard profit deduction of $100 per picul of tin metal derived from the tin concentrates sold in computing his profits for the tin profits tax purposes. This gives a rise to an anomalous position in that where a mine is worked on a tribute basis the person working the mine and paying the tribute, although he will be subject to the tin profits tax, will not be eligible for the standard profit deduction since he has not sold the tin concentrates produced. On the other hand, the tributee who has not worked the mine but has the right by law to sell the tin concentrates produced is alone entitled to the full amount of the standard profit deduction.

The proposed amendment seeks to remove this anomaly by giving the benefit of the standard profit deduction to every person responsible in producing the tin metal in his capacity as an entrepreneur and not as a labour contractor in proportion to his share in the profits of the particular mining operations or his share in the proceeds of sale of the tin concentrates produced by those particular mining operations. The amendment also seeks to provide that the labour contractor will no longer be liable to tin profits tax since he is merely supplying the labour to work the mine on a contract basis. The proposed amendment will take effect for the year of assessment 1968 and subsequent years of assessment.

Honourable Members will recall that development tax was introduced in 1967 by amending the three separate Income Tax/Inland Revenue Ordinances of West Malaysia, Sabah and Sarawak. With the repeal of these Ordinances when the Income Tax Act, 1967, came into force, the relevant

provisions for the imposition of the tax have been consolidated into a single legislation and incorporated in the Supplementary Income Tax Act, 1967. Since the proposed amendment to raise the exemption limit from $500 to $2,000 per annum is to have retrospective effect to 1st January, 1967, the Bill now before the House is seeking to amend not only the Supplementary Income Tax Act but also the repealed Ordinances as well. The Minister of Finance has already dealt at some length in his Budget Speech with the need to raise the exemption limit and I do not therefore propose to explain further on this matter.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan mesjuarat Jawatan-kuasa*)

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG[2] GALAKAN PELABORAN (THE INVESTMENT INCENTIVES BILL)

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan satu Rang Undang[2], ia-itu The Investment Incentives Act di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, our immediate objectives are to provide greater employment opportunities for our increasing population to widen and strengthen the base of our economy, to diversify the sources of our foreign exchange earnings and to increase our export income. The Investment Incentives Bill is one of the measures towards achieving these objectives. The Bill provides a variety of incentives to induce a greater and more rapid flow of investments not only in manufacturing and agricultural based industries but also other enterprises and to encourage the expansion of exports in manufactures.

The Bill is based on the recommendations of a committee appointed by Government under the Chairmanship of the Permanent Secretary, Ministry of Commerce and Industry, Tan Sri Raja Mohar. The Committee, in formulating their recommendations, reviewed the adequacy of existing incentives. They examined the various incentives provided by countries within and outside our region and they took into consideration responsible opinions and suggestions submitted from individuals and related organizations in the country. As a result of their review and study, the Committee have recommended improvements to existing incentives and the introduction of new ones and that for convenience and ease of reference these incentives should be as far as practicable, embodied in a single legislation.

Much care and thought have, threfore, gone into the designing of the Bill. It takes cognizance of the need to spread development throughout the country, particularly to the less developed areas. It also lays emphasis on encouraging the maximum employment of labour and use of local raw materials and the maximum conservation and net increase in foreign exchange earnings.

Mr President, Sir, this Bill is very technical and to assist the House I shall try to explain in the simplest possible terms the main provisions of the Bill and where appropriate the comparison with existing provisions.

The provisions of the Investment Incentives Bill, Mr President, Sir, will extend throughout Malaysia and will be retrospective as from 1st January, 1968.

Part I of the Bill deals with definitions and I would like to draw your attention to the new definition of "Industry" which now includes any kind of commercial undertaking and not confined to manufacturing only as in the existing Ordinance.

Part II of the Bill deals with pioneer status. With the wider definition of "Industry" pioneer status can now be given to non-manufacturing industries.

The procedure laid down under Chapter I relating to the declaration of pioneer industry and product, the application and the granting of pioneer certificates, its amendment and cancellation are the same as in the existing legislation. Section 3 (1) (*b*) is new and specifically states that a product or industry may be declared pioneer if it is to be manufactured for export or the industry would contribute to be economic development of Malaysia.

Chapter 2 of the Part 11 provides for tax relief for companies granted pioneer status. A number of important modifications have been made to improve upon the existing provisions. Like the existing legislation, a two-year tax relief will be granted to companies that are declared pioneer. There will be no minimum amount of investment level required to attain the initial two years of tax relief. Extension of tax relief will be granted as follows:

(i) if by the end of the third year of production, the companies have incurred fixed capital expenditure of not less than $250,000, the pioneer period will be extended by one year—in other words, from two years by one year to three years;

(ii) if by the end of the fourth year of production, the companies have incurred fixed capital expenditure of not less than $500,000, the pioneer period will be extended by one year to four years—in other words, from three years to four years;

(iii) if by the end of fifth year of production, the companies have incurred fixed capital expenditure of not less than $1 million, the pioneer period will be extended by one more year to five years.

This provision is an improvement upon the existing legislation, in that it gives industrialists one extra year in which to incur expenditure to qualify for extensions of pioneer status. Under the existing legislation, pioneer companies have to incur their qualifying expenditure before the end of their existing tax relief period. Under the new Act, extensions can be granted as long as the qualifying expenditure is incurred during the year in which extension of pioneer status is sought.

In addition to the five years tax relief, which firms can be granted for attaining qualifying fixed capital expenditure levels, extensions of a further three years are provided for under section 14, thus bringing the possible maximum up to eight years of tax relief. In this respect, one-year extension of tax relief period will be given for firms meeting each of the following provisions, designed to create a balanced development throughout the country by encouraging the expansion of industry in underdeveloped areas and the greater use of Malaysian materials:

(i) if they establish factories in an area declared as a development area by the Government;

(ii) if they manufacture a product or establish an industry declared as a priority product or industry;

(iii) if they incorporate into their products, the percentage of Malaysian content specified by Government.

The other important modification is in respect of capital allowances. For a pioneer company, the amount of capital allowances allowed for the first year of assessment after its tax relief period will be calculated on the aggregate of the capital expenditure it incurred during the tax relief period. This has given rise to an anomaly. A pioneer company which suffers losses every year throughout its relief period will be placed in a worse-off position than a non-pioneer company in similar position. To correct this anomaly, section

18 of the present Bill provides that, where a pioneer company incurs losses throughout its tax relief period, capital allowances will be notionally aggregated, as if it is not a pioneer company, and the total amount carried forward and allowed as a deduction for the post-pioneer period.

Example:

A pioneer company incurred capital expenditure of $100,000 per year for three years. It suffered losses throughout its three-year tax relief period. Under the existing provision, the capital allowances allowed for the first post pioneer period will be on the aggregate of its capital expenditure, which is $300,000 at the following rates—

Initial 20% on $300,000=$60,000
Annual 10% on $300,000=$30,000
Capital allowances allowed as deduction=$90,000

Under the new Act, capital allowances are notionally calculated and aggregated for each year of capital expenditure incurred and the total amount allowed as deduction in the first post pioneer period will be as follows:

For 1st year—		
20% of $100,000 =	$20,000	
+10% of $100,000 =	10,000	
		$30,000
For 2nd year—		
20% of $100,000 =	$20,000	
+10% of $170,000 = (aggregated with balance of $70,000 of 1st year)	17,000	
		$37,000
For 3rd year—		
20% of $100,000 =	$20,000	
+10% of $233,000 = (aggregated with balance of $133,000 of 2nd year)	23,300	
		$43,300
For post tax relief period—		
10% of $189,700 = (In other words ($233,000 minus $43,300=$189,970)	$18,970	
		$18,970
Capital allowances allowed as deduction ...		$129,270

In view of pressure on Government revenue and having regard to the total incentives granted, the Minister may, under section 20, impose a condition in the pioneer status to safeguard against pioneer companies enjoying exempt profits grossly out of proportion to their invested capital.

The other important modification is in regard to exempt dividends under Section 22 of the Bill, the provision for exempt dividends of pioneer companies has been extended to include dividends in the hands of shareholders of companies which own shares in pioneer companies. This liberalizes the existing restriction, whereby only dividends paid by holding companies are exempt in the hands of the shareholders.

Section 23 of the Bill incorporates the present exemption from payroll tax granted to pioneer companies. Previously, the exemption was granted under separate legislative provisions.

As in the existing legislation, this new Bill provides for pioneer firms which incur losses during their tax relief period to offset the nett loss incurred during the pioneer relief period against profits of the post-pioneer period.

Chapter 3 introduces a new form of tax incentives called "Investment Tax Credit" to be given to approved projects which are not considered suitable for grant of pioneer status.

The rate of Investment Tax Credit given will not be less than 25% of the capital expenditure incurred on a factory plant or machinery for the approved project.

If the approved company has set up its factory in:

(i) a development area; or

(ii) produces priority product or products; or

(iii) incorporates the required percentage of Malaysian content, an additional Investment Tax Credit of 5% will be given for each of the three conditions fulfilled in the basis period.

The Investment Tax Credit is given only once for the year of assessment in the basis period in which the expenditure is incurred, and such capital expenditure must be incurred within

five years from the beginning of the basis period in which the project is approved, that is to say, if the capital expenditure is incurred in the sixth year, it will not qualify for an Investment Tax Credit.

Example:

Estimated total capital expenditure for factory, plant and machinery for approved project is, say, $600,000.

1st year	$100,000 invested	= ITC @ 25%	= $ 25,000
2nd year	$100,000 invested	= ITC @ 25%	= 25,000
3rd year	no investment ...	= ITC @ 25%	= nil
4th year	$200,000 invested	= ITC @ 25%	= 50,000
5th year	$100,000 invested	= ITC @ 25%	= 25,000
		TOTAL ITC QUALIFIED ...	$125,000

6th year $100,000 invested = NOT QUALIFIED

Where an Investment Tax Credit is given for the year of assessment an amount equal to the credit will be exempt from tax for that year. But where because of a loss or an insufficiency of income the credit cannot be fully utilised, any credit not so utilised can be carried forward to the first year of assessment for which there is a profit, and so on for subsequent years until the whole amount of the credit is given.

Example:

Year		*ITC*	$	*Profit/Loss*	*ITC carried forward*
		$		$	$
1		25,000		+ 10,000	15,000
2	c/f	15,000			
		+ 25,000			
		40,000	40,000	+ 35,000	5,000
3	c/f	5,000			
		nil			
		5,000	5,000	loss	5,000
4	c/f	5,000			
		+ 50,000			
		55,000	55,000	+ 30,000	25,000
5	c/f	25,000			
		+ 25,000			
		50,000	50,000	15,000	35,000
6	c/f	35,000			
		+ nil			
		35,000	35,000	loss	35,000
7	c/f	35,000		35,000	nil

Dividends paid out of income exempt from tax by virtue of the grant of investment Tax Credit are exempt in the hands of shareholders and tax at source will not be deducted from dividends paid out.

The Investment Tax Credit will be of particular advantage to a company as it is already assured of a tax credit which it can use as and when a profit is made. Under the pioneer status the concession ceases at the end of the tax relief period whether or not the company makes a profit or loss during that period. A company, however, has the choice of either being granted pioneer status or investment tax credit, whichever in its assessment, is to its advantage. The Investment Tax Credit is, in fact, an introduction of a type of "Credit Card" system in tax relief, whereby it can always carry the amount of tax credit until it is fully utilised.

Part 111 of the Bill provides a range of export incentives for enterprising manufacturers who wish to export their products.

The first of these relates to deductions for certain outgoings and expenses for the promotion of exports. The rules governing these deductions are set out

in the Schedule to this Bill. Every company that wishes to avail itself of this export promotion incentive will have to obtain a certificate of approval from the Minister of Finance. Under the provisions of the Schedule any expenses incurred by the approved company for export promotion will be allowed as a deduction. Such expenses will include overseas advertising expenses paid to persons not resident in Malaysia, expenses attributable to free samples for customers outside Malaysia, expenses incurred in conducting export market research and such other related expenses. These deductions will be allowed in addition to those already provided for, under the provisions of the Income Tax Act of 1967.

Pioneer companies would have a special privilege under the Schedule. All deductions which have been allowed under this Schedule and which are incurred during a pioneer company's tax relief period can be carried forward and the aggregate of this will be allowed as deductions in the post-tax relief period.

Another new export incentive takes the form of an accelerated depreciation allowance in respect of capital expenditure incurred in acquiring plant or equipment to modernise production techniques in existing or newly set up factories. This incentive takes cognizance of the fact that in order to compete successfully in export markets, firms have to use efficient and up-to-date machines.

Only approved resident companies will be entitled to obtain accelerated depreciation and in order to qualify for it these companies must export more than 20% by value of its total production. Exporters of primary commodities and companies enjoying pioneer status or investment tax credit, however, will not qualify.

The rate of accelerated depreciation given is 40% per annum. This would mean that more than 90% of the initial outlay will be written off in 5 years which compares very favourably with the 20 or more years under the normal rates of allowances.

Example:

A company incurs capital expenditure of $100,000:

1st year @ 40% on $100,000 = capital allowance $40,000

2nd year @ 40% on $ 60,000 = capital allowance $24,000

3rd year @ 40% on $ 36,000 = capital allowance $14,400

Deduction as you go along.

4th year @ 40% on $ 21,600 = capital allowance $ 8,640.

In other words, every year there is a 40% deduction of capital allowance on the balance. Finally, you finish the fifth year with a capital allowance for five years of $92,224—approximately 92.2%.

A further incentive introduced is the export allowance. A non-resident company does not qualify for such allowance and exports of primary commodities are excluded. The allowance is related to the increase in exports, the extent of wages paid in respect of employees whose basic wage does not exceed $500 per month and to the amount of Malaysian material purchased for use in the manufacture of products for export. The scheme is therefore intended:

(i) to encourage exports of manufactured products;

(ii) to induce more liberal use of Malaysian materials, thereby maximising net foreign exchange savings;

(iii) to induce maximum employment of labour of the type which is in abundant supply in the country.

Definition

A "resident company" is defined under the principal Act as a company,

the control and management of which is exercised in Malaysia, that is to say, the Directors' meetings, formulation of policies and management of the company are carried out in Malaysia.

A "non-resident company" means a company, the control and management of which are exercised abroad.

Broadly, the scheme allows an extra deduction for income tax purposes of 20 cents for every dollar of expenses incurred in wages and purchases of Malaysian materials during the basis period. The amount of the allowance is calculated in the following manner:

(i) The average export sales of manufactured products for the three preceding basis period are initially calculated;

(ii) Determine the excess of the export sales of manufactured products for the current basis period over the average export sales for the three preceding years; and

(iii) Apply the following formula:

Excess of Export Sales as determined × 20 cents.

Total Gross Sales for the Basis Period.

Examples:

CASE I

EXTRACTS FROM 1967 ACCOUNT

Wages (less than $500 p.m.)	...	$1,000	*Sales*—		
Domestic Materials purchased	...	2,000	Export	...	$5,000
Imported Materials purchased	...	3,000	Local	...	2,000
		$6,000			$7.000

OTHER INFORMATION (SALES)

Sale	*Export*	*Local*	*Total*
1964 ...	1,000	2,000	3,000
1965 ...	1,500	3,000	4,500
1966 ...	2,000	4,000	6,000
	4,500		

3 Years' Average export 1964/1966 = $1,500

Export Allowance calculated thus:

Wages	$1,000	
Domestic materials	2,000	
20% of	$3,000	= $600

but restricted to—

1967 Export	$5,000	
Less 1964/66 Average Export	1,500	
Excess (increase) in export	$3,500	

Proportion—

$$\frac{\text{3,500 (excess)}}{\text{7,000 (total sales)}} \times 600 = \$300$$

CASE II

Where company exported since 1965—

Export allowance (as calculated above) ... $600

3 Years' Average export = 1964 — nil
1965 — 1,500
1966 — 2,000

3,500 — 3 = 1,167

Restricted to—

1967 Export	5,000
Less 1964/66 Average Export	1,167
Excess (increase) in export ...	3,833

Proportion—

$$\frac{\text{3,833 (excess)}}{\text{7,000 (total sales)}} \times 600 = 329$$

This Bill further incorporates the existing provisions for the refund of an appropriate proportion of payroll tax paid by a manufacturer in the production of an exported product or products. This relief granted only to companies and in respect of products registered for the purpose with the Ministry of Commerce and Industry. To qualify for the relief, such companies must export more than 20% by value of the total production of the registered product. The amount of refund in payroll tax is calculated in the proportion of the value of the export sales of the registered product to the total sales of the company for the year.

Part IV of the Bill deals with supplemental provisions relating to:

(i) power of entry by authorised officers for checking premises and records in pursuance of the Act;

(ii) power of the Minister to make rules for facilitating the operation of the Act.

With the coming into force of the Investment Incentives Act which will operate for the whole of Malaysia the following legislations will be repealed:

(i) The Pioneer Industries (Relief from Income Tax) Ordinance, 1956 of Sabah; and

(ii) The Pioneer Industries (Relief from Income Tax) Ordinance, 1958 of West Malaysia.

Under the transitional provisions, however, it is provided that the existing Pioneer Industries (Relief from Income Tax) Ordinance of Sabah and West Malaysia will continue to apply to pioneer companies in existence on 1st January, 1968, and these companies will in addition be eligible for the benefits introduced under the new Bill. In effect, it means that the existing pioneer companies will also qualify for:

(*a*) Extensions of tax relief periods by up to 3 more years if the conditions for such extensions as mentioned earlier are fulfilled;

(*b*) Notional capital allowance to be aggregated and allowed in the post-pioneer period as explained earlier.

