

REPORT OF THE PROCEEDINGS
OF THE FIRST LEGISLATIVE
ASSEMBLY, PENANG

2 ND SITTING OF THE
FIRST SESSION MONDAY
24 TH AUGUST, 1959

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REPORT OF THE PROCEEDINGS OF THE FIRST LEGISLATIVE ASSEMBLY, PENANG.

SECOND SITTING OF THE FIRST SESSION
MONDAY, 24th AUGUST, 1959.

PRESENT:

- The Hon'ble Mr. Speaker (Tuan Haji Sulaiman bin Haji Ahmad)
" the Chief Minister (Dato Wong Pow Nee, P.M.N.)
" the Legal Adviser (Mr. Ong Hock Sim)
" the Member for Tasek Glugor (Enche Hashim bin
Awang J.P.)
" the Member for Tanjong Bungah (Mr. Cheah Seng
Khim, J.P.)
" the Member for Glugor (Enche Aziz Ibrahim, J.P.)
" the Member for Muda (Tuan Haji Ismail bin Che
Chik, A.M.N.)
" the Member for Sungei Bakap (Mr. Kee Yong Chin)
" the Member for Butterworth (Dr. M. P. L.
Yegappan, J.P.)
" the Member for Bagan Ajam (Mr. Phee Joo Teik)
" the Member for Kapala Batas (Tuan Haji Ahmad
bin Haji Abdullah)
" the Member for Permatang Pauh (Enche Ariffin
bin Shariff)
" the Member for Nibong Tebal (Tuan Haji Sahid
bin Hassan)
" the Member for Kota (Mr. Lee Kok Liang)
" the Member for Tanjong Tengah (Mr. Wong
Choong Woh)
" the Member for Tanjong Utara (Mr. Yuen Fook
Cheong)
" the Member for Tanjong Barat (Mr. Tan Chong Bee)
" the Member for Sungei Pinang (Mr. D. S.
Ramanathan, J.P.)
" the Member for Tanjong Selatan (Mr. C. Y. Choy)
" the Member for Kelawei (Mr. Tan Khim Hoe)
" the Member for Dhoby Ghaut (Enche C. D. Ismail)
" the Member for Ayer Itam (Mr. Chor Sin Kheng)
" the Member for Jelutong (Mr. Ooi Thiam Siew)
" the Member for Balik Pulau (Tuan Haji Mohamed
Hassan bin Haji Kassim)
" the Member for Bayan Lepas (Tuan Haji Rifaie
bin Haji Salleh)



THE PRAYER

MINUTES

The Member for Jelutong (Mr. Ooi Thiam Siew): On a point of order, Mr. Speaker:

Before confirmation of the Minutes I would like to know, under Standing Rule 6(1), whether this is actually an ordinary meeting or an emergency meeting, because in the Orders of the Day there is nothing stated that today's meeting is supposed to be an emergency meeting. Arising out of this, if this is to be an ordinary meeting then 14 days notice should have been given to all Honourable Members in accordance with Standing Order 6(2).

Mr. Speaker: I will now invite the Honourable the Chief Minister to reply to the Member's question for clarification.

Chief Minister: Mr. Speaker, Under the Constitution of the State of Penang, Article 19 reads as follows:

"The Governor shall from time to time summon the Legislative Assembly, and shall not allow six months to elapse between the last sitting in one Session and the date appointed for its first sitting in the next Session."

Mr. Speaker, Sir, His Excellency is acting under this Article, and he has authority to summon the Legislative Assembly any time that suits him.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, We still do not know whether this is an emergency meeting under the Standing Rules or whether it is an ordinary meeting under the Standing Rules. No doubt the Governor has the power to call the Legislative Assembly to meet from time to time, but this is a general rule, and we are guided,

and in fact I say bound, by our Standing Orders. And unless there is clarification that it comes within the terms of an emergency meeting then the question asked by the Honourable Member for Jelutong, Mr. Ooi Thiam Siew, is quite correct and has to be answered.

Legal Adviser: Mr. Speaker, Sir, For the main object of this meeting you have to read Article 19 in conjunction with the 7th Schedule. If I may read out the 7th Schedule: It says that—

"As soon as may be after the dissolution of the Legislative Council the Yang di-Pertuan Agong shall give notice to the Ruler or Governor of each State that an election of Senators is required, and the Ruler or Governor shall require the Legislative Assembly to elect Senators as soon as may be."