The companies which have applied for pioneer status and have been approved in principle before 1st January, 1968, will, when granted pioneer certificates, be regarded as having been approved under the repealed Ordinance. These companies will, therefore, be in the same position as pioneer companies approved before 1st January, 1968.

The Minister of Finance will also be presenting for approval of the House at this Session, an amendment to the Excise Act to provide a drawback of excise duty paid on components produced in Malaysia and used in the manufacture of exported products. The full drawback of excise duty and customs duties are additional aids to manufacturers in developing their exports.

Mr President, Sir, I hope that I have managed to explain sufficiently clearly to the Honourable Members of this House the technical provisions of the Bill. The Government fully appreciates that the incentives provided in the Bill are liberal and involve Government in fairly substantial losses in revenue. But if we are to attract and compete for foreign investments and skills and to participate effectively in export markets, we have to bear some sacrifices. We

hope, in addition to the favourable climate for investments that we have created, the expanding market potentials both in terms of increase in population and purchasing power that this country offers investors, both foreign and local, will find the variety of incentives provided in the Bill, further incentives for investing in Malaysia. This Bill is evident proof of the desire and determination of the Government to push ahead with industralisation and diversification of the country's economy.

Having regard to the objectives and purposes of the Bill, I am confident that it will receive the full support of the House. As soon as the Bill was read for the first time, it had been found necessary to make two minor amendments to Clauses 3 and 4 of the Schedule. These amendments have been made at the Committee stage of the Bill in the Dewan Ra'ayat.

Mr President, Sir, with this I am not only exhausted but I hope you will allow me 15 minutes rest before we resume the debate.

Tan Sri T. H. Tan: (*Dengan izin*) Mr President, Sir, Government's action to introduce the Investment Incentives Bill is highly commendable and deserves every support. It remains to be seen whether the implementation of the provisions of this Bill, after its passage, will be in keeping with the spirit and intentions of the Government. All too often in the past, the implementation of legislative measures brought frustration to investors, and some of them were even driven away. Experience has shown that it takes too long for pioneer status to be granted. Somewhere along the arduous line of red-tape an application will get bogged down and the best of intentions destroyed.

Take the case of the sugar plantation industry. More than three years have passed after the investigations of a group of experts from Taiwan. Today, the interested party is still haggling with the State Government of Perlis about suitable land, premiums payable and other conditions for developing the area for planting sugar cane. On top of this, I read a few days ago that the Malaysian Government is inviting another group of sugarcane plantation experts to make further inquiries. That probably will involve another delay of another three years.

Sir, an investor cannot keep his money idle for years, and delays and frustration will most certainly force him elsewhere.

I have a number of comments to make on the provisions of the Bill which is before the House today, although I have no intention whatever of referring the Bill back.

Firstly, I would like to return to my pet subject of excise duty. I think that if the Government intends, and intends sincerely, to encourage pioneer industries, the Government should go the whole hog and exempt pioneer industries from excise duties, at least during the currency of their pioneer status.

Secondly, Sir, I feel that in one very important aspect of industralisation, Malaysia lags behind its southern neighbour. I refer to industrial financing. As long as the Malayan Industrial Finance Ltd., insists on commercial rates of interest, it will be of little help to industralists. Singapore is offering investors up to 60% of their financial requirements at the rate of interest as low as 3% and a repayable period of up to 10 years. It would come as a great shock to many, and to me certainly, if Malaysia could not do likewise, if not better.

Mr President, Sir, I sincerely hope that the Investment Incentives Bill will draw investors to Malaysia to help diversify our economy and reduce to realistic proportions our dependence on rubber and tin.

Tuan (Timbalan) Yang di-Pertua: Any reply to that?

Dr Ng Kam Poh: Mr President, Sir, concerning the sugar plantation, I think the Central Government has made every effort to get the two parties together. However, the State Government is beyond the Central Government's control.

In point of fact, if the Ministry of Finance or the Ministry of Commerce and Industry had its own way, instead of a Federation we will have a unitary State and there will be no State Legislatures. But the fact remains that this is a Federation of Malaysia and by various methods we try to tell the State Governments to do certain things, and if they are stubborn and they refuse, there is very little the Federal Government can do, because it is laid down in the Constitution that State matter is a State matter and Federal matter is a Federal matter. However, I can assure the Honourable Tan Sri T. H. Tan that this question of the sugar plantation in Perlis, I believe, will be looked into and I will get officials of the Ministry of Commerce and Industry to chase some of these chaps down in the State Government and see what they are doing about it.

With regard to exempting pioneer industries from excise duties, Mr President, Sir, this is a question of granting each one on its each individual merits. If we think that exemption should be done, within 5 years, I think we might do likewise; this is a very good suggestion and I think the Ministry of Finance will certainly look into that matter.

As for the M.I.D.F.L. giving loans at a higher rate than the rate of Singapore, one must consider that Singapore is a surplus State and the per capita income of Singapore is $1,500 per person—our per capita income is only $900. Singapore has always been the commercial and the insurance centre of the whole of Malaysia, Malaysia only being the hinterland. It is a city, it is a State, it is an Island, it is also a Nation, all within one compact whole of 224 square miles. It has all the money within these 224 square miles and it has no rural areas. So they have plenty of money to lend. They can lend at any amount of interest they like, as as much as possible for development. For example, they can say "All right, we have 10 acres at Jurong, or some seaside area, and we will develop this. Whoever wants to develop this, we will give loans to them at 3% interest, payable in 10 years". They can do it, Mr President, Sir, but here the situation is slightly different; but, nevertheless, this is a very constructive suggestion and I am sure the Ministry of Finance will take this up and do a bit of calculation and see whether we could compete with them. I am quite sure we cannot come down to 3% but we might come down a bit lower, considering the fact that we have to borrow money outside to lend to the investors here for development. So, if we borrow at 5% we must lend at 6%, because of our administrative expenses of 1%, or if possible 6½%. If we borrow at 5%, we certainly cannot lend at 3%, this is simple arithmetic. However, we will look into this matter and I can assure the Honourable Tan Sri T. H. Tan that we will try our best to do whatever we can concerning the loans of the M.I.D.F.L.

Tan Sri T. H. Tan: On a point of clarification Mr President Sir. I was wondering whether Malaysia should not withdraw our sterling reserves in order to subsidise our industralisation.

Dr Ng Kam Poh: Mr President, Sir, Malaysia had been thinking about withdrawing, but I do not know whether the Minister of Finance has made up his mind as yet concerning the withdrawing of the foreign exchange reserves of sterling and I am in no position to disclose to this House, even if I know.

Tan Sri T. H. Tan: Sir, I hope the Minister will make up his mind before the next devaluation.

Dr Ng Kam Poh: Mr President, Sir, I hope I know when the next devaluation will come. If the Honourable Tan Sri T. H. Tan will tell me, I will certainly withdraw all my sterling reserves.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 hingga 34 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Jadual di-perentahkan menjadi sa-bahagian daripada Jadual kapada Rang Undang[2].

Rang Undang[2] di-laporkan dengan *tidak ada* pindaan: di-bachakan kali yang ketiga dan di-luluskan.

THE EXCISE (AMENDMENT) (No. 2) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan, ia-itu Rang Undang[2] "The Excise (Amendment) (No. 2) Bill" di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, I have just now presented the Investment Incentives Bill, 1968, to the House. The Excise (Amendment) (No. 2) Bill, 1968, before the Members of the House is for the purpose of augmenting the Investment Incentives Bill, 1968.

This Excise (Amendment) (No. 2) Bill, 1968 will amend section 15 of the Excise Act of 1961 of West Malaysia and section 8 of the Excise Ordinances of Sabah and Sarawak, so that incentives will be provided to promote the exports of locally manufactured goods. This refund of excise duty will be permitted for those components or items of commodities which have been used in the manufacture of products for export.

It is anticipated that this Excise (Amendment) (No. 2) Bill, 1968, will encourage our production of manufactured goods to be export-orientated. Thank you.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-Kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 hingga 4 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

THE FEDERAL CAPITAL ACT (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan, ia-itu Rang Undang[2] "the Federal Capital Act (Amendment) Bill" di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, section 343 of the Municipal Ordinance briefly states that the Commissioners in any Municipality may borrow money only with the sanction of the Legislative Assembly, which means that the State Legislative Assembly, as has been the position in the past, since the Municipal Ordinance was made applicable to the various Municipalities in this country. When the Federal Capital was created under the Federal Capital Act, 1960, the Municipal Ordinance continues to be applicable to the Federal Capital and for all purposes where reference is made to Ruler and Ruler-in-Council, this shall be construed as reference to the Minister charged with the responsibility for Local Government. The Legal experts have advised that the term "Legislative Assembly" in the context of these provisions of the Municipal Ordinance, as applied to the Kuala Lumpur Municipality, is ambiguous and may be interpreted as referring to Parliament. This Bill, therefore, seeks to remove this ambiguity.

As far as safeguards are concerned, under existing procedure, the Federal Capital is required to seek the authority of the Treasury before it can obtain a loan provided, of course, that such application has the approval of the Minister. The law officers of the Attorney-General's Chambers have advised that in addition to amending section 343 of the Municipal Ordinance under another Bill which I shall be moving immediately after this Bill, section 16 (1) of the Federal Capital Act should also be amended so as to enable the words "State Authority" and "Legislative Assembly" as appearing in the Municipal Ordinance, Town Boards Enactment of the Federated Malay States and any other written law affecting the Federal Capital, to be construed as referring to the Minister.

As required under Article 95A of the Malaysian Constitution, the agreement of the National Council for Local Government to the Bill has been obtained. Thank you.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 dan 2 di-perentahkan menjadi sa-bahagian daripada Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

THE MUNICIPAL (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] bernama "The Municipal (Amendment) Act, 1968" di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, the present practice requiring the Municipalities to obtain the sanction of the Legislative Assembly prior to borrowing money is both cumbersome and time-consuming. This Bill, therefore, seeks to amend section 343 of the Municipal Ordinance to enable the Municipalities of Penang, Ipoh and Malacca to borrow money with the sanction of the respective State Authority instead of the Legislative Assembly. As required under Article 95A of the Malaysian Constitution, the agreement of the National Council for Local Government to the Bill has been obtained.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 dan 2 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan; di-bachakan kali yang ketiga dan di-luluskan.

THE TOWN BOARDS ENACTMENT (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadang ia-itu Rang Undang[2] bernama "The Town Boards Enactment (Amendment) Act, 1968" di-bachakan kali yang kedua sekarang.

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

Dr Ng Kam Poh: (*Dengan izin*) Mr President, Sir, this is a simple and straightforward Bill and, as explained in the Explanatory Statement, seeks to amend the Town Boards Enactment (F.M.S. Cap. 137) to enable the Municipality of the Federal Capital of Kuala

Lumpur to make by-laws to regulate the development of land within the Federal Capital.

The provisions of Part IX of the Town Boards Enactment, which deals with town planning of the Federal Capital, are inadequate for the Commissioner of the Federal Capital to regulate the development of land within the Municipal area, though he is required to endorse site plans, so that plans for new buildings may then be considered under the Municipal Building By-laws. Furthermore, as Honourable Members are aware, a new draft town plan for the Federal Capital is now in its final stages of completion and adoption. The proposed new amendments to Section 145 will assist in the effective implementation of this Plan. A new comprehensive town planning legislation has already been drafted and is presently under study by the Attorney-General's Chambers. The proposed amendment to Section 145 is, in fact, incorporated in the new town planning legislation, but is being put forward now to serve as an interim measure to give effect to the new town plan until such time as the comprehensive legislation on town planning referred to has been finalised.

As required under Article 95A of the Malaysian Constitution, the agreement of the National Council for Local Government to the Bill has been obtained.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

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

Fasal 1 dan 2 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

Tuan (Timbalan) Yang di-Pertua: Ahli[2] Yang Berhormat Persidangan ini di-tempohkan sa-hingga pukul 8.00 malam ini.

Persidangan di-tempohkan pada pukul 4.30 petang.

Persidangan di-sambong sa-mula pada pukul 8.00 malam.

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

THE HIRE-PURCHASE (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] bernama "the Hire-Purchase (Amendment) Bill" di-bachakan kali yang kedua sekarang.

Mr President, Sir, may I have your permission to speak in English on the principles of this Bill in the absence of the Minister, as I usually do? (*Permission granted*).

Mr President, Sir, there is nothing very controversial about this Bill. As is given in the Explanatory Statement, the Bill seeks to amend the Hire-Purchase Act, 1967, by defining the word "goods" and adding a new section 47 to exclude the application of legislations relating to Bills of Sale to any provision in a hire purchase agreement in respect of replacements and accessories added by a hirer during the period of hiring which are to pass to the owner in the event of termination of the hire-purchase agreement otherwise than by purchase of the goods by the hirer.

Section 37 is also amended to increase the penalty provided therein for fraudulent sale or disposal of goods by the hirer.

Amendment to the Fifth Schedule is merely to correct a drafting error.

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

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 hingga 5 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG[2] PERUNDANGAN SARAWAK (PENGGUNAAN WANG[2] YANG DI-PINJAM DARIPADA PERSEKUTUAN)

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan supaya Rang Undang[2] Badan Perundangan Sarawak (penggunaan wang[2] yang di-pinjam daripada Persekutuan), 1968, di-bacha kali yang kedua sekarang.

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

Menteri Kebajikan 'Am (Tuan Haji Hamid Khan): Tuan Yang di-Pertua, Council Negeri Sarawak telah meluluskan Ordinance Pinjaman (Pengurusan Sekolah), 1964, pada 25 haribulan Februari, 1964, ia-itu sa-lepas Hari Malaysia. Ordinance itu memberi kuasa kapada Kerajaan Negeri itu meminjam daripada Kerajaan Persekutuan wang berjumlah tidak lebeh daripada $3 juta atas sharat[2] yang di-persetujui di-antara kedua[2] buah Kerajaan. Mengikut Sekshen 5 Ordinance itu wang[2] yang di-pinjam di-bawah Ordinance tersebut akan di-masokkan ka-dalam Tabong Pinjaman kapada Pengurus[2] Sekolah yang di-gunakan mengikut peratoran yang di-tetapkan di-bawah Loans to Aided Schools Regulations, 1956.

Oleh kerana pelajaran ia-lah satu perkara tanggong-jawab Kerajaan Persekutuan, Ordinance itu sa-takat sekshen yang di-nyatakan di-atas adalah mengatasi had kuasa Perlembagaan. Rang Undang[2] ini bermaksud hendak memberi kuasa kapada Badan Perundangan Sarawak di-bawah Perkara 76A, Perlembagaan Persekutuan bagi membuat undang[2] berkenaan dengan penggunaan wang itu untok maksud[2] yang tersebut tadi. Pada hakikat-nya Rang Undang[2] ini bermaksud hendak mengesahkan Sekshen 5 Ordinance itu supaya berkuat-kuasa ka-belakangan.

Tuan Yang di-Pertua, saya mohon menchadangkan.

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

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal 1 dan 2 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG[2] (MENGUATKUASAKAN NAFKAH) PEREMPUAN BERSUAMI DAN KANAK[2]

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua. saya mohon menchadangkan ia-itu satu Rang Undang[2] bernama "Rang Undang[2] (Menguatkuasakan Nafkah) Perempuan Bersuami dan Kanak[2]" di-bachakan kali yang kedua sekarang.

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

Tan Sri T. H. Tan: Mr President, Sir, please allow me to give the explanation on this rather technical Bill in English.

(Permission granted).

Mr President, Sir, in September, 1967 at a meeting held in the Ministry of Justice with the representatives of the National Council of Women's Organisations, several proposals with the view to amend certain laws in this country for the purposes of improving the position of women were received. Among these proposals were the proposals to amend the laws so as to provide for the Courts to be empowered—

(*a*) to make an order for payment made under any maintenance Order to be paid to the Court; and

(*b*) in the case of a husband who is a wage-earner, to make an order that his employer should be required to deduct the amount under a maintenance Order from the salary of the husband.

The laws enforced in the States of Malaya with respect to the powers of the Court to make an Order of maintenance in so far as the non-Muslims are concerned, are contained in the Married Women and Children (Maintenance) Ordinance, 1950 and the Divorce Ordinance, 1952. The powers of the Court to make a provisional Order or to confirm a Maintenance Order made by a Court in England or Northern Ireland and certain other countries are contained in the Maintenance Order (Facilities for Enforcement) Ordinance, 1949. In respect of persons professing the Muslim religion, an Order of Maintenance may be made as provided in the laws relating to administration of Muslim Laws in the States. Section 3 of the 1950 Ordinance aforesaid provides that if any person neglects or refuses to maintain his wife or legitimate child, a Sessions Court or Court of a First-class Magistrate may order such person to make a monthly allowance for the maintenance of his wife or such child in proportion to the means of such person. By virtue of section 4 of that Ordinance, if any person fails to comply with an Order made as aforesaid, then the Court may for every breach thereof by warrant direct the amount due to be levied in the manner provided by law for levying fines by such Court or may sentence such person to imprisonment. Thus, it can be seen that although the laws provide a sanction for non-compliance with a Maintenance Order, it still does not ensure that the wife or child, being the object of the order, receives the payment directed to be made for their benefit.

Under the Divorce Ordinance, 1950, the High Court or a judge thereof may, under section 30 of that Ordinance, make an Order in respect of alimony pending the suit under the Ordinance and the alimony shall not in any case exceed one-fifth of the husband's average net income for the three years next preceding the date of the Order. The Court may also under section 31 of that Ordinance order the husband to secure to the wife a permanent alimony of such annual sum of money for any term not exceeding her life, according to the ability of the husband to pay and conduct of the parties as the Court seems reasonable. If the husband afterwards for any cause becomes unable to make the payment, the Court may discharge or modify the Order or temporarily suspend the Order as the Court thinks fit.

Under the Maintenance Orders (Facilities for Enforcement) Ordinance, 1949, which was promulgated for the purpose of enforcing Maintenance Orders made in certain countries, in the States of Malaya and vice-versa, the local court having jurisdiction to try suits relating to maintenance of wives and children has the power to confirm a Maintenance Order made in any of those countries. The procedure is set out in section 6 of that Ordinance. When an Order has been confirmed, the person bound thereby shall have the same right of appeal against the confirmation of the Order as he would have had, had the Order been an Order made by the Court which has confirmed it.

The Government has considered the problems and difficulties of enforcing Maintenance Orders and has proposed in the Bill to provide for more effective methods of enforcing Maintenance Orders which have been made, or are being made, under the various laws as aforesaid, so as to ensure to the unfortunate wives and children the benefits under the laws.

The provisions of this Bill will empower the Court, which is making a Maintenance Order or which has previously made a Maintenance Order, to make a further order called the Attachment of Earnings Order. In Clause 3 of the Bill, the expression "earning" is defined to mean any sums payable to the defendant-husband by way of wages or salary including any bonus or commission and any sum payable to him as pension, gratuities or annuities including any compensation.

The application for an Attachment of Earnings Order may be made in the proceeding in which a Maintenance Order is applied for or in any subsequent proceeding as provided for in Clause 4 (2). The Attachment of Earnings Order made as aforesaid shall require the person, who appears to the court to be the defendant's employer, to make the payment out of the earnings falling to be paid to the defendant. The amount to be prescribed in an Attachment of Earnings Order shall be such sum as the court thinks reasonable taking into consideration the sources of his income and the needs of the defendant and the needs of the persons for whom he should provide.

By virtue of Clause 6 of the Bill, when an Attachment of Earnings Order is made, all other proceedings for the enforcement of the original Maintenance Orders shall be suspended. The Court may make an order to discharge or vary an Attachment of Earnings Order and in any case an Attachment of Earnings Order shall cease to have effect upon the issue of a warrant directing that the amount due under the original Maintenance Order shall be levied in the manner provided by law for levying fines or upon the making of an order sentencing the defendant to imprisonment for not having complied with the original Maintenance Order or upon the rescission of the original Maintenance Order.

The duties of the defendant and the employer of the defendant to comply with the Attachment of Earnings Order are set out in Clause 7 of the Bill.

Clause 8 of the Bill gives the Court additional powers, namely, that either before or at the hearing of an application for the Attachment of Earnings Orders, the Court may order the defendant to furnish it with the name and address of his employer or such other particulars as may be specified. The Court is also empowered to order the employer of the defendant to furnish the Court with a statement relating to the earnings of the defendant.

The Court shall determine whether payments to the defendant of a particular class of description specified in the application are earnings for the purposes of making the Order. This power of the Court is given in Clause 9. The procedure of making payment under the Attachment of Earnings Order is set out in Clause 10.

In the case of earnings falling to be paid by the Government or out of the Consolidated Fund the earnings shall be treated as falling to be paid by the Chief Officer for the time being in charge of the department. This is provided for in Clause 11.

Penalties for non-compliance with any Attachment of Earnings Order or other duties imposed by the provisions of this Bill are as set out in Clause 12 of the Bill. Where the income of the defendant is derived from sources other than earnings as defined in Clause 3 of the Bill the Court may, on application of the person for whose maintenance the Order is to be made or on the application of the guardian of such person, make an order that any sum of money payable under the Order shall be paid direct to the Court on such day as the Court may deem fit. Upon the receipt of such payment the Court will then pay the sum to the person for whose maintenance the

Order was made. This is provided in Clause 13 of the Bill. If the defendant fails to comply with the order to make payment to the Court as aforesaid and if sufficient cause is not shown, the Court may proceed to recover the amount by issuing a warrant for the attachment and sale of the property belonging to the defendant. If the amount payable cannot be recovered by such attachment and sale the Court may then direct that the defendant shall suffer imprisonment for a term not exceeding one month for every such failure to comply with the Order of the Court. This procedure is as set out in Clause 13.

This Bill also seeks to provide for an authorisation for the State Legislatures to apply the provisions of the Bill to Maintenance Orders made by the Shariah Court. The power of Parliament to extend the legislative powers of a State is prescribed in Article 76A of the Federal Constitution. According to the State List of the Ninth Schedule to the Federal Constitution, a State Legislature is competent to legislate on matters relating to "maintenance" in respect of persons professing the Muslim religion. But the provisions of this Bill go further than merely the enforcement of Muslims laws relating to maintenance as, for example, the additional powers given to the Courts in making the Attachment of Earnings Orders and also the duties imposed on the employers of the defendant. It is also beyond the competency of the State Legislatures to require the making of the payment by Government Departments as provided in Clause 11 of the Bill.

Sir, I beg to move.

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

Tuan Haji Ahmad bin Haji Abdullah: Dato' Yang di-Pertua, saya bangun menyokong Rang Undang[2] ini. Rang Undang[2] ini, kalau tidak silap saya, ada-lah untok 'am kapada semua perempuan[2] tidak kira ugama apa juga. Bukan-kah bagitu? Saya fikir bagitulah, chuma berkait di-sini satu sahaja mengenai fasal Mahkamah Shariah ada mendapat kuasa ini.

Yang pertama, Dato' Yang di-Pertua, saya bangun menyokong Rang Undang[2] ini kerana pada pendapat saya halehwal yang berkaitan dengan perkara nafkah boleh di-katakan banyak perkara[2] yang terjadi yang tidak di-ingini. Di-dalam Rang Undang[2] ini peluang ada kapada Mahkamah[2] Shariah manakala di-putuskan bahawa satu[2] keputusan atau mengenai saraan[2] suami terhadap isteri-nya dan anak-nya, maka dengan ada-nya Rang Undang[2] ini dapat-lah negeri[2] yang tidak ada mempunyai kuasa, saya rasa, dapat-lah mengambil tindakan dengan sa-keras[2]-nya ka-atas siapa juga suami[2] yang tidak mahu mematohi atau bertanggong-jawab untok menyarakan isteri[2] atau anak[2] mereka. Chuma Mahkamah Shariah dapat kuasa menghukum dan mendenda mengikut Rang Undang[2] ini, tetapi perkara[2] yang berkaitan dengan chara saraan[2] nafkah yang akan di-kenakan ka-atas suami itu sudah tentu agak saya-lah kena balekkan kapada Mahkamah Shariah sendiri memutuskan di-atas chara shara'—kalau tidak silap saya bagitulah.

Masaalah nafkah ada-lah perkara yang sangat rumit. Saya tahu banyak kejadian[2] terhadap isteri[2] yang telah di-tinggalkan oleh suami-nya sampai bertahun[2] dengan tidak mengambil peduli sama ada isteri-nya atau anaknya; hendak di-katakan cherai, tidak di-cheraikan; hendak kata ada suami, tetapi suami menjengok pun tidak—tidak usahkan hendak beri saraan. Perkara ini selalu terjadi kadang[2] membawa kapada sedeh. Saya dapati banyak pengaduan[2] yang telah dihadapkan kapada saya sendiri dengan mencheritakan hal keadaan perbuatan[2] suami terhadap isteri kadang[2] di-dapati perkara[2] yang di-lakukan oleh si-suami itu sudah terkeluar daripada tanggongjawab yang di-kehendaki oleh shara'.

Sa-benar-nya di-negeri[2] lain saya tidak tahu, tetapi di-Pulau Pinang sudah pun biasa di-hukum, kalau tidak bayar denda akan di-hantar ka-jail, dan di-ambil tindakan yang keras ka-atas sa-tengah[2]-nya yang meninggalkan isteri-nya, kadang[2] sampai dua tiga tahun dengan tidak mengambil peduli, manakala di-bicharakan di-dapati benar

bahawa perkara[2] kezaliman yang telah di-lakukan oleh si-suami, Kadhi-nya sendiri telah menjatohkan hukum sudah beberapa kali, tetapi saya tidak tahu di-Negeri[2] lain. Sebab yang saya tahu bagitu, saya sa-orang daripada-nya menjadi sa-orang dalam Jawatan-kuasa Appeal.

Yang pelek-nya sa-kali, dahulu saya sudah katakan, kebanyakan orang[2] Melayu chuma mengetahui keadaan kedudokan anak-nya, chara[2] urusan rumah-tangga dan lain[2]-nya, tetapi boleh di-katakan mereka tidak hirau sangat bagaimana-kah anak-nya itu manakala jadi sa-orang isteri, atau si-laki[2] pula yang dia bakal jadi suami, pengajaran[2] itu tidak di-adakan sama sa-kali. Saya kata terang[2], dalam kalangan orang Melayu—saya pun orang Melayu juga—99 peratus dari-pada-nya yang saya berani berkata bahawa mereka itu chuma tahu hendak bernikah sahaja, tetapi tidak tahu bertanggong-jawab. Laki[2] pun sa-rupa, perempuan pun bagitu juga. Ini terang[2] saya chakapkan yang lain[2] tidak usah kira-lah; tetapi yang aneh-nya tidak usah hendak tahu tanggong-jawab yang si-laki[2] itu sendiri apabila hendak menerima akad nikah itu tergagap[2] sampai dua tiga empat kali, berpeloh[2] hendak menjawab. Ini penyakit-nya; tidak usah hendak tahu perkara[2] ini; padahal dalam shara' ada chukup di-beri peluang chukup kapada pehak perempuan, tetapi malang-nya si-perempuan itu tidak tahu menuntut hak-nya, sebab dia tahu nikah sahaja, tetapi dia tidak tahu tanggong-jawab-nya. Laki pun sa-rupa juga, dia tahu menikah sahaja, tetapi dia tidak tahu tanggong-jawab terhadap isteri-nya. Maka Kerajaan kita ini telah me-ngambil satu peranan yang baik dan sudah kena pada tempat-nya sa-bagai sa-buah Kerajaan yang telah menjadi-kan Islam sa-bagai Ugama Rasmi, jadi menasabah, kalau tidak silap saya, daripada zaman Nabi Muhamad lagi dalam pemerentahan Islam sendiri satu daripada-nya Bab Munakahat, erti-nya bab nikah-kahwin, maka di-buat pula Undang[2] Tahsinul Marhah, membaik-kan keadaan kedudokan perempuan[2]; jadi pembenaan daripada pehak Kera-jaan sekarang ada undang[2]. Jadi Rang Undang[2] ini orang yang betul, orang yang erti, orang yang faham, tidak payah ada-nya Rang Undang[2] ini, kalau dia tahu tanggong-jawab.

Agak saya Rang Undang[2] ini, ia-lah supaya ada satu kuasa untok di-letak-kan satu hukuman kapada pehak suami[2] yang tidak bertanggong-jawab, Rang Undang[2] ini ada-lah kena pada tempat-nya. Manakala sa-belum Rang Undang di-luluskan, maseh lagi Rang Undang[2] ada lagi di-Dewan Ra'ayat, akhbar[2] telah pun mengulas bahawa kaum[2] ibu telah menang sa-tapak ka-hadapan daripada kaum bapa. Ya betul, tanggong-jawab ini bukan suami sahaja bertanggong-jawab ka-atas isteri; agak saya isteri pun ada tanggong-jawab ka-atas suami-nya, yang susah sa-kali dalam Islam. Dalam Islam tiap[2] suami ada-lah bertanggong-jawab me-nyara nafkah, kalau dia tidak sara, dia akan di-hukum, sebab tanggong-jawab-nya tidak dapat di-elakkan sa-kali pun; kalau isteri-nya kaya, bukan mesti miskin, walau isteri-nya kaya sa-kali pun yang suami bukan orang kaya, tanggong-jawab sara mesti, sama ada terhadap isteri-nya atau anak-nya. Kalau di-tinggalkan dengan tidak ber-sara, nanti kena denda lagi. Jadi Rang Undang[2] ini ada-lah bagi menguat-kuasakan hukuman ka-atas suami[2]; kalau dia hendak engkar, Undang[2] sudah ada supaya dapat di-hukum. Pada masa[2] yang lalu dahulu pendek kata banyak daripada kaum[2] perempuan ini chukup sedeh. Perempuan[2] yang tidak chukup kuat iman-nya tinggal tergan-tong bagitu sahaja; perempuan kalau dia lemah sadikit iman-nya, harus jadi tidak berapa baik; kalau tidak silap saya daripada perbuatan sa-macham ini sudah pun ada terkadang[2] terjadi.

Jadi, saya tidak hendak membawa perkara[2] lain, chuma perkara ini ter-paksa-lah negeri[2] pula kena meng-ambil bahagian untok mengikatkan lebeh lagi terhadap suami[2] yang tidak bertanggong-jawab. Tetapi walau bagai-mana pun, Rang Undang[2] ini di-buat sa-ketat[2]-nya boleh di-hukum ka-atas suami yang engkar, tetapi hendak-lah kembali balek sa-mula kapada tujuan shara'-nya yang asal yang di-kehendaki dalam pergaulan hidup suami-isteri itu; khas-nya dalam Islam.

Tujuan perkahwinan ia-lah supaya dua orang suami isteri sama[2] bertanggong-jawab sa-telah redha daripada mula lagi biar-lah di-tumpukan sampai akhir-nya hidup di-dalam rukun aman dan damai supaya masharakat itu berjalan dengan baik. Maka sebab itu Shara' ada satu, kalau di-antara suami dengan isteri itu bagaimana di-buat sa-kali pun tidak dapat hendak di-damaikan, bagaimana di-pertindak-kan tidak upaya hendak di-betulkan, hak Kadhi ada memfarakkan di-antara suami dan isteri. Tidak payah lagi si-perempuan hendak berkata macham mana hendak buat talak ada di-tangan laki[2]; kata si-laki engkau jangan keras kepala, talak ada di-tangan aku. Hak[2] tersebut di-beri chukup. Sa-kadar-nya bila jadi perbalahan di-antara suami-isteri hendak di-pertindakkan pun tidak tahu, hendak di-tuju ka-mana arah dia pun tidak tahu, kadang[2] dia datang ka-rumah saya, saya tanya dan meminta dia cheritakan hal keadaan dia dengan suami-nya yang telah di-tinggalkan dengan tidak di-beri saraan apa[2] terhadap anak[2]-nya; saya minta supaya di-cheritakan keadaan-nya, dia sendiri pun tidak tahu hendak cherita, yang aneh-nya tanya, pun tidak tahu dia hendak jawab; ini yang susah. Bila saya kata khas-nya orang[2] Melayu, kerana orang lain saya tidak tahu-lah boleh jadi juga orang lain pun bagitu; tetapi dalam orang Melayu berugama Islam pandai menikahkan anak sahaja, tetapi tidak tahu memberi bagaimana anak itu boleh jadi sa-orang lelaki jadi sa-orang bapa, yang perempuan jadi sa-orang ibu.

Saya tengok lagi satu kena buat—sebab apa—kalau si-perempuan menghadapkan satu undang[2] untok mengikatkan si-suami hingga sampai harta[2] dia, gaji-nya dia boleh di-tahan, boleh di-uruskan dengan majikan, hendak lari tidak boleh, awak lari saya berurus di-pejabat majikan tidak beri majikan pun kena mengikut undang[2] ini. Tentu kaum bapa pula akan berkata, kalau sudah kaum ibu buat sa-macham itu, kita pula kena, membuat satu undang[2] untok mengikat mereka, keluar pula yang kaum bapa undang[2]-nya, kalau main keras dengan undang[2] sahaja tidak jadi-lah; ada lebeh baik saya rasa tambah satu lagi; sunggoh pun tidak ada di-buat, chuba di-adakan agreement pula. Sa-belum dalam Islam di-adakan agreement, orang[2] lain, saya tidak tahu-lah, boleh jadi ada—tidak-lah saya tahu tentang itu. Orang China-kah, orang Inggeris-kah agak saya ada perjanjian mereka. Dalam orang Islam patut di-adakan satu perjanjian sa-belum daripada dia khutbah dan akad nikah—macham nasihat; tetapi kedua[2] pun tidak tahu—si-laki pun tidak tahu, si-isteri pun tidak tahu di-bachakan khutbah Arab. Jadi sa-patut-nya di-perketatkan lagi supaya senang pada masa terjadi perbalahan atas tuntutan[2] mengenai sara nafkah kapada kedua[2] sa-kali sama ada si-laki[2] yang tidak menunaikan tanggong-jawab-nya, atau perempuan yang tidak menunaikan tanggong-jawab-nya. Jangan sa-belah sahaja. Kalau hendak di-pandang sa-belah lelaki sahaja tidak bertanggong, yang sa-belah perempuan kita tidak ambil perkara[2] yang tidak bertanggong, sebab dalam Islam sunggoh pun di-letakkan sara nafkah itu keras, semua khadam[2] dalam rumah mesti di-beri dengan chukup-nya, tetapi sharat-nya ada pula kata perempuan, kalau tidak di-beri keta'atan yang chukup, agak saya dalam shara' kalau dia keluar rumah dengan tidak berizin, jahanam dia. Kalau hendak di-tuntut sara nafkah susah, sebab dia sudah terkeluar daripada keizinan suami-nya sendiri. Maka sebab itu-lah saya shorkan kalau boleh bagi tiap[2] negeri, kalau yang sudah ada tidak apa-lah, sa-belum daripada akad nikah, patut di-adakan satu agreement di-berikan dia turunkan tanda-tangan di-hadapan Kadhi dan di-beri sa-orang satu salinan serta salinan itu ada di-Kadhi yang telah mengkahwinkan. Kalau berbangkit lagi ketat sadikit hukuman itu akan di-letakkan kapada sa-siapa juga di-antara kedua[2] yang engkar, kalau tidak bertanggong-jawab; jadi, baharu-lah kena kedua sa-kali—kalau jaga sa-belah sahaja barangkali susah sadikit.