Owing to the overriding words of the 7th Schedule of the Constitution, to which also all other regulations which are inconsistent shall be subject—'as soon as may be'—upon such notice,—the Governor shall summon the Assembly to proceed with the election.

Honourable Members will recollect that in all other States the Legislative Assembly has been summoned at short notice for the election of Senators of the House owing to, probably, the fact that it is required to be constituted at an early date.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Mr. Speaker, Sir, From the explanation given by the Legal Adviser we gather that he is asking the Chief Minister to tell us that this is an emergency meeting, although he does not say so in so many words: and if that be so then the rest of the items on the agenda should not have appeared. I do not

claim legal knowledge, but with due deference to our Legal Adviser, I think the following clause in the Standing Rules confirms my view: "as soon as may be after the dissolution of Legislative Council the Yang di-Pertuan Agong shall give notice to the Ruler or Governor of each State that an election of Senators is required, and the Ruler or Governor shall require the Legislative Assembly to elect Senators as soon as may be" "The Election of Senators" should have been the only Order of the Day today, no other matter should have appeared. May I ask if that is the interpretation given by the Honourable the Legal Adviser.

Legal Adviser: Mr. Speaker, Sir; The Honourable Member for Tanjong Barat,

There is in the Standing Rules nothing which classifies a sitting of an Assembly as an ordinary or an emergency meeting; if there are certain points which you wish to raise, you could ask for dispensation with a view, on a matter of urgency, to take such matters without the requisite notice. So far as the Orders of the Day are concerned, apart from the question of the notice given to the Governor and the notice to the Assembly relating to the election of Senators there is in the other business of the meeting nothing substantial in the form of two Motions, and the Motions may be taken subject to the Assembly accepting the Motions.

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, On a point of information: Do I take it then that today's meeting is both an emergency meeting and an ordinary meeting, and if such whether due notice for the items of the ordinary meeting has been given in accordance with Standing Order 6(2) of 14 days? We can dispense, with regard to the

emergency item, the giving of 14 days notice, but I cannot in any way fathom why for ordinary business due notice of 14 days should not have actually been given.

Chief Minister: Mr. Speaker, Sir, May I ask whether the Honourable Member is challenging the right of the Governor to exercise his power under Article 19?

The Member for Tanjong Barat (Mr. Tan Chong Bee): Mr. Speaker, I do not think our honourable friend from Jelutong is challenging the right of the Governor. What we are pointing out is that the Governor expressly desired that this meeting should be held for the purpose of electing Senators, and not for any other purpose, and it is wrong on the part of the Ex. Co. to have included other items which according to the Legal Adviser are not substantial. But to us there are several items which are substantial. We should like to consider the various matters on the Agenda first before we come here to vote, for example the selection of the members of the Sub-committees, and the other items which we consider are very important, and for which 14 days notice should have been given to us. I feel certain that His Excellency the Governor never stated that all the other items on the agenda should be included. He just wrote to say that the election of Senators must be made as soon as possible.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, I feel that there is some confusion on the other side over this matter. We are not at all challenging the right of the Governor because he is our Constitutional head. What we have said is that the Executive Council has wrongly advised the Governor, and that the Executive Council as such should have

pointed out to the Governor Standing Order 6(1). That is what we are contending.

Chief Minister: Mr. Speaker, Sir, Under Standing Rules and Orders there is provision that whatever matters had not been dealt with at the previous meeting can be taken up at a subsequent meeting, and as such I do not consider this either a special meeting or an emergency meeting or an ordinary meeting. I exercise the orders as directed by the Governor to call a meeting for the selection of Senators; and thus whatever matters have been left out at the last meeting are brought up today for the consideration and deliberation of this House.

The Member for Tanjong Utara (Mr. Yuen Fook Cheong): Mr. Speaker, Sir, The Honourable the Chief Minister said that matters that have not been dealt with at the previous meeting could be brought forward and dealt with at the coming meeting. Well, we do not dispute the fact. What we are asking for is clarification whether due notice for the other items appearing in the agenda has been given in accordance with Standing Rule 6(2). If this is to be an ordinary meeting then we would not have disputed the fact that those items left out in the previous meeting could be brought forward at the next meeting.

Chief Minister: Mr. Speaker, Sir, I think the Clerk of Council will be able to satisfy the Member.

(Clerk of Legislative Assembly hands over file to Mr. Speaker).

Mr. Speaker: Honourable Members of the Assembly, According to what I have received here due notice has been received of the other items. Considerable days of notice have been given.