Itu-lah chara sokongan saya terhadap Rang Undang[2] yang telah di-kemukakan mengenai sara nafkah.

Perkara yang lain saya tidak dapat hendak berchakap apa[2] chuma kelebehan-nya Mahkamah Shariah dapat bertindak, tetapi yang sudah satu lagi,

Kadhi[2] ini pula. Ini pun satu susah juga, tidak ada kechekapan ada sa-tengah[2]-nya—ini yang susah sadikit.

Dalam perkara yang berkaitan dengan Kadhi atau pun sharat[2] bagi sa-orang hendak menjadi Kadhi tidak di-ketahui, tidak di-pelajari betul[2]; jadi, sebab itu-lah kadang[2] macham[2] perkara terjadi dan tumboh tempelak[2] Kadhi[2] menekan sa-belah, Kadhi[2] dzalim macham[2] terjadi. Sa-benar-nya kerana terjadi-nya perkara itu ia-lah dari sebab orang yang hendak menyelesaikan atau yang hendak menghukum isteri-nya itu pun tidak tahu, tidak mahir dalam perkara hal ehwal chara munakahat atau pun chara[2] yang berkait dengan perkahwinan. Itu-lah sebab-nya sa-lalu berbangkit.

Jadi tidak payah-lah saya panjangkan uchapan saya, chuma satu lagi yang patut di-ingat di-atas Rang Undang[2] ini, ia-itu di-adakan satu perjanjian sa-belum daripada akad, erti-nya sa-belum daripada khutbah, sain dahulu di-situ, bila berbangkit besok, si-isteri hendak membangkitkan tuntutan dia, kalau ada perkara[2] yang berbangkit dengan saraan, si-suami juga dia akan tahu apa tanggong-jawab yang tidak di-tunaikan; kalau kena chukup kesalahan dia, maka si-perempuan boleh ambil hak, tetapi kalau si-perempuan yang salah hendak di-ambil tindakan—tidak boleh. To' Kadhi tidak mahu hukum. Jangan fikir undang[2] ini dapat di-gunakan dengan sa-penoh-nya, sebab undang[2] ini saya tahu sa-mata[2] kalau tiap[2] suami yang di-kenakan tuntutan sara nafkah sa-hingga kalau dia hendak engkar, boleh di-hukum; kalau dia ada hak[2] di-majikan[2] lain[2], boleh di-tuntut, boleh di-tahan; gaji-nya jadi dalam Mahkamah Shariah ini perkara sudah ada—tetapi tidak tahu di-negeri lain[2], Pulau Pinang sudah ada. Jadi dengan sebab itu bagi menjaga hak perempuan mengikut dalam Islam khas-nya, membaiki keadaan kedudokan perempuan supaya dia hidup dalam keadaan tidak teraniaya daripada perbuatan[2] yang lain, atau pun daripada pehak suami-nya sendiri, maka pada shara' mewajibkan ada satu undang[2] menchegah-kan perbuatan[2] yang tidak baik yang di-kenakan kapada perempuan[2]. Jadi dengan sebab itu-lah saya sokong Rang Undang[2] ini. Terima kaseh.

Puan Aishah binti Haji Abdul Ghani: Tuan Yang di-Pertua, saya berdiri bagi menyatakan terima kaseh saya kapada pehak Kerajaan dan mengalukan[2] sa-buah Rang Undang[2] yang sekarang ini sedang di-binchangkan di-dalam Dewan ini. Sa-sunggoh-nya Rang Undang[2] ini, pada pandangan saya, ia-lah untok menambah perlindongan kapada wanita[2] Islam, kerana sa-belum ini telah pun ada Undang[2] Nafkah bagi Isteri dan Anak[2], tetapi saperti Undang[2] yang ada pada tahun 1949, 1950 dan 1952, itu tidak-lah meliputi kapada kaum Islam.

Dato' Yang di-Pertua, Rang Undang[2] ini telah pun dapat memberikan chara[2] supaya dapat-lah kira-nya suami[2] yang engkar itu di-paksa membayarkan tanggong-jawab-nya kapada isteri dan anak-nya, ia-itu dengan kuasa tambahan kapada majikan memotong, sama ada gaji atau pun pendapatan si-suami.

Dato' Yang di-Pertua, izinkan-lah saya mengambil masa agak panjang sadikit, ia-itu pada pandangan saya Rang Undang[2] yang ada di-hadapan kita ini hanya-lah akan memberi kesan sa-penoh-nya, kalau-lah Kerajaan[2] Negeri mahu mengambil undang[2] ini di-jadikan undang[2] di-Negeri[2] yang ada di-Tanah Melayu ini, ia-itu Negeri[2] ini-lah yang ada kuasa membuat peraturan[2] bagi orang[2] Islam. Jadi, saya mendapat faham, Dato' Yang di-Pertua, bahawa Majlis Raja[2] Melayu telah pun bersetuju untok menerima Rang Undang[2] ini apabila di-jadikan Undang[2] kelak, maka saya suka-lah meminta penjelasan kapada pehak Kerajaan sama ada benar-kah atau tidak Majlis Raja[2] Melayu telah bersetuju bahawa Rang Undang[2] ini akan di-pakai di-Negeri masing[2]. Saya ulang sa-kali lagi, ia-itu saya minta penjelasan kapada pehak Kerajaan sama ada benar-kah pehak Raja[2] Melayu atau pun Majlis Raja[2] Melayu, telah bersetuju mengambil undang[2] ini untok di-bawa ka-Negeri masing[2] di-jadikan undang[2] supaya baharu-lah ada kuat kuasa-nya itu berjalan.

Dato' Yang di-Pertua, kalau saya pandang lagi sa-takat mana-kah Undang[2] ini kelak akan dapat melindongi isteri[2] yang teraniaya saya maseh nampak ada lagi *loopholes,* atau pun tempat[2] yang mereka[2] ini boleh lagi lepas daripada tanggong-jawab saperti yang di-sebutkan dalam Fasal 5 itu, cheraian (2), ia-itu tentang jumlah yang di-kehendaki di-tetapkan dalam satu perentah tahanan pendapatan tenaga ia-lah wang yang Mahkamah fikirkan sa-bagai patut, sa-lepas menimbangkan keupayaan[2] dan keperluan[2] pehak kena tuntut dan keperluan[2] orang[2] yang bagi-nya pehak kena tuntut wajib atau sa-patut-nya menanggong. Dengan ada-nya cheraian (2) saperti ini, tentu-lah rasa saya Mahkamah sangat bertimbang rasa kapada sa-orang suami kata-lah yang pendapatan kechil kalau isteri-nya dua, anak-nya banyak, maka sudah di-cheraikan satu isteri, kerana hendak kahwin dengan isteri lain, kalau-lah di-bawa juga perkara ini kapada Mahka-mah pendapatan barangkali $180 sa-bulan anak-nya ada 11 orang, bagai-mana-kah jumlah yang akan boleh di-luluskan oleh Mahkamah untok me-nyarakan anak[2] yang ibu-nya ini sudah di-cheraikan oleh si-suami? Ini-lah penyakit yang rasa saya terpaksa saya sebut dalam Dewan ini yang maseh berlaku di-negeri kita ini, ia-itu pen-cheraian yang maseh mudah di-kala-ngan orang[2] Islam.

Jadi, Dato' Yang di-Pertua, kalau-lah pehak Kerajaan, pehak Kerajaan Pusat, pehak Kementerian Ke'adilan, boleh menggunakan Fasal 76 dalam Perlembagaan, kenapa-kah pehak Kera-jaan Pusat juga tidak dapat mengada-kan undang[2] yang lengkap supaya dapat-lah semua perkara[2] yang meli-batkan kehidupan kaum wanita di-negeri ini, dapat-lah kira-nya di-buat-kan undang[2] dan di-recommendkan kapada Kerajaan Negeri saperti Kera-jaan Pusat telah buat dalam undang[2] ini supaya dapat-lah perkara[2] itu jangan-lah langkah yang di-buat hanya-lah sa-kerat, tetapi *loopholes,* atau pun kelemahan[2] yang dapat di-gunakan oleh puak[2] itu maseh tetap memberikan kesempatan kapada mereka[2] yang hendak menggunakan-nya terlepas dari-pada tanggong-jawab-nya.

Oleh kerana ini-lah, Dato' Yang di-Pertua, sunggoh pun saya mengalu[2]kan-nya, tetapi saya maseh ragu, saya maseh sangsi sama ada benar undang[2] ini kelak apabila telah di-luluskan oleh Dewan yang mulia ini dan telah di-kanunkan sa-bagai undang[2] negara dapat-lah kira-nya kaum[2] wanita di-negeri ini berlindong, dapat-lah kira-nya tiap[2] suami yang kejam itu melaksana-kan tanggong-jawab dan mengisi ke-perluan anak[2] yang sa-benar[2]-nya patut. Pada hari ini kita tahu kalau-lah dua anak di-tanggong oleh sa-orang bapa hanya $15 sa-bulan, ini-lah keputusan yang di-beri oleh Mahkamah, bagai-mana-kah ibu ini akan hidup dengan dua orang anak dengan $15 sa-bulan? Jadi, ini-lah yang mendukachitakan hati saya; ada dalam undang[2] berjalan dengan undang[2], tetapi dengan ada-nya kelonggaran[2] dan dengan ada-nya pe-rasaan tidak bertanggong-jawab dari sa-tengah[2] suami. Maka ini-lah dia, Dato' Yang di-Pertua, ini-lah yang selalu, rasa saya, menimbulkan ke-kechewaan. Saya tidak-lah bagitu bim-bang melihatkan ibu[2] ini, tetapi saya lagi merasa sedeh kapada anak[2] yang memerlukan perbelanjaan pada hari persekolahan dan sa-bagai-nya; maka ini-lah yang saya sebutkan lagi me-ngalu[2]kan undang[2] ini, tetapi saya maseh sangsi undang[2] ini sa-benar[2]-nya akan dapat menyelesaikan masaalah[2] yang di-hadapi oleh kaum wanita di-negeri ini.

Rang Undang[2] ini hanya-lah me-nolong wanita[2], kalau-lah suami-nya itu tidak bersama lagi dengan dia, atau pun engkar menjelaskan nafkah sama ada di-cheraikan, atau suami itu tidak balek ka-rumah dan sa-bagai-nya, tetapi dalam Undang[2] Negeri[2] yang saya tahu berkenaan dengan soal nikah, cherai ini, maka terdapat-lah beberapa ke-lemahan[2], ia-itu kalau-lah sa-orang itu nikah saperti yang di-katakan oleh Yang Berhormat Tuan Haji Ahmad tadi; tidak-lah di-beritahu langsong tentang tanggong-jawab itu soal lain-lah, tetapi dalam surat nikah itu pun tidak ada lain yang di-sebut, nama yang lelaki[2], nama yang perempuan, emas kahwin dia berapa, hutang-kah, tunai, itu-lah yang telah di-sebutkan dalam surat nikah itu dengan tidak sadikit pun membayangkan *significance,* atau

apa juga butir[2] perjanjian antara suami isteri itu dan dapat barangkali kalau dia pandang pada surat nikah itu dapatlah kira-nya dia mengingatkan betapa besar tanggong-jawab mereka dudok dalam sa-buah rumah tangga.

Lepas itu pula, Dato' Yang di-Pertua, tentang soal cherai lagi, saya sebutkan soal nikah ini pun sadikit dahulu telah bergema di-sana sini emas kahwin naik, mahal bagitu, bagini. Ada di-satengah negeri[2] yang mahal, tetapi ada juga faedah[2]-nya emas kahwin yang ada juga ibu bapa yang cherdek mahu juga dia menetapkan emas kahwin itu sampai mahal $2,000, $3,000 tetapi tidak payah bayar, ia-itu hutang, dan kalau engkau cheraikan anak saya, baharu-lah awak bayar hutang ini—ada juga. Tetapi di-sa-tengah[2] negeri macham negeri Selangor, tidak memberikan emas kahwin lebeh daripada yang di-tetapkan oleh adat negeri Selangor, ia-itu kalau tidak salah saya sa-banyak $80 daripada $100 di-turunkan $80 untok anak dara dan orang janda barangkali rasa saya $40.

Jadi, ada-lah sa-saorang bapa yang dia tahu kerana laki[2] ini tergila[2] hendakkan anak perempuan dia kemudian si-bapa-nya ini pun tahu laki[2] ini—ma'af saya berchakap—"mata keranjang" yang telah pernah melakukan, mengechewakan beberapa wanita lain malang-nya kerana anak-nya terlalu-lah sayangkan laki[2] ini, maka sa-hingga-lah bapa ini membuatkan perjanjian untok mas kahwin sa-banyak $5,000; tetapi malang-nya bila hendak menikah di-negeri Selangor ini perkara macham ini tidak di-luluskan oleh undang[2] negeri Selangor, malah bapa ini terpaksa-lah pergi membawa anak-nya pergi ka-Melaka dan nikah di-Melaka. Jadi, tidak-lah sa-benar-nya semua sakali burok kalau mas kahwin mahal ini bukan-lah kira jual beli, tetapi ada-lah berupa satu ikatan yang mengikat laki[2] ini, kalau dia hendak mencheraikan isteri itu, maka terpaksa-lah dia barangkali mengadakan duit sa-banyak itu untok memberikan atau pun menjelaskan hutang mas kahwin kapada isteri. Ini pun pada pendapat saya tidak-lah sama sa-kali boleh menyelesaikan masaalah[2] yang di-hadapi oleh kaum wanita di-negeri ini.

Tentang soal cherai pula, Dato' Yang di-Pertua, saya hanya-lah berchakap, sebab saya orang negeri Selangor, saya hanya-lah tahu berchakap tentang hal[2] yang ada di-negeri Selangor, barangkali di-negeri[2] lain lebeh baik lagi, tetapi pada pendapat saya ada lagi Negeri[2] lain yang lebeh burok daripada negeri Selangor pun ada. Tentang cherai, Dato' Yang di-Pertua, biasa-nya di-dalam mahkamah[2] di-keluarkan-lah satu peratoran cherai orang Islam, maka di-dalam peratoran cherai itu ada di-sebutkan, kalau sa-saorang wanita yang telah di-cheraikan oleh suami-nya, maka boleh-lah wanita ini menuntut nafkah, menuntut alimony dan menuntut nafkah anak. Ini-lah kelemahan-nya kalau sudah dicheraikan maka baharu-lah pergi mengadu kapada Dato' Kadhi, "Saya sudah bercherai, suami saya tidak beri nafkah". Alang-kah elok-nya kalau-lah perkara[2] yang sa-umpama ini sa-belum-nya di-benarkan suami isteri itu bercherai maka di-tetapkan terlebeh dahulu soal[2] yang sa-macham ini harta si-penchari, tentang nafkah anak, bagitu juga tentang penjagaan anak siapa yang hendak memelihara ibu dia-kah, bapa dia-kah, perlu-lah Mahkamah Shariah mengambil tahu di-selesaikan dengan tidak payah lagi kalau sudah jatoh cherai baharu-lah si-isteri ini hendak pergi mengadu dengan Tuan Kadhi menuntut nafkah—kadang[2] laki[2] ini sudah tidak tahu lagi entah pergi ka-mana. Jadi, kerana ini-lah, Dato' Yang di-Pertua, sentiasa-lah menimbulkan kekechewaan, menimbulkan kepahitan hidup kapada kaum[2] wanita Islam.

Jadi, Dato' Yang di-Pertua, saya perchaya sa-lagi keadaan[2] dalam Mahkamah Shariah yang di-kadang kala-nya saperti yang di-sebutkan oleh Yang Berhormat Tuan Haji Ahmad tadi ada juga di-antara Dato'[2] Kadhi kita bukan-lah semua, tetapi ada yang berat sa-belah, ada yang pandang kulit kalau-lah orang itu sa-orang laki[2] yang berpangkat, sa-orang laki[2] yang di-segani, maka apa juga pengaduan laki[2] itu biasa-nya di-terima dengan tidak payah lagi di-timbangkan daripada pehak orang perempuan. Jadi, kerana ini-lah, Dato' Yang di-Pertua, segala kepinchangan[2] saperti ini sa-lagi tidak

di-perbaiki, sa-lagi tidak di-beri keadilan kapada kaum wanita, saya tahu, Dato' Yang di-Pertua, sunggoh pun ada undang[2] bahawa sa-saorang yang hendak bercherai terpaksa-lah suami isteri itu di-hadapkan di-mahkamah, tetapi maseh ada berlaku percheraian yang tidak di-buat dalam mahkamah, ia-itu si-laki[2] sahaja mencheraikan isteri dengan memberitahu Tuan Kadhi dengan tidak payah lagi di-beritahu kapada yang punya diri ia-itu isteri[2]-ini pun maseh berlaku sa-hingga-lah pada hari ini.

Ada lagi kejadian[2] yang menyedehkan hati saperti anak[2] sa-bagaimana yang di-sebutkan oleh Ahli Yang Berhormat itu tadi, ia-itu yang di-gantong tidak bertali, laki[2] yang tidak mahu mencheraikan isteri, tetapi pehak mahkamah juga kadang kala tidak dapat menyelesaikan masaalah saperti ini, ia-itu masaalah nushus dan saya tahu benar sa-saorang gadis yang telah di-paksa kahwin, kemudian tidak bersetuju dengan suami-nya kerana dia telah sayangkan sa-orang pemuda lain, tetapi malang-nya tidak dapat hendak kahwin sampai bila pun, kerana si-suami tidak mahu mencheraikan dia. Jadi, kerana ini-lah, Dato' Yang di-Pertua, bila di-hadapkan, bila di-bicharakan dalam mahkamah, si-perempuan memberi alasan macham mana-lah saya hendak kahwin kerana saya anggap orang ini saperti abang saya bagitu. Kemudian kata Tuan Kadhi pula, perasaan tidak kira dalam perkahwinan. Jadi, macham ini-lah keadaan[2] yang berlaku; kalau-lah perasaan tidak di-kira dalam perkahwinan, apa-kah lagi yang hendak di-kirakan, saya tidak tahu-lah.

Jadi-nya, Dato' Yang di-Pertua, kerana perkara[2] yang macham ini-lah yang sentiasa menimbulkan kekechewaan, sentiasa menimbulkan penindasan kapada kaum wanita kita kerana itu-lah, kalau pehak Majlis Raja[2] Melayu telah bersetuju menerima Rang Undang[2] saperti ini saya berharap benar-lah melihat perlaksanaan-nya itu akan dapat di-buat dengan saberapa chepat, kerana perkara[2] yang sa-macham ini, saya perchaya bukan-lah kaum ibu sahaja yang akan menderita, tetapi bangsa Melayu seluroh-nya yang akan menderita. Kalau-lah kita kaji sa-chara mana hendak memajukan orang[2] Melayu, tetapi kalau-lah kita tidak kaji macham mana kedudokan *stability of the family,* atau pun keterangan satu[2] keluarga, macham mana hidup rukun dan damai satu[2] keluarga, saya perchaya tentu-lah ini akan mengakibahkan dengan akibah yang tidak baik, menyebabkan banyak anak[2] kita yang tidak dapat belajar. Kalau-lah emak bapa sentiasa berkelahi, berchakaran dalam rumah, bagaimana-kah anak[2]-nya boleh hendak belajar dengan tenang? Kalau-lah bapa sudah tidak balek ka-rumah mithal-nya, kalau-lah bapa tidak hendak memberikan wang yang lebeh kerana anak-nya ini hendak belajar, maka bagaimana-kah anak[2] ini akan dapat meneruskan pelajaran[2]-nya.

Saya sa-kali[2] tidak-lah berkata, Tuan Yang di-Pertua, bahawa semua orang perempuan baik—tidak. Orang perempuan pun ada juga yang menyebabkan kekechohan rumah tangga dan sa-bagai-nya, tetapi yang perlu kita timbangkan pada hari ini ia-lah nasib anak[2] ini kerana tanggong-jawab, tanggong-jawab memberi nafkah ini ia-lah tanggong-jawab bapa dia. Jadi, kerana itu-lah, Dato' Yang di-Pertua, kalau-lah perkara[2] yang sa-umpama ini tidak dapat di-atasi lagi dan maseh ada lagi kelemahan[2], maseh ada lagi yang dapat melepaskan sa-saorang itu daripada tanggong-jawab itu, saya tidak fikir-lah Rang Undang[2] ini boleh dapat menolong dengan bagitu banyak kaum[2] wanita Islam, kerana kita maseh bergantong kapada Kerajaan[2] Negeri untok melaksanakan-nya sedangkan kita tahu dalam Kerajaan[2] Negeri itu dia-lah yang akan melaksanakan-nya, ia-lah Mahkamah[2] Shariah. Sa-lagi keadaan dalam Mahkamah Shariah ini tidak dapat di-perbaiki, sa-lama itu-lah rasa saya *enforcement* daripada apa Rang Undang[2] pun akan tidak dapat berjalan dengan baik. Saya menjunjong tinggi dan saya menghargai apa yang telah di-buat dalam Bill ini atau dalam Rang Undang[2] ini, kalau sa-kira-nya orang yang tidak makan gaji, tetapi berharta, boleh di-jual harta-nya, tetapi ada sa-gulongan suami[2] yang kerja pun tidak ada, harta pun tidak ada, apa-kah yang hendak di-potong, apa-kah

yang hendak di-ambil daripada dia? Masok jail pun tidak-lah juga dapat menyelesaikan masaalah anak[2] ini, kerana, Dato' Yang di-Pertua, tentu-lah barangkali pehak mahkamah akan merasa bertimbang rasa dalam soal ini.

Jadi, akhir-nya yang saya harapkan ia-lah, Dato' Yang di-Pertua, supaya keadaan[2] dalam Mahkamah Shariah itu dapat-lah di-baiki lagi di-masa hadapan dan kalau-lah pehak Kerajaan Pusat dapat menggunakan Fasal 76A itu untok merangkakan sa-buah Rang Undang[2] bagini tentu-lah rasa saya Kerajaan Pusat juga akan dapat mengadakan Rang Undang[2] yang lain yang difikirkan sesuai yang dapat memperbaiki keadaan[2] dan kepinchangan[2] yang ada dalam Mahkamah[2] Shariah pada hari ini.

Sa-kali lagi-lah, Dato' Yang di-Pertua, saya menguchapkan berbanyak[2] terima kaseh dan sa-kali lagi saya menyatakan sokongan dan penghargaan saya terhadap Rang Undang[2] ini. Terima kaeh.

Tuan Abdul Rahim bin Abdul Manan: Dato' Yang di-Pertua, saya berdiri ada-lah menyokong Rang Undang[2] yang di-bentangkan di-dalam Dewan yang mulia ini. Rang Undang[2] yang kita bahathkan pada hari ini ia-lah sa-buah Rang Undang[2] yang bermaksud hendak membuat peruntokan bagi satu pemberian kuasa bagi Dewan Perundangan Negeri memakai Rang Undang[2] ini. Walau pun Rang Undang[2] ini kita buat bagini chantek, bagini molek, untok melindongkan kaum wanita dan anak[2]-nya daripada di-aniaya oleh suami[2] yang tidak bertanggong-jawab, tetapi maseh lagi Rang Undang[2] ini belum dapat di-jalankan sa-lagi Kerajaan negeri tidak mahu menerima dan menjalankan.

Dato' Yang di-Pertua, andai-nya Rang Undang[2] ini di-terima dan dapat di-jalankan di-dalam negeri[2], maka satu kesulitan yang patut dan mesti di-atasi sama ada Kerajaan Pusat dapat memberikan nasehat kapada Kerajaan[2] Negeri supaya dapat mencharikan hakim[2] untok menghakimkan perbicharaan di-atas tuntutan[2] yang di-buat berkaitan dengan hal ini, terdiri daripada mereka[2] yang benar[2] faham dari beberapa segi, faham dari segi perjalanan Islam dan faham juga dari segi Rang Undang[2] ini. Jika tidak, saya takut kalau[2] hakim yang membicharakan itu nanti tidak faham dari selok belok Ugama Islam dengan sa-penohnya dan juga dari segi undang[2] yang ada ini takut[2] pula kaum[2] laki[2] teraniaya. Jadi, Tuan Yang di-Pertua, sa-telah Rang Undang[2] ini di-luluskan patut juga-lah pehak Kerajaan Pusat dapat memberi pandangan dan nasehat kapada Kerajaan Negeri sa-belum Rang Undang[2] ini di-laksanakan, untok pada mereka yang akan menjalankan Rang Undang[2] ini patut-lah di-chari benar[2] dan patut-lah juga untok mengadakan sa-orang pegawai daripada kaum wanita untok menyelideki atas perkara ini supaya dapat di-'adili dengan sa-benar[2]-nya dan juga sabagaimana yang di-nyatakan oleh Yang Berhormat Puan Aishah Ghani tadi, jangan-lah dengan ada-nya undang[2] ini kalau ada sa-orang suami yang tidak ada mempunyai kerja langsong boleh jadi di-hukum kerana undang[2] ini. Sekian, terima kaseh.

Tan Sri Haji Mohamed Noah bin Omar: Tuan Yang di-Pertua, saya suka mengambil bahagian sadikit membahathkan Rang Undang[2] yang ada di-hadapan Majlis ini. Yang saya tahu ini bukan-nya Rang Undang[2] berkenaan dengan nikah atau cherai atau emas kahwin, bahkan ini satu undang[2] yang menguatkuasakan nafkah salepas daripada bercherai. Dan sa-bagaimana saya faham juga undang[2] ini boleh di-pakai kapada orang[2] Islam dan yang bukan orang[2] Islam, tetapi bagi hendak menguatkuasakan kapada orang Islam di-bawah Fasal 14 termesti Negeri[2] yang ada di-dalam Malaya ini—bukan Malaysia—bersetuju menjalankan kuatkuasa undang[2] ini pada tiap[2] negeri-nya. Saya bimbang kalau[2] bila telah berjalan undang[2] ini di-Negeri[2] Tanah Melayu atau di-Malaya ini akan pula wanita[2] dapati bagaimana yang di-hajat-nya akan tidak dapat, kerana kalau di-bandingkan dengan perjalanan yang ada di-buat yang di-tujukan kapada yang bukan orang Islam akan dapat di-jalankan dengan lichin dan bagus,

tiba[2] bila hendak menjalankan kuat-kuasa undang[2] ini kelak kapada orang[2] Islam akan di-dapati beberapa kesusahan, beberapa masaalah yang berbangkit yang nanti akan kaum[2] wanita ini pula memberontak lagi sa-kali. Yang saya nampak pada hari ini masaalah yang besar bila hendak menguatkuasakan perentah[2], umpama-nya, sa-orang apabila undang[2] ini sudah berjalan pada satu Negeri, Mahkamah Shariah keluarkan order yang si-polan pehak laki[2] mesti membayar nafkah isteri-nya sa-kian banyak-nya. Masaalah-nya yang akan datang bagaimana hendak di-enforce, hendak di-kuatkuasa dan di-laksanakan perentah itu. Yang saya nampak yang akan jadi pada akan datang ini pertama ini akan tidak berjalan bagitu lichin, bagitu bagus sa-bagaimana yang di-harapkan, sebab saya sendiri tahu perjalanan Mahkamah Shariah di-dalam negeri khas-nya di-Johor, saya berani chakap kerana saya dahulu menjadi Yang di-Pertua Jabatan Ugama Johor, dan saya tahu perjalanan Pejabat[2] Ugama, Mahkamah Shariah yang berkenaan dengan hal[2] yang sa-umpama ini kebanyakan-nya tidak ada peratoran[2], evidence tidak ada Civil Procedure Code, perjalanan peratoran (procedure) bagaimana hendak menjalankan bichara dan tidak ada pula macham bailiff, dan barangkali dia ada Penghantar summon atau menghantar notis, maka perkara yang sa-macham itu jika hendak betul[2] di-jalankan, yang pertama hendak di-betulkan Mahkamah Shariah yang ada sekarang ini.

Nik Hassan bin Haji Nik Yahya: Hear, hear.

Tan Sir Haji Mohamed Noah bin Omar: Kalau sa-lagi Mahkamah Shariah itu tidak dapat di-betulkan tidak usah kata 100% kalau dapat 70% saperti mahkamah[2] yang ada berjalan di-Magistrate Court, atau lain[2] court itu, saya rasa boleh juga kita jalankan. Pada hari ini saya nampak tidak boleh dapat bagaimana yang di-hajatkan; saya dahulu menjadi Yang di-Pertua Jabatan Ugama, ini saya kata mithal-nya, saya telah nampak perjalanan Mahkamah Shariah itu tidak terator, saya chuba ikhtiar hendak menghantar Kadhi[2] yang menjadi hakim dalam Mahkamah Shariah itu supaya mereka dudok dengan magistrate, menengok macham mana magistrate menjalankan bichara, maka saya kena kata dan di-nesta-nya bermacham[2]. Bagitu hal-nya kita hendak ubah dan di-baik. Ini-lah yang saya nampak kesusahan-nya yang akan datang, melainkan di-buat satu jalan, ia-itu Mahkamah Shariah boleh bicharakan berkenaan nafkah ini ya'ani boleh jatohkan perentah hukuman-nya berapa ringgit pada satu bulan, tetapi bagi hendak menguatkuasa perentah order itu boleh-lah balek kapada Civil Court; Civil Court menjalankan, barangkali itu boleh berjalan lebeh baik sadikit daripada kalau kita hendak biarkan sahaja Mahkamah Shariah menjalankan-nya.

Saya tidak tahu, tetapi saya perchaya dia tidak tahu macham mana hendak mengesil harta kata bahasa Inggeris "to attach the movable property", kemudian sudah di-seal berapa lama hendak di-lelong harta[2] itu, property, kalau ada lebeh duit itu macham mana hendak di-buat. Perkara ini saya rasa bukan mudah, hanya-lah mahkamah (Civil Court) dengan pegawai[2]-nya yang sudah bekerja beberapa lama tahu perjalanan itu, itu yang boleh nampak-nya senang.

Jadi, saya chuma-lah mengingatkan sadikit wanita[2] supaya jangan terpengaroh, jangan Rang Undang[2] ini besok bila di-dapati berjalan tidak dapat berjalan dengan betul-nya ada lagi yang tidak puas hati yang akan datang. Saya chuma hendak mengingatkan sahaja.

Lagi satu masaalah yang susah sadikit, ia-lah kita sekarang kadang[2] ada orang yang nikah di-luar negeri yang bukan orang Islam, tetapi dia masok Islam, umpama-nya, bawa kamari, kemudian cherai di-sini. Demikian juga orang di-sini kadang[2] nikah dan dia balek ka-negeri-nya. Ini masaalah yang besar pada kita, umpama-nya, satu orang kahwin di-sini, tinggalkan isteri-nya, kemudian hendak di-ambil dia punya hukum order berapa kena hendak bayar, katakan-lah dapat itu order bagaimana pula hendak di-kuatkuasakan (enforce) atau di-jalankan order itu di-negeri lain, melainkan kita ada satu reciprocal agreements dengan negeri itu. Ada tempat[2]

yang saya tahu boleh kita register judgment, tetapi sudah ada agreement antara negeri ini dengan negeri itu. Saya tidak tahu sama ada berkenaan dengan nafkah ini besok ada berjalan sa-macham itu atau tidak. Kalau sudah ada berapa negeri yang suka macham itu hendak membuat-nya yang boleh menjalankan segala order nafkah perentah yang keluar dari sini boleh di-jalankan di-tempat luar itu. Ini semua masaalah yang berbangkit akan datang yang akan menyusahkan sadikit hendak menjalankan kerja[2] mengikut Rang Undang[2] yang ada ini.

Lagi satu chontoh umpama-nya: mithal-nya, satu orang dia cheraikan isteri-nya kemudian di-bawa ka-Mahkamah Shariah; dia bekerja pada satu kompani dan majikan dia bukan orang Islam, maka kalau kita ikut sa-bagaimana Rang Undang[2] bichara di-hadapan Mahkamah Shariah, baik-lah di-hadapan Mahkamah Shariah itu yang hakim-nya, Khadi, umpama-nya, dan dia akan mengambil kenyataan dari majikan itu berapa gaji orang yang mencheraikan isteri-nya, itu bagitu bagini. Umpama-nya-lah orang itu tidak berchakap betul—false evidence—apa Kadhi itu hendak buat atas orang itu non-Muslim, bukan orang Islam, sebab perkara itu dia hendak menetapkan tiap[2] sa-orang itu mesti membayar janda-nya atau isteri-nya yang di-cheraikan-nya sekian banyak-nya dia mesti mengambil kenyataan-nya berapa gaji-nya bagitu bagini dan bukan dia mengambil daripada orang itu sahaja, dia mesti mengambil daripada saksi[2], satu daripada-nya majikan yang menggajikan orang itu, majikan itu kadang[2] bukan orang Islam, kadang[2] orang itu pula datang dia memberi kenyataan yang bohong dan salah, sa-kali[2] bohong. Di-mana nanti hendak di-hukumkan orang itu, boleh-kah Kadhi yang dudok di-Mahkamah Shariah itu menghukumkan orang itu kerana memberi false evidence? Itu perkara yang lagi sulit saya nampak.Ini perkara yang saya nampak kesulitan-nya di-dalam melaksanakan Rang Undang[2] ini jikalau tidak hendak di-bahathkan betul[2] menengokkan macham mana perjalanan-nya akan datang. Saya tidak-lah hendak memberi shor[2] bagaimana hendak membaikkan perjalanan, tetapi hanya-lah saya memberikan pandangan saya atas perlaksanaan Undang[2] ini pada hendak enforcekan, pada hendak menguatkuasakan fasal[2] yang ada di-dalam Rang Undang[2] ini. Kalau ada Negeri[2] yang sudah berjanji dengan kita ya'ani kita punya order boleh di-registerkan di-sana, saya tidak tahu juga, berapa negeri-nya, mana negeri-nya yang di-katakan "Reciprocal judgment can be registered and enforced." Saya tidak ada apa[2] lain lagi hendak berchakap, melainkan saya maseh lagi chuma hendak mengingatkan sa-telah Mahkamah Shariah itu bukan-nya Mahkamah yang ada kita nampak hari ini, ke'adilan yang ada ini, jikalau ada Kementerian yang berfikir saya berchakap ini barangkali tidak bagitu betul, saya jemput dia pergi-lah menengok macham mana perjalanan-nya Mahkamah Shariah di-mana[2] negeri, tengok macham mana dia mengambil kenyataan saksi bagitu bagini semua; tolong-lah tengokkan, baharu dia sedar bagaimana perjalanan-nya. Terima kaseh.