I think there should not be any further argument in this matter as I see the Honourable the Chief Minister has made it very clear that this meeting has been called under Article 19 on a summons by His Excellency the Governor. Whether this is an emergency meeting or not cannot be proved. So therefore I will not be permitting any more argument on this matter but will proceed with the Orders of the Day.

The minutes of the first sitting of this Session held on the 11th July, 1959, which have been circulated, are confirmed.

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, On a point of information: May the Members of this House be made aware when the Proceedings of the first sitting of the First Session will be made available to all Members.

Mr. Speaker: Clerk.

Please proceed.

PRESENTATION OF PAPERS

Chief Minister: Sir, I beg to lay on the table of the Assembly the following Paper:

Paper No. 1 of 1959.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Mr. Speaker, Sir, May I ask a question before we go on to the next item?

Mr. Speaker: The Paper is not for debate.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Sir, Just a question for information. May we know why this Paper was not presented last year? These are financial statements for the year 1957.

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, On a point of information, will the Hon'ble the Chief Minister

Chief Minister: Sir, Under Standing Rules and Orders I do not think there is any question of debate on any Papers which are laid on the table. If any Honourable Members want to solicit any information, they may do so at a subsequent meeting of the Assembly.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Sir, What I fear is that last year's report may be presented in 1960.

Mr. Speaker: Standing Rules do not permit us to debate this.

The Member for Jelutong (Mr. Ooi Thiam Siew): Sir, That is why I am seeking information.

ORAL ANSWERS TO QUESTIONS

The Member for Kota (Mr. Lee Kok Liang) asks The Chief Minister:

Will the Chief Minister inform this Assembly the total acreage of land under padi cultivation in this State?

Chief Minister: Mr. Speaker, Sir, The total acreage of wet padi land under cultivation in the State is 39,190 acres.

The Member for Kota (Mr. Lee Kok Liang) asks The Chief Minister:

How much of such land so cultivated are being cultivated by owners of such land?

Chief Minister: Sir, The State Government has no record of agreements between landowners and tenants. It is estimated that the amount of owner-cultivated land is 38% of the total, and that is about 15,000 acres.

The Member for Kota (Mr. Lee Kok Liang) asks The Chief Minister:

How much of such land so cultivated are being cultivated by lessees or tenants of such land?

Chief Minister: Sir, The remainder—that is 62% or approximately 24,000 acres.

The Member for Kota (Mr. Lee Kok Liang) asks The Chief Minister:

What is the acreage rent per acre per season of padi land under lease?

But there is a typing error. It should be "average rent," not "acreage rent."

Chief Minister: Mr. Speaker, Sir, Under Standing Rules and Orders I am not sure whether there is any clause to permit any alteration or amendment to the question. I have only to answer to the Honourable Member's question as submitted by him.

The Member for Sungei Pinang (Mr. D. S. Ramanathan): Mr. Speaker, Sir, I must point out that the mistake was committed at the Secretariat and that the question as submitted by my Honourable Friend was "average," not "acreage."

Mr. Speaker: Will the Clerk of Council submit the original notice sent by the Honourable Member, please?

[Mr. Speaker inspects the letters from the Honourable Member submitting the questions.]

I am sorry. The original notice states "acreage," not "average." The letter dated 1st July and another notice dated 5th August give the word "acreage." The Honourable Member may like to see the papers.

[Hon'ble Members for Sungei Pinang and Kota inspect the letters.]

The Member for Sungei Pinang (Mr. D. S. Ramanathan): Mr. Speaker, Sir, I withdraw my comments.

Chief Minister: Mr. Speaker, Sir, I demand an apology from the Opposition for saying it was a mistake of the Secretariat.

The Member for Sungei Pinang (Mr. D. S. Ramanathan): Sir, Since I have withdrawn my comments, I think an apology is quite uncalled for.

Mr. Speaker: I accept the withdrawal. There is no further apology needed.

The Member for Kota (Mr. Lee Kok Liang): Sir, The answer. May I have the answer to this question?

Chief Minister: Mr. Speaker, Sir, It is not clear what the Honourable Member means by "acreage rent per acre" and "padi land under lease." As the question stands, I am unable to give any answer. If the Honourable Member will clarify this question, I shall attempt to answer it at the next meeting of the Assembly.

The Member for Kota (Mr. Lee Kok Liang): Sir, May I ask a supplementary question?