Tuan Saidon bin Kechut: Dato' Yang di-Pertua, saya ingin hendak mengambil peluang sadikit dalam membahathkan Rang Undang[2] Nafkah ini. Menurut pendapat saya sendiri Rang Undang[2] ini di-kemukakan di-dalam Dewan Ra'ayat dan juga di-dalam Dewan Negara pada petang ini tidak ada sadikit pun mendapat tentangan daripada kaum bapa atau kaum laki[2]. Jadi, saya sendiri merasakan di-dalam menghadapi Rang Undang[2] ini ia-lah sa-bagai menghargakan atas usaha dan ikhtiar kaum wanita yang ingin hendak memperjuangkan keadaan dan kedudokan kaum wanita yang, saya rasa, keadaan[2] yang telah ada memang telah pun memuaskan. Apa yang ingin saya katakan di-sini sadikit ia-lah saya tidak dapat menerima perkataan kejam kapada kaum laki[2] bagaimana yang di-sebutkan oleh Ahli wanita tadi. Oleh sebab saya terfikir hanya pada satu masa sahaja dalam sejarah dunia ini yang laki[2] benar kejam kapada kaum wanita ini ia-lah pada zaman jahiliah dahulu, ia-itu tiap[2] kaum wanita dan tiap[2] kanak[2] kechil yang di-lahirkan yang berupa sa-bagai wanita, akan di-kuborkan hidup[2] Jadi pada masa itu-lah baharu boleh kita

katakan benar[2] kaum laki[2] ini kejam. Tetapi di-hari ini kita nampak terutama-nya bagi wanita[2] kita di-Malaysia ini segala apa yang di-tuntut, segala apa yang di-perlukan mendapat simpati belaka daripada kaum laki[2].

Tuan Yang di-Pertua, satu perkara yang saya ingin menarek perhatian kapada kaum wanita yang memperjuangkan hak wanita: jangan-lah satu[2] perkara yang di-perjuangkan mempunyai sentimen[2] ka-jenisan, sentimen ka-wanitaan, kerana apabila sentimen[2] ini mempengarohi ka-jenisan wanita, maka berlaku-lah perkara[2] yang menyinggong kedudokan dan perasaan kaum yang menjadi pertentangan, dan dengan sebab itu, saya ingin mengatakan bahawa Undang[2] bagaimana sakali pun sa-kira-nya di-meterikan, di-laksanakan, di-kuatkuasakan, tetapi di-antara laki[2] dan perempuan yang menjadi suami isteri tidak memahami, tidak mempunyai saling mengerti, saya rasa walau bagaimana pun Undang[2] yang kita akan adakan tidak akan memberi kesan untok mendatangkan kebaikan malah mungkin akan mendatangkan keburokan lagi. Jadi, oleh sebab daripada sa'at Rang Undang[2] ini di-kemukakan ada sentimen[2] ka-jenisan, kalau sa-kira-nya Undang[2] ini di-kuatkuasakan sama ada daripada Pejabat Mahkamah Shariah atau pun Mahkamah Mejisteret, hendak-lah hakim[2] membicharakan hal ini berhubong dengan nafkah, berhubong dengan suami dan isteri ini; jangan-lah sa-kali[2] di-benarkan hakim ini terdiri daripada kaum wanita, kerana Rang Undang[2] ini di-kemukakan atas tuntutan hak wanita. Jadi, yang akan hendak memberi nanti, hendak meletakkan satu[2] keputusan, jangan kapada dua[2] itu nanti kaum laki[2] dia kata kejam hari ini bukan laki[2] yang kejam, kaum wanita pula yang akan lagi kejam daripada laki[2] yang akan datang. Jadi, saya rasa Rang Undang[2] ini kalau ada Ahli yang mengatakan tadi longgar, saya rasa Rang Undang[2] ini bukan longgar, malah ketat, Dato' Yang di-Pertua.

Menteri Muda Hal Ehwal Dalam Negeri (Tuan Hamzah bin Dato' Abu Samah: Tuan Yang di-Pertua, saya sangat-lah menerima kaseh kapada Ahli[2] Yang Berhormat yang telah membuat tegoran[2], chadangan[2], yang saya fikir sangat baik tentang perkara Rang Undang[2] ini. Saya perchaya Ahli[2] Yang Berhormat saperti Tan Sri Haji Mohamed Noah ada-lah berpengalaman yang banyak di-dalam perkara ini, barangkali lebeh[2] lagi daripada saya. Jadi, tentang pertanyaan Yang Berhormat Tuan Haji Ahmad sama ada Undang[2] ini di-kenakan kapada Mahkamah Shariah, ini sa-bagaimana yang telah di-jelaskan oleh Yang Berhormat Tan Sri Haji Mohamed Noah ada-lah betul sa-bagaimana yang di-sebutkan tadi section 14 dan 15 ada menyatakan bahawa sharat[2] atau fasal[2] Undang[2] ini boleh-lah di-kenakan kapada Mahkamah[2] Shariah yang di-tubohkan atau yang telah di-tubohkan di-negeri apabila tiap[2] Negeri itu bersetuju menerima perjalanan kuatkuasa Undang[2] ini.

Perkara bagaimana Ahli[2] Yang Berhormat ma'alum, perkara berkenaan dengan ugama, ada-lah sa-mata[2] perkara dalam urusan dalam jagaan Kerajaan Negeri dan mengikut Perlembagaan kita, segala Undang[2] yang menyentoh, yang berkaitan dengan perkara ugama ada-lah sa-mata[2] dalam jagaan, dalam kelolaan Kerajaan Negeri dan sa-bagaimana yang di-bangkitkan oleh Yang Berhormat Puan Aishah binti Haji Abdul Ghani tadi, sa-belum Undang[2] ini boleh di-jalankan kuatkuasa-nya di-Negeri[2] terutama-nya kapada Mahkamah[2] Shariah, maka adalah di-kehendaki Undang[2] ini di-terima dengan chara rasmi-nya oleh tiap[2] Kerajaan Negeri yang mahu menerima dan memakai-nya.

Tentang keraguan Yang Berhormat Puan Aishah binti Haji Abdul Ghani itu mengatakan, boleh jadi barangkali ada negeri yang tidak mahu memakai, menerima Undang[2] ini, saya suka memberi jaminan di-sini bahawa saya perchaya memandang kapada segala perkara[2], sharat[2], fasal[2] di-dalam Undang[2] ini tidak menasabah-lah pada akal saya, kalau sa-kira-nya satu[2] Negeri itu tidak mahu menerima dan menjalankan kuatkuasa perkara[2] yang terkandong di-dalam Undang[2] ini, kerana Undang[2] ini ada-lah Undang[2] bukan hendak menyentoh perkara

pembicharaan pemberian nafkah kapada isteri dan anak, tetapi hanya-lah satu Undang[2] memberi kuasa pada satu[2] Mahkamah—waimah Mahkamah Civil atau Mahkamah Shariah yang telah menjatohkan sa-suatu hukum nafkah memberi kuasa kapada Mahkamah itu supaya memperolehi, memaksa di-minta orang yang telah dihukum itu membayar hukuman nafkah[2] yang telah di-kenakan kapada-nya supaya di-bayar. Jadi, sa-bagaimana saya kata tadi, saya yakin dan perchaya tiap[2] negeri yang berdasarkan kapada ke'adilan terutama-nya terhadap kaum[2] ibu, wanita tentu akan memakai, menerima dan memakai Undang[2] ini.

Saya suka juga menyatakan di-sini, saya sunggoh bersetuju dengan pendapat Yang Berhormat Puan Aishah binti Haji Abdul Ghani dan juga Yang Berhormat Tuan Haji Ahmad tentang perasaan mereka terhadap perbuatan yang tidak bertanggong-jawab di-satengah kalangan[2] terutama-nya orang lelaki berkenaan dengan perkara nafkah isteri dan anak[2] sa-lepas pencheraian, kerana mengikut serba sadikit pengalaman yang saya dapati pada masa saya menjalankan tugas sa-bagai sa-orang Mejisteret yang ada juga membicharakan case[2] berkaitan dengan pencheraian nafkah, saya tahu perkara perengkaran orang lelaki membayar nafkah kapada isteri dan anak[2] terutama-nya sa-lepas pencheraian adalah perkara yang biasa-nya membangkitkan beberapa akibat[2] yang tidak baik terutama-nya dari segi sosial. Saya tahu, oleh kerana banyak kanak[2] terbiar di-dalam hal pelajaran dan chara hidup, oleh kerana tidak di-beri nafkah sa-lepas ibu di-cherai oleh bapa-nya, banyak kanak[2] yang telah berkeadaan sa-macham ini telah menjadi satu masaalah (problem) masharakat dan sa-takat yang saya tahu banyak budak[2] yang menjadi juvenile deliquents atau pun budak[2] kechil nakal yang selalu di-hadapi Mahkamah ada-lah hasil kebanyakan-nya daripada percheraian[2] antara ibu dan bapa pada masa mereka itu kechil, dan juga akibat daripada pembiaran bapa-nya dengan tidak memberi nafkah yang chukup pada masa ia-nya di-dalam jagaan ibu-nya sa-lepas di-cherai oleh bapa-nya.

Sa-lain daripada itu, ada saya tahu berlaku perkara[2] di-mana ibu terpaksa membuat perkara[2] yang tidak patut di-buat sa-mata[2] kerana hendak memelihara anak[2] yang kechil yang kebanyakan-nya maseh bersekolah salepas ia di-cherai oleh bapa-nya. Jadi, saya katakan sa-kali lagi saya sunggoh bersetuju, bersimpati dengan kedua[2] Yang Berhormat tentang akibat[2] burok yang timbul berthabit dengan percheraian ibu dan bapa, berthabit dengan perpechahan ibu dengan bapa dengan anak[2] tertinggal tidak dipelihara dengan sempurna.

Tentang tegoran Ahli[2] Yang Berhormat juga, ia-itu Yang Berhormat Tuan Haji Ahmad dan juga Puan Aisha binti Haji Abdul Ghani dan juga Dato' Haji Mohamed Noah tentang chara[2] pembicharaan di-Mahkamah Shariah, dan atas perkara Khadi kata-nya, kata mereka itu kurang chekap di-dalam pembicharaan, ini saya juga bersetuju. Memang ada perkara yang sa-macham itu. Saya tahu di-dalam satu pembicharaan bukan berkenaan dengan nafkah, tetapi pembicharaan perkara khalwat yang dibicharakan di-Mahkamah Shariah, saya tidak suka hendak sebutkan di-sini nama tempat-nya di-sini negeri-nya, tetapi ada berlaku peristiwa di-mana Hakim itu yang membicharakan case khalwat itu ada-lah orang itu yang menangkap orang yang di-tudoh menjadi berkhalwat. Jadi, ma'ana-nya, Hakim itu ia juga *Prosecutor* dan dia juga menjadi Inspector dan dia juga Hakim. Maka pada pendapatan saya, ini ada-lah perkara yang tidak berdasarkan kapada ke'adilan yang mesti di-betuli.

Dalam pada itu juga barangkali Ahli[2] Yang Berhormat bersetuju dengan saya masa ini makin bertambah ramai penuntut[2] yang telah lulus disekolah[2] tinggi di-Universiti[2] Cairo, Al-Azhar, Aligarh yang telah berkelulusan dalam Undang[2] Kehakiman Shariah yang saya dengar telah banyak memenohi jawatan[2] Kadhi di-Mahkamah[2] Shariah. Jadi, perkara mengelokkan chara[2] pembicharaan di-Mahkamah Shariah, memimpin pembela[2], hakim[2] dalam Mahkamah[2] Shariah itu ada-lah terpulang sa-mata[2] kapada

Kerajaan Negeri masing[2]. Saya bersetuju sangat-lah dengan perchakapan Yang Berhormat Tan Sri Haji Mohamad Noah itu yang bukan sahaja Hakim patut di-pimpin dalam perkara ini, tetapi juga Penda'awa[2] di-Mahkamah Shariah itu patut juga di-pimpin, di-ajar di-atas chara[2] pembicharaan, penda'awaan yang biasa di-turuti oleh mana[2] mahkamah yang berdasar kapada pembicharaan yang berasaskan kapada ke'adilan. Jadi, saya tahu ada sa-tengah[2] Negeri, mana negeri yang mengambil berat dalam perkara ini ada mempelawa Penasihat[2] Undang[2] Negeri itu memberi sharahan, kursus pada Kadhi[2], Pegawai[2] Mahkamah Shariah. Barangkali saya pun juga sabagai Penasihat Undang[2] di-Johor, di-Kedah juga telah bernasib baik mendapat pelawaan sa-macham itu dan telah serba sadikit memberi kursus kapada Kadhi[2], kapada Hakim[2] dan juga kapada Pegawai[2] Penda'awa di-Mahkamah Shariah. Jadi, saya berharap juga-lah supaya oleh kerana perkara ini perkara dalam jagaan Negeri supaya tiap[2] Negeri mengambil berat dalam perkara ini dan kalau boleh memberi segala Hakim[2] atau Penda'awa[2] di-Mahkamah[2] Shariah itu pimpinan, sharahan[2], kursus[2] yang akan berguna kapada mereka.

Tentang chadangan Puan Aishah binti Haji Abdul Ghani bahawa patut di-adakan satu Undang[2] sahaja bagi seluroh negara berkenaan dengan ugama ini, saya yang sa-benar-nya bersimpati-lah dengan pendapat Puan Aishah binti Haji Abdul Ghani tentang ini kerana kalau sa-kira-nya kita boleh mengadakan satu Undang[2] Tanah yang di-namakan Kanun Negara meliputi perkara yang dahulu-nya dan yang sekarang-nya dalam jagaan Negeri dan Undang[2] ini ada-lah berjalan kuatkuasa-nya di-Negeri[2] yang maseh lagi memegang kuasa dalam Mahkamah, saya perchaya juga kita boleh juga mengadakan satu Undang[2] sahaja berkenaan dengan Ugama meliputi seluroh Negeri di-Malaysia dengan sharat bahawa kuasa[2] Raja sa-bagai Ketua Ugama di-dalam tiap[2] Negeri itu tidak tersentoh. Kalau saya tidak salah, Yang Teramat Mulia Tunku Perdana Menteri, ada rasa saya memberi kenyataan, membuat kenyataan bahawa patut di-adakan satu Undang[2] sahaja—Undang[2] Ugama sahaja untok meliputi negara[2] dan rasa saya ada dia mengeluarkan perkataan bahawa perkara itu akan di-bawa ka-Majlis Raja[2] Melayu untok mendapat pertimbangan.