Mr. Speaker: It must be relevant to the original question.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, Sir, In view of the information received, would the Hon'ble the Chief Minister inform this Assembly whether any legislation regarding the control of rent for padi cultivators is contemplated?

Chief Minister: Mr. Speaker, Sir, That supplementary question — is it supplementary to question No. 4?

The Member for Kota (Mr. Lee Kok Liang): Sir, No, arising out of questions 2 and 3.

Chief Minister: Mr. Speaker, Sir, There is no such thing.

The Member for Kota (Mr. Lee Kok Liang) asks the Chief Minister: Will the Chief Minister inform this Assembly why the previous State Government failed to introduce legislation for the removal of language qualifications of candidates standing for the George Town City Council Election by amending the relevant sections in the Constitution of the said body, when on 30th January, 1958 it was resolved by the said City Council to amend the said Constitution accordingly and such resolution had been communicated to this Assembly and when the Chief Minister himself in a letter to the Mayor of the City Council had declared that it was the intention of the Assembly to introduce such legislation.

Chief Minister: Sir, It is the intention of the State Government to introduce legislation to amend the Constitution of the Municipality of George Town, and other relevant Enactments or Ordinances, to bring them into line with the Federal Constitution as and when it is clear that the introduction of the amending legislation will not be used as a means to facilitate multi-lingualism.

The stand of the State Government on this matter has been clearly stated in my letter to the Mayor, City Council, dated 20th March, 1959. If the Honourable Member has not been informed of the contents of the letter, may I be given permission, Sir, to read them out to him for his information?

The Member for Kota (Mr. Lee Kok Liang): Sir, I have in my possession the same letter.

Chief Minister: Sir, With your permission

Mr. Speaker: I permit this letter to be read.

Chief Minister: "The Mayor, City Council of George Town, Penang — dated 20th March.

Sir,
Amendment to the Constitution of the Municipality of George Town.

I have the honour to refer to your letter reference C.3958; C.558 dated 11th March. The decision of the State Government to introduce an amendment to the Constitution of the Municipality of George Town to remove the language qualification for candidates still stands. Subsequent to the original announcement of Government's decision, it however became evident from addresses made in the City Council that some Councillors intended to interpret Government's decision as permitting the introduction of multi-lingualism in City Council proceedings. This has made it necessary for Government to look into the matter more thoroughly.

The Federal Government has made it clear that the country will finally have one national language only, i.e. Malay, with English used during an interim period until the national language can be fully adopted. Anything which prejudices this policy would not be in the best interests of the country, and for that reason it is not proposed to facilitate the introduction of multi-lingualism. The State Government has been in close touch with the Federal Government in this matter because, as you are aware, although local government is a State matter, the Federal Government under Article 76(4) of the Constitution may legislate for the purpose of ensuring uniformity

of law and policy, and has indicated its intention so to do. The manner in which uniformity will be achieved remains under consideration and, pending advice on the subject, the State Government is naturally hesitant to take any step which, as in this present case, would be open to an interpretation not in accordance with the declared policy of the Government acting within its constitutional powers.

Provided it is clearly understood that the proceedings in the City Council are conducted in the national language, or for the time being also in English as an alternative, the State Government will proceed to implement its declared decision. The manner in which these can be provided is under consideration.

If you still wish, I shall be willing to meet your delegation on March 23rd in my office."

Thank you, Sir.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, Under supplementary question, I would like to ask the Hon'ble the Chief Minister whether it is not presumptuous on his part to say that the City Councillors in the City Council intend to introduce multi-lingualism in the City Council proceedings.

Chief Minister: Mr. Speaker, Sir, I would like to draw the Honourable Member's attention to Municipal Council minutes dated 30th January, 1958, page 13. In that Mr. Lim Kean Siew clearly or wilfully or, shall I say, deliberately misinterpreted the intention of the State Government. In that he says —

"The reason why I agree with this motion is that it will provide opportunities for Councillors themselves to conduct their meetings in another language."

Mr. Speaker, Sir, I would also like to draw the attention of the Honourable Member to the minutes of the City Council Meeting dated 30th September, 1958, page 27.

This is the speech made by Mr. Lim Kean Siew again:

"On the one hand you get the Chief of the State Government coming forward to say that multi-lingualism will be introduced before the next election."

I am sorry, Sir. Just now the first one which I read was not made by Mr. Lim Kean Siew but by the Honourable Member himself, Mr. Lee Kok Liang. The second one was made by Mr. Lim Kean Siew.