Tentang perkataan Yang Berhormat Tan Sri Haji Mohamad Noah, barangkali berbangkit macham[2] masaalah apabila di-chuba menjalankan kuatkuasa Undang[2] ini, saya suka menyatakan mana[2] Undang[2] yang baharu di-luluskan, di-jalankan selalu timbul bermacham[2] masaalah, bermacham[2] kekurangan, yang tidak di-fikir oleh orang yang menggubal Undang[2] itu, dan sakira-nya timbul masaalah[2] dalam masa[2] menjalankan kuatkuasa Undang[2] ini, saya perchaya pehak[2] yang berkenaan, Menteri[2] yang berkenaan, akan mengambil tindakan mengadakan pindaan[2] supaya mengemaskan, membaikkan perkara[2] yang kurang kemas dan tentang kebimbangan Yang Berhormat Tan Sri Haji Mohamad Noah juga tentang perjalanan kuatkuasa Undang[2] ini di-luar negeri, saya suka-lah menjelaskan memang ada satu Undang[2] yang di-namakan "Maintenance Orders Facilities for Enforcement Ordinance, Tahun 1949" yang boleh Undang[2] hukuman[2] dan nafkah yang di-buat disini di-jalankan kuatkuasa-nya di-dua negeri sahaja, di-United Kingdom dan di-Northern Ireland dan bagitu juga hukuman[2] nafkah yang di-buat di-United Kingdom dan di-Ireland itu boleh juga di-jalankan kuatkuasa mereka. Ini barangkali harus di-panjangkan lagi barangkali kuatkuasa ini dengan Undang[2] ini boleh di-pinda dan berjalan kuatkuasa hukuman ini barangkali kerana negeri[2] lain dalam lengkongan Commonwealth kita, umpama-nya, di-India, kerana di-sini banyak pendudok[2] India yang rapat hubongannya dengan orang[2] di-sana dan juga negeri[2] lain di-dalam negara[2] lengkongan Commonwealth saperti Australia. New Zealand dan lain[2]

Tentang keraguan Yang Berhormat Tan Sri Haji Mohamad Noah itu berkenaan dengan kenyataan[2] yang falsu yang harus di-buat oleh orang[2] yang datang menchari itu, saya perchaya saya pun baharu tadi menengok

Undang[2] itu, saya teringat ada satu fasal perkara[2] di-dalam ini di-mana kuasa di-beri kapada Mahkamah yang membicharakan perkara ini bagi menghukum tiap[2] orang ia-itu termasok orang[2] yang menjadi "employer" kapada orang yang di-bicharakan itu dan orang[2] itu sendiri di-hukum kalau sakira-nya dia membuat atau memberi keterangan[2] yang palsu yang di-minta oleh mahkamah berkenaan dengan pendapat orang[2] yang di-hadapi ka-mahkamah berkenaan dengan perkara nafkah[2] itu dan juga terhadap segala keterangan[2] yang falsu berkenaan dengan perkara[2] lain, fasal[2] lain yang di-minta oleh Mahkamah. Fasal 12 yang menyatakan di-sini berbunyi:

"12. (1) Sa-siapa yang—

(*a*) tiada mematohi sekshen-kechil (1) atau sekshen-kechil (4) sekshen 7 dalam Act ini atau suatu perentah sa-suatu mahkamah di-bawah sekshen-kechil (1) sekshen 8 dalam Act ini; atau

(*b*) memberi suatu notis sa-bagaimana yang tersebut dalam sekshen-kechil (4) sekshen 7 dalam Act ini atau suatu kenyataan menurut suatu perentah sa-suatu mahkamah di-bawah sekshen-kechil (1) sekshen 8 dalam Act ini, dan notis atau kenyataan itu di-ketahui-nya sa-bagai palsu mengenai sa-suatu perkara yang mustahak; atau

(*c*) dengan gopoh memberi suatu notis atau kenyataan yang palsu mengenai sa-suatu perkara yang mustahak,

ada-lah terta'alok kapada sekshen-kechil (2) sekshen ini, boleh di-kenakan, apabila thabit kesalahan itu, penjara sa-lama tempoh tidak lebeh daripada sa-tahun atau denda sabanyak tidak lebeh daripada sa-ribu ringgit atau kedua[2] hukuman penjara dan denda."

Sa-takat itu sahaja, Tuan Yang di-Pertua; kalau ada perkara yang saya tertinggal untok menjawab, saya menerima kaseh-lah kalau boleh di-bangkitkan sa-kali lagi.

Tan Sri Haji Mohamad Noah: Dato' Yang di-Pertua, mengikut keterangan Menteri Muda tadi, Mahkamah Shariah boleh menghukum orang[2] yang memberi penyata falsu. Jadi, kalau orang yang memberi keterangan falsu itu umpama-nya orang yang bukan Islam ada-kah dia boleh menghukum, atau tidak, sebab kalau di-bacha tiap[2] undang[2] Mahkamah Shariah di-dalam tiap[2] Negeri yang pertama Undang[2] itu mengatakan Undang[2] ini di-khaskan kapada orang[2] Islam sahaja tidak termasok orang yang bukan Islam. Jadi, macham mana Kadhi di-dalam Mahkamah Shariah itu boleh menghukum orang[2] itu, kalau dia boleh memberi kenyataan yang falsu di-hadapan-nya? Itu sahaja saya hendak tanya.

Tuan Hamzah bin Dato' Abu Samah: Saya ingat saya telah memerhati dengan halus perkara ini, dan saya tidak nampak fasal perkara[2] dalam ini mengkechualikan orang[2] bukan berugama Islam kapada perentah[2], atau pun hukum Mahkamah Shariah: saya boleh silap dalam ini, tetapi sa-bagaimana Yang Berhormat Tan Sri Haji Mohamad Noah kata tadi Undang[2] mana, Undang[2] Majlis Ugama Islam Selangor, Perak, Kedah pun satu[2] bab itu mengatakan Undang[2] ini chuma terkenakan orang yang berugama Islam sahaja, jadi kalau macham kes khalwat kalau dua orang berkhalwat perempuan Islam, lelaki-nya bukan Islam, chuma perempuan Islam sahaja boleh di-da'awa, tetapi tidak yang lelaki; tetapi dalam Undang[2] ini nampak-nya tidak ada kechualian kapada yang di-beri kapada orang[2] yang bukan Islam, ma'ana-nya kalau orang[2] yang bukan Islam di-da'awa di-Mahkamah Shariah saya perchaya dia pun boleh di-kenakan kuat-kuasa undang[2] ini. Jadi dengan ini saya fikir Ahli Yang Berhormat itu barangkali bersetuju dengan pendapat saya itu.

Nik Hassan bin Haji Nik Yahya: Jadi boleh memberi kuasa kapada Mahkamah Shariah untok berkuasa menghukumkan, maksud-nya bagitu?

Tuan Hamzah bin Dato' Abu Samah: Itu sahaja-lah, Dato' Yang di-Pertua, saya menguchapkan berbanyak terima kaseh.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*).

Fasal[2] 1 hingga 15 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG[2] LAGU KEBANGSAAN

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan, ia-itu Rang Undang[2] Lagu Kebangsaan Persekutuan di-bacha pada kali yang kedua sekarang.

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

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, saya mohon izin untok beruchap dalam bahasa Inggeris, oleh kerana uchapan yang ada di-hadapan saya ini ada-lah pada asal-nya patut di-bachakan oleh sa-orang Menteri yang lain yang telah di-sedia-kan dalam bahasa Inggeris.

Mr President, Sir, this Bill seeks to provide a legal basis for the National Anthem of the Federation of Malaysia, Sir, the National Anthem and our National Flag are solemn symbols representing this great country of ours, Malaysia, of which we are well proud of, and for which many countries in the world, both far and near, have paid tribute for the achievements that we have attained economically and politically despite the very short span of ten years after Merdeka, and in spite of the two difficult and trying periods of Emergency arising from Communist banditry and Indonesian confrontation.

Sir, Malaysia is a true miniature United Nations in practice in every sense of the word. Many would have loved to come and settle down in this country, if given the opportunity to do so. Yet, despite all these, we have still amongst us those who persist in pursuing the course of disloyalty against this country, continuously and persistently carrying out their mission of subversion and intimidation, and in some cases even verging on treason. We have seen cases of those who took up arms against the democratically and legally constituted Government of this country during the Communist uprising and those who went to foreign countries to be trained and then returned here, bearing arms against Malaysia during the Indonesian confrontation.

These were citizens of Malaysia, citizens who owe a duty to be faithful and bear true allegiance to our Sovereign, His Majesty the Yang di-Pertuan Agong, and be free, loyal and faithful citizens of Malaysia. It is people of this creed who, not contented with being perverts themselves, insist on subverting others, and among other things preventing others from even showing their mark of respect to the National Anthem and our Sovereign.

Sir, it is imperative that every loyal citizen of this country should honour, respect and love our National Anthem and Flag. How can we expect others to respect and honour our National symbols, if our own citizens fail to respect and honour them? Humiliation, it is said, begins when self-humiliation arises.

It has been brought to the attention of the Government not only by Malaysian citizens but also by non-citizens, who are residents of this country, that the perverts such as those I have mentioned as well as some hooligans and gangsters have repeatedly and persistently intimidated others and prevented them from showing their due respect to our National Anthem. It is not uncommon to see those wanting to stand up when the National Anthem is played in public places, especially cinema halls, being hooted and booed at and prevented from doing so. This is a state which no responsible Government can tolerate. If we allow such disloyal elements to exist in our midst and corrupt the minds of the loyal citizens and our younger generation, then I say God help this country!

Sir, patriotism is a lively sense of collective responsibility, and true patriotism is of no party. This is a

non-partisan issue. As a new and independent country, we need to foster a strong sense of loyalty and patriotism to vitalise, to strengthen and to unite our country. We cannot, therefore, tolerate any act or omission which would deviate us from the course, and we must take to task these people, who have been enjoying the rights and privileges of being citizens of this country, for their unforgivable behavior in not fulfilling their fundamental obligations and duty to the country where they are afforded every protection and opportunity.

Mr President, Sir, this Bill, as I have said earlier, seeks to provide a legal basis for the National Anthem of Malaysia and aims to accomplish the object I have just stated.

The Explanatory Statement at the back of the Bill explains clearly each of the Clauses of the Bill, and I need say no further other than touching on Clause 9 which empowers any Police officer to arrest without warrant any person offending in his sight against the provisions of Clause 8 under certain circumstances, e.g., failing to stand when National Anthem is sung or played, or when the abridged or short version is played. It is also the intention of the Government to take action to deprive offenders of their citizenship in the case of citizens, and to expel offenders in the case of non-citizens.

Patriotism knows neither latitude nor longtitude. It is not climatic, nor is it a political issue. Sir, this Bill, I trust, will receive the unanimous support of this House.

Nik Hassan bin Haji Nik Yahya: Dato' Yang di-Pertua, saya bangun menyokong Rang Undang[2] ini, kerana ini-lah satu Rang Undang[2] yang di-pandang perlu di-adakan di-dalam negara kita ini, melihat kapada ramainya mereka yang belum faham, belum mengerti, dan belum mempunyai perasaan kaseh mesra kapada negara, kapada bangsa dan kapada tanah ayer ini. Tetapi, apabila Rang Undang[2] ini di-luluskan oleh Dewan Ra'ayat dan telah di-luluskan oleh Dewan Negara ini dan akan di-kuat-kuasakan di-dalam negara kita ini, saya rasa patut-lah undang[2] ini dalam menjalankan kuat-kuasa-nya hendak-lah di-kawal, di-jaga dan di-jalankan dengan chermat-nya supaya tidak-lah menjadi undang[2] ini satu undang[2] yang di-pandang tidak berharga di-sisi orang ramai, kerana sa-tahu saya satu[2] undang[2] Kerajaan itu dalam perlaksanaan-nya, bukan-lah senang hendak di-jalankan dan hendak-lah di-patohi oleh mereka yang dudok di-bawah kuasa undang[2] itu. Sudah tentu-lah Kerajaan tidak dapat mengadakan Polis yang chukup untok menangkap beratus[2], beribu[2] manusia[2] yang tidak mengerti hendak menghormati undang[2] ini. Kalau kita pergi ka-panggong[2] wayang, kita boleh lihat, daripada kelas yang rendah hingga kapada kelas yang tinggi, beratus[2] orang tidak berdiri dan tidak mahu berdiri bahkan telah mengeluarkan perkataan[2] yang tidak baik di-dengar apabila Lagu Negara Ku kita itu di-mainkan di-dalam panggong[2] wayang itu. Jadi, kalau sa-kira-nya kita hendak kuat-kuasakan undang[2] ini, kita mesti adakan Polis memasoki wayang gambar tiap[2] kali main wayang gambar itu, dan Polis itu mesti dudok di-chelah[2] manusia yang beratus[2], beribu[2] itu. Saya rasa tentu-lah Kerajaan tidak dapat menggilir[2]kan Polis masok dalam panggong, kerana Polis ini kalau hendak hantar dia masok panggong boleh-lah dia suka tengok wayang itu. Maka sebab Rang Undang[2] ini ada berkata boleh tangkap dengan tidak ada warrant, jadi hendak tangkap dengan tidak ada warrant hendak-lah pergi dekat dengan orang yang tidak berdiri itu—apabila tidak berdiri, tangkap dia, tidak payah warrant lagi.

Tetapi berapa ratus Polis yang mesti di-hantar ka-panggong[2] wayang pada tiap[2] malam untok mengawalkan-nya? Pada pendapat saya, untok menjaga supaya undang[2] ini tidak di-pandang dengan tidak berharga, saya chadangkan dan saya shorkan supaya permainan Lagu Negara Ku itu tidak di-mainkan di-dalam panggong[2] wayang itu supaya dapat kita jadikan undang[2] kita ini sa-bagai satu undang[2] yang betul[2] di-kuat-kuasakan di-mana tempat, apabila Lagu ini di-mainkan, siapa yang tidak berdiri, di-tangkap betul[2] supaya dapat kita menjalankan kuat-kuasa itu dengan kuasa yang ada pada

kita, dengan tenaga dan kekuatan, jumlah Polis yang boleh di-jaga. Saya ingat lebeh baik kita hapuskan permainan Lagu Negara Ku ini di-tiap[2] panggong wayang; itu lebeh baik daripada kita mainkan tiap[2] malam dihantar Polis beratus[2] hendak tangkap orang dengan tidak berwarrant. Untok menggantikan benda ini, saya chadangkan supaya tiap[2] pertubohan sukarela dan tiap[2] pertubohan politik hendaklah mengambil keputusan memainkan, menyanyikan Lagu Kebangsaan ini di-tiap[2] perhimpunan mereka. Ini kita mahu tahu mana pertubohan yang tidak jujor dan tidak ikhlas kapada negara. Saya perchaya, banyak pengikut[2] daripada Parti Pembangkang yang tidak berdiri dalam panggong[2] wayang, tetapi kalau kita hendak tangkap dia, kata dia bukan Parti Sosialis, bukan Parti Buroh—dia tidak kata bagitu. Tetapi bila di-mainkan Lagu Kebangsaan dia tidak berdiri, fasal apa? Fasal perasaan menentang kapada Kerajaan itu ada dalam dada dia. Dia menentang Kerajaan Perikatan, dia menentang Lagu Negara Ku, dia ingat Lagu Negara Ku itu hak Kerajaan Perikatan. Jadi, perasaan pertentangan ini ada kalau Lagu Kebangsaan itu di-mainkan dalam panggong[2] wayang; kemudian bendera kita di-keluarkan, dia perikan; dia chakapkan perkataan yang kotor[2]. Jadi, ini akan menyakitkan hati dan boleh membangkitkan perasaan sakit hati kapada orang yang berdekatan itu; boleh jadi perselisehan, pergadohan, kalau sa-kira-nya tidak sabar terhadap mereka yang jujur kapada tanah ayer.

Jadi, saya rasa apabila Rang Undang[2] ini di-bentangkan dalam Dewan Ra'ayat, saya dengar segala Ketua[2] Parti Pembangkang dalam Dewan Ra'ayat ini semua-nya tidak bersetuju dengan Rang Undang[2] ini. Ini menunjokkan mereka ini tidak jujur dengan negara kita. Mereka ini ada perasaan tidak ikhlas dan tidak jujur dengan Lagu Kebangsaan ini. Mereka bangkang ini kerana mereka lebeh suka ra'ayat tidak menghormati Lagu Kebangsaan ini—nampak-nya gaya daripada chara mereka itu berchakap dalam Dewan Ra'ayat. Jadi, elok-lah kita anjorkan supaya kesemua parti[2] politik apabila di-adakan Meshuarat Agong, Perhimpunan Agong, Perhimpunan Kechil dan Besar supaya mereka ini bangun berdiri menyanyikan Lagu Kebangsaan, ia-itu Lagu Negara Ku. Kalau mereka tidak melaksanakan keputusan ini, berma'ana mereka ini pertubohan[2] ini ia-lah pertubohan[2] yang tidak jujur kapada negara kita. Di-situ lebeh dekat, lebeh chepat, kita nampak kumpulan[2] yang tidak ikhlas kapada negara dan saya mengshorkan supaya bukan sahaja pertubohan[2] ini menyanyikan Lagu Negara Ku kita ini, sa-patut-nya Kerajaan mengadakan perkataan[2] sumpah setia kapada negara, kapada tanah ayer kita ini, atau pun perkataan[2] yang boleh menunjokkan kesetiaan, atau boleh memasokkan semangat perasaan kesetiaan kapada negara dan Raja kita ini.

Saya rasa pada masa ini pun telah ada sekolah[2] yang memainkan Lagu Negara Ku ini, dan saya rasa kita hendak-lah melatehkan murid[2] sekolah daripada keturunan yang baharu ini supaya benar[2] kaseh dan mesra kapada negara dan di-teruskan Lagu Negara Ku ini di-nyanyikan di-sekolah[2] pada tiap[2] pagi. Jadi, mereka yang dewasa itu akan menyanyikan Lagu Negara Ku ini dalam perhimpunan[2], dalam perjumpaan[2], manakala mereka daripada jenerasi yang baharu ini akan dilateh supaya menanamkan semangat ta'at setia kapada negara ini di-waktu di-bangku sekolah lagi. Jadi, itu-lah sahaja pandangan saya dan pendapat saya di-atas Rang Undang[2] ini. Sekian, terima kaseh.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, saya uchapkan berbanyak terima kaseh kapada Yang Berhormat Senator Nik Hassan di-atas pandangan[2] yang telah di-beri-nya dan menunjokkan chara[2] mana-kah dapat kita dengan lebeh chepat lagi menggalakkan ra'ayat negeri ini menunjokkan ta'at setia mereka dengan menghormati Lagu Kebangsaan kita ini.