From these two addresses it was quite obvious that the intention of the City Council is to introduce multi-lingualism in the City Council proceedings.

The Member for Sungei Pinang (Mr. D. S. Ramanathan): Mr. Speaker, Sir, Is not the Hon'ble the Chief Minister aware that no local government authority can possibly introduce legislation which is in direct contradiction to the Constitution of the country?

Chief Minister: The Government is fully aware of that, Sir.

The Member for Kota (Mr. Lee Kok Liang): Sir, How is it that the Hon'ble the Chief Minister can say that multi-lingualism will be introduced in the City Council?

Chief Minister: Mr. Speaker, Sir, If this is to be a supplementary question to question 5, I do not think it is relevant to the question.

The Member for Kota (Mr. Lee Kok Liang): Sir, No, but in the answers brought out.

In the letter it is said—I read the letter again: the Chief Minister says that "subsequent to the original announcement of Government's decision, it however became evident from addresses made in the City Council that some Councillors—some Councillors—intended to interpret Government's decision as permitting the introduction of multi-lingualism in City Council proceedings." Then it goes on to say that "the State Government has been in close touch with the Federal Government in this matter because, as you are aware, although local government is a State matter, the Federal Government under Article 76(4) of the Constitution may legislate for the purpose of ensuring uniformity of law and policy?"

Therefore, I ask the Chief Minister in this case whether he is aware that multi-lingualism cannot be introduced if it is inconsistent with Federal policy or Federal law.

Chief Minister: Mr. Speaker, Sir, The State Government is fully aware of that and that is why in my letter—the last sentence of paragraph 1—I said that "this has made it necessary for Government to look into the matter more thoroughly," because the State Government does not wish to create any occasion or situation whereby members of the public may misinterpret the good intentions of the Government.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, Sir, Just one more question. It appears from my question that I pointed out the time factor, and also that the Hon'ble the Chief Minister on the 29th of January, 1958 suggested legislation and that until now no legislation has been introduced; and I ask the Chief Minister: Have not they had enough time? Have not the

State Government had enough time to look into the matter in this period of one year and six months? And no decision has been arrived at!

Chief Minister: Mr. Speaker, Sir, My reply to the original question explains the situation.

ELECTION OF SENATORS

Mr. Speaker: Honourable Members of the Assembly, Clause (1) of Article 45 of the Federal Constitution requires this Assembly to elect, in accordance with the Seventh Schedule, members to the Senate.

I will invite the attention of the Honourable Members that the candidates for election must be residents of the Federation who are at least 30 years old and are not disqualified under Article 48 of the Constitution.

The procedure for election is laid down in the Seventh Schedule and I would add to what I have said in regard to candidates that a candidate for election shall be proposed and seconded by members of the Assembly, and the member proposing or seconding shall tender a statement in writing by the person nominated that he is willing to serve as a Senator, if elected.

As there are only two members to be elected, each Assemblyman will have two votes and if any member casts a vote in addition to those allowed, the vote shall be void.

The Member for Butterworth (Dr. M. P. L. Yegappan): Mr. Speaker, Sir, I beg to propose the Hon'ble Enche Hashim bin Awang to be a nominee of this Legislative Assembly to the Senate.

Chief Minister: Mr. Speaker, I beg to second the motion.

The Member for Glugor (Enche Aziz Ibrahim): Mr. Speaker, Sir, I beg to propose the Hon'ble Mr. Cheah Seng Khim as another nominee of this State Assembly to the Senate.

The Member for Butterworth (Dr. M. P. L. Yegappan): Mr. Speaker, Sir, I beg to second.

Mr. Speaker: Will the Honourable Members proposing hand over (interrupted).

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, Sir, On a point of order—according to Standing Rule 28(1), all propositions shall be submitted to the Council by way of motion. I am wondering whether the proposals of the Hon'ble Member for Butterworth and the Hon'ble Member for Glugor should not be by way of motions according to this Standing Rule.

Chief Minister: Mr. Speaker, Sir, The election of the members of the Senate is in accordance with the Seventh Schedule of the Constitution.

The Member for Kota (Mr. Lee Kok Liang): On a point of order, Mr. Chairman—Schedule 1 only lays down the manner of proposing and seconding, but not the manner of electing; and I submit to you, Mr. Speaker, that we are still governed by our Standing Orders. We have our Standing Orders which say that propositions shall be submitted to the Council by way of a motion. And I refer to item No. 6, "Motions." That