Bagaimana pun beliau telah menchadangkan chara mana dapat dijalankan dan mengambil tindakan di-atas tiap[2] sa-saorang yang tidak menghormati Lagu Kebangsaan ini, tetapi di-dalam uchapan saya tadi, telah saya sebutkan ia-itu jikalau orang itu menjadi ra'ayat *by operation of law* tidak

dapat-lah kita buat apa[2] bagi meluchutkan kera'ayatan-nya. Jikalau dia sa-orang ra'ayat dengan *registration,* boleh kita luchutkan kera'ayatan dia dan jikalau bukan ra'ayat, kita boleh membuangkan dia daripada negeri ini. Saya rasa kalau kita mengambil tindakan di-atas sa-saorang itu, ini akan menjadi tauladan dan chontoh kapada orang[2] lain dan tidak payah kita tangkap tiap[2] sa-saorang yang melanggar undang[2] itu, tetapi dalam Rang Undang[2] ini memang sudah ada jikalau di-asaskan pada pandangan dan kalau di-dapati sa-saorang itu tidak menghormati Lagu Kebangsaan, sa-orang Pegawai Polis dia boleh menangkap mereka itu sa-bagaimana yang ada di-dalam Rang Undang[2] tadi; dan jikalau sudah kena tangkap sa-orang dua, saya rasa yang lain[2] itu pun dia akan berjaga juga.

Sa-lain daripada itu beliau telah menchadangkan supaya Lagu Kebangsaan ini tidak di-mainkan dalam panggong[2] wayang. Jadi, perkara ini saya rasa ada-lah dalam perhatian Kerajaan juga. Kita sedang menimbangkan sama ada baik atau tidak baik-nya jikalau kita mengambil tindakan yang saumpama itu. Itu sahaja-lah, Tuan Yang di-Pertua.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

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

Fasal[2] 1 hingga 10 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

RANG UNDANG[2] BENDA[2] RADIOAKTIF

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan Rang Undang[2] Benda[2] Radioaktif di-bachakan kali yang kedua sekarang.

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

Menteri Kesihatan (Tuan Bahaman bin Samsudin): Dato' Yang di-Pertua, perkembangan kuasa nuclear dan penggunaan perkakas[2] yang mempunyai chahaya pancharan dan benda[2] radioaktif dalam berbagai[2] lapangan telah menambah kemungkinan berlaku-nya pendedahan kapada bahaya kuasa ionising radiation atau pun pancharan chahaya pendiangan. Pendedahan ini berlaku bukan sahaja kapada pakar[2] X-ray atau radiologist, pegawai[2]-nya serta orang[2] sakit, tetapi juga kapada pekerja[2] dalam bidang[2] perusahaan dan kapada orang[2] 'awam pada keseluruhan-nya. Sa-belum daripada perkembangan[2] ini hanya mereka[2] yang menjalankan kerja[2] perubatan sahaja yang banyak terdedah kapada chahaya pancharan ini, maka di-fikirkan masa-alah ini ada-lah tanggong-jawab pegawai[2] perubatan dan Kerajaan tidak payah berchampor tangan dengan mengadakan Undang[2]; tetapi oleh sebab kegunaan perkakas[2] yang mempunyai chahaya pancharan makin bertambah dalam lapangan kerja[2] perubatan dan juga dalam lapangan perusahaan, maka tindakan Kerajaan untok mengadakan kawalan dan perlindongan ada-lah perlu. Oleh itu tidak kurang daripada 25 buah negara dalam dunia ini telah pun mengadakan undang[2] mengenai perkara ini.

Negara kita juga pada masa hari ini telah bergerak maju dalam lapangan perubatan dan perusahaan. Berbagai[2] teknik dan chara yang baharu di-gunakan dan ini menyebabkan penggunaan perkakas[2] dan barang[2] radioaktif samakin bertambah khas-nya dalam lapangan perusahaan. Dengan yang demikian ada-lah di-fikirkan mustahak di-adakan satu Undang[2] untok menjaga dan mengawal kesihatan umum.

Rang Undang[2] ini ia-lah mengawal kemasokan perubatan, penjualan, penggunaan, simpanan dan pengangkutan barang[2] radioaktif dan radas pendiangan. Mengikut Rang Undang[2] ini, maka pembuatan dan pengeluaran, penjualan, simpanan, membawa masok dan keluar barang[2] radioaktif dan radas pendiangan ada-lah di-larang, melainkan dengan mendapat kebenaran atau permit. Menggunakan benda[2] radioaktif ada-lah juga di-larang, melainkan dengan ada kebenaran atau permit.

Dalam Rang Undang[2] ini ada peruntokan yang membolehkan mereka[2] yang mushkil dan tidak puas hati dengan keputusan yang di-perbuat oleh pehak yang berkuasa mengeluarkan permit atau pun kebenaran merayu kapada Menteri yang bertanggongjawab dalam hal kesihatan dan keputusan beliau ada-lah mu'tamad. Satu Jawatan-kuasa Penasihat yang bernama Radiological Advisory Committee akan di-tubohkan di-bawah Rang Undang[2] ini. Anggota-nya ia-lah sa-ramai enam orang dan Jawatan-kuasa ini akan memberi nasihat kapada Menteri mengenai perkara[2] yang di-rojokkan oleh Menteri kapada-nya. Ahli[2] jawatan-kuasa ini ada-lah terdiri daripada mereka yang berpengalaman dan mempunyai pengetahuan teknikal, professional dan khas mengenai perkara[2] dan benda[2] radioaktif.

Rang Undang[2] ini juga memberi kuasa kapada Menteri membuat peraturan[2] yang tertentu untok mengadakan kawalan yang meliputi dan kemas.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

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

Fasal[2] 1 hingga 25 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Jadual di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

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

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan, ia-itu Rang Undang[2] the National Land Code (Penang and Malacca Titles) (Amendment) Act, 1968, di-bacha pada kali yang kedua.

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

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, sa-telah mendapat pengalaman pada menjalankan tugas[2]-nya sa-lama dua tahun, Pesurohjaya Hak Milek Tanah, Pulau Pinang dan Melaka, mendapati perlu untok di-buat beberapa pindaan kapada Undang[2] Hak Milek Pulau Pinang dan Melaka, 1963, untok membolehkan replacement title di-daftarkan, di-pinda atau di-batalkan dalam keadaan[2] tertentu dan menasabah yang mana tidak dapat di-batalkan pada masa menggubal undang[2] itu dahulu.

Pindaan[2] ini juga bermaksud untok membolehkan daftar sementara atau interim register di-simpan dengan lebeh sempurna lagi dan untok menghapuskan beberapa kesamaran mengenai procedure. Ini-lah dengan rengkas-nya tujuan[2] Rang Undang[2] yang saya kemukakan ini.

Tuan Yang di-Pertua, sa-terus-nya saya suka menghuraikan pindaan[2] yang di-kehendaki itu satu persatu-nya.

Fasal 2 meminda Section 31 Principal Act untok memberi kuasa kapada Pesurohjaya membuka satu lambaran atau folio dalam daftar sementara (interim register) jika ia mendapati sa-suatu holding telah tertinggal atau sa-suatu surveyed lot atau lot yang telah di-sukat yang boleh di-siapkan sa-bagai holding.

Fasal 3 meminda Section 34 principal Act untok memberi kuasa kapada Pesurohjaya membatalkan mana[2] lambaran yang di-dapati salah di-buka serta menetapkan peratoran[2] yang hendak di-ikuti terhadap pembatalan itu.

Fasal 4 meminda Section 53 principal Act supaya mengenakan Section 53 itu kapada pegangan[2] tanah adat dalam Daftar Tanah Adat Negeri Melaka yang mana nama[2] tuan punya tidak dapat di-tentukan pada hari yang di-tetapkan (appointed date) ia-itu pada 1 haribulan Januari, 1966. Pindaan ini akan membolehkan Pesurohjaya menentukan pemilek[2]-nya di-bawah section tersebut.

Fasal[2] 5 dan 6 meminda Section 84 dan 85 principal Act supaya mengurangkan tempoh masa 12 bulan yang di-tetapkan kapada 6 bulan.

Fasal 7 meminda Section 93 subsection (3) (*d*) principal Act supaya membetulkan angka (1) di-dapati salah, angka yang betul ia-lah (2).

Fasal 8 meminda Section 99 principal Act, sa-bagai lanjutan daripada pindaan yang di-buat kapada section 53.

Fasal 9 meminda Section 102 (2) principal Act, dengan memotong pertaan[2] dalam bahasa Inggeris "on the appointed day" supaya surat Hak Milek dapat di-keluarkan terhadap semua enteries yang di-buat sa-belum atau sa-lepas hari yang di-tetapkan atau appointed day ia-itu 1hb Januari, 1966.

Fasal 10 meminda Section 121, principal Act supaya membolehkan Hak Milek sambongan di-keluarkan apabila nombor lot sa-suatu holding itu terpaksa di-tukar oleh kerana beberapa sebab yang munasabah.

Fasal 11 meminda Section 124 principal Act supaya memberi kuasa kapada Pesurohjaya untok membuka lambaran—folio dalam daftar sementara terhadap bahagian[2] tanah yang tertentu yang di-dudoki oleh masing[2] tuan punya bersama atau co-proprietor yang berdaftar dalam surat Hak Milek asal tanah itu. Kuasa ini juga perlu kerana di-Pulau Pinang ada-lah menjadi kelaziman sa-belum tarikh yang di-tetapkan itu untok membenarkan tuan[2] tanah menyatukan atau amalgamate tanah[2] mereka dan terus memechahkan-nya kapada beberapa bahagian kechil yang mana di-jual beli pula sa-belum tindakan ukor dapat di-selesaikan.

Rang Undang[2] ini telah pun di-persetujui oleh Kerajaan[2] Negeri Melaka dan Pulau Pinang.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal[2] 1 hingga 12 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

THE WILD ANIMAL AND BIRDS PROTECTION (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] the Wild Animals and Birds Protection (Amendment) Act, 1968, di-bacha pada kali yang kedua sekarang.

Puan Aishah binti Haji Abdul Ghani: Saya menyokong.

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, Rang Undang[2] pindaan ini ada-lah khas untok mengetatkan kawalan terhadap penggunaan jerat terhadap binatang[2] liar. Dalam Undang[2] yang ada sekarang kawalan terhadap penggunaan jerat sangat longgar dan ini telah mengakibatkan banyak orang[2] menggunakan jerat dan padah-nya banyak binatang[2] liar yang tidak mati terkena jerat menjadi kudong dan sengsara, terutama harimau, dan ini menjadikan binatang[2] itu sangat buas sa-hingga menjadi pembunoh manusia.

Dengan pindaan ini, saya yakin Jabatan Mergastua akan dapat mengambil tindakan tegas terhadap mereka[2] yang mendatangkan kesengsaraan kapada binatang[2] itu. Sekarang ini sering kali terdapat peristiwa harimau[2] terutama-nya di-Pantai Timor menjadi pembunoh manusia atau dalam bahasa Inggeris *man-eater* dan daripada penyiasatan yang telah di-lakukan oleh Jabatan Mergastua boleh di-katakan kesemua binatang[2] itu menjadi buas, oleh kerana mereka chedera, dan dengan demikian tidak dapat menangkap mangsa sa-mula jadi-nya (natural) untok makanan. Dengan demikian binatang[2] itu terpaksa menangkap dan memakan manusia, kerana manusia lebeh senang di-buru untok makanan binatang[2] itu.

Di-sini kita mesti mengambil perhatian bahawa binatang sa-demikian itu kebanyakan-nya mengikut siasatan telah di-chederakan oleh jerat. Dalam tahun[2] 1966, 1967 sa-banyak 53 ekor harimau telah di-tembak mati dengan pengetahuan Jabatan Mergastua saperti berikut:

Di-Trengganu	28
Kelantan	13
Pahang	6
Perak	6
JUMLAH ...	53

27 ekor daripada-nya ada-lah di-dapati menjadi mangsa jerat. Angka[2] ini ada-lah angka[2] rasmi, angka yang tidak rasmi mungkin lebeh tinggi daripada itu. Ini telah berlaku kerana mengikut Undang[2] yang ada sekarang tidak-lah menjadi kesalahan jika sa-saorang itu ada mempunyai jerat, orang itu hanya di-dapati salah sa-kira-nya ia di-dapati menggunakan dan denda-nya pun terlalu rengan untok menchegah sa-orang menggunakan jerat itu. Dengan Undang[2] yang ada sekarang dia hanya boleh di-denda sa-tinggi[2]-nya $200. Dengan pindaan ini, Tuan Yang di-Pertua, sa-saorang yang di-dapati menggunakan jerat, atau ada di-dalam simpanan-nya jerat itu boleh di-hukum sa-tinggi[2]-nya $2,000 atau dua tahun jail, atau boleh di-hukum dengan denda dan juga penjara. Hukuman yang berat ini ia-lah untok menchegah kesengsaraan mergastua dan juga manusia.

Tuan Yang di-Pertua, pindaan yang di-buat kapada Section 64 dalam Principal Ordinance itu pula ia-lah untok meninggikan denda[2] terhadap kesalahan[2] lain terhadap mana tidak di-nyatakan denda[2]-nya.

Tuan Yang di-Pertua, sekian sahaja untok ma'aluman Dewan ini.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

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

Fasal 1 hingga 3 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

THE WAGES COUNCILS (AMENDMENT) BILL

Bachaan Kali Yang Kedua dan Ketiga

Tan Sri T. H. Tan: Tuan Yang di-Pertua, saya mohon menchadangkan ia-itu Rang Undang[2] the Wages Councils (Amendment) Act, 1968, di-bacha pada kali yang kedua sekarang.

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

Tuan Haji Abdul Hamid Khan: Tuan Yang di-Pertua, saya mohon izin untok beruchap dalam bahasa Inggeris sa-bagaimana saya katakan Bill yang satu dahulu ia-itu uchapan yang ada di-hadapan saya ini juga ada-lah dalam bahasa Inggeris untok sa-orang Menteri yang lain membacha-nya tetapi oleh kerana dia tidak ada di-sini saya terpaksa-lah membachakan-nya dalam bahasa Inggeris.

Mr President, Sir, the amendments proposed in the Bill are mainly to overcome some of the problems encountered in implementing the Wages Councils Ordinance, which has been in existence since 1947.

Clauses 2 and 3 of the Bill seek to empower the Minister to make a Wages Council Order establishing a Wages Council not only where there is no adequate machinery to regulate remuneration but also where the machinery is inadequate to regulate conditions of employment. By this amendment, the Minister may make an order establishing a Wages Council where the conditions of employment such as holidays, sick leave, working hours, meals, and so forth, are poor and where the workers themselves are not organised to be able to effectively deal with these matters.

Clauses 4 and 5 of the Bill are merely to correct grammatical errors in the original Ordinance.

Clause 6 of the Bill seeks to enable the Minister to stipulate the effective date of a Wages Regulations Order for all employers on whom the Order is binding. This amendment removes the problems now faced whereby a Wages Regulations Order comes into force on different dates for different employees depending on their wage periods.

Clause 7 of the Bill increases the penalty for non-compliance with a Wages Regulations Order and to prohibit the contracting out of the provisions of an Order relating to the conditions of employment. By this amendment, Sir, the previous fine of $250 is doubled to make it a more effective deterrent against evasion. The amendment to add a new sub-section 13 (6) also empowers a court to order payment of reasonable compensation to a worker where the employer is convicted of an offence of not providing the minimum conditions of employment stipulated in a Wages Regulations Order.

Clause 8 of the Bill merely clarifies the present section by listing out what does and what does not constitute remuneration for the purposes of a Wages Regulations Order and what is deductable and what is not. There are no changes of substance proposed in this amendment.

Clause 9 of the Bill clarifies the provisions relating to the keeping of records by employers affected by an Order to enable easier inspection. The present section 16 of the Ordinance merely requires employers to keep such records as are necessary and this has led to unsatisfactory and varying types of records being kept. The amendment proposed will empower the Minister to specify a particular form of records. It also enables the Minister to prescribe the duration for which such records shall be kept, thus making it more flexible than the present phraseology in section 16 which requires employers to keep them for two years.

Clause 10 of the Bill proposes to remove the present limitation on the responsibility of a superior employer as opposed to the immediate employer. The liability of the Superior employer is now limited to his merely obtaining an undertaking from the immediate employer that the terms and conditions of a Wages Regulations Order would be properly observed. The amendment now proposed makes both the superior employer and the immediate employer jointly liable for compliance with an Order.

By the amendment proposed in Clause 11 of the Bill, the officers appointed for the purposes of Part III of the Ordinance, which relates to Wages Regulations Orders, are deemed to be public servants within the meaning of the Penal Code.

Clause 12 of the Bill makes transitional provisions.

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

Rang Undang[2] di-bachakan kali yang kedua dan di-serahkan kapada Dewan sa-bagai Jawatan-kuasa.

Dewan bersidang sa-bagai Jawatan-kuasa.

Rang Undang[2] di-timbangkan dalam Jawatan-kuasa.

(Tuan (Timbalan) Yang di-Pertua *mempengerusikan Meshuarat Jawatan-kuasa*)

Fasal[2] 1 hingga 12 di-perentahkan menjadi sa-bahagian daripada Rang Undang[2].

Rang Undang[2] di-laporkan dengan tidak ada pindaan: di-bachakan kali yang ketiga dan di-luluskan.

Tuan (Timbalan) Yang di-Pertua: Meshuarat ini di-tanggohkan *sine die.*

Meshuarat di-tanggohkan sine die pada pukul 10.50 malam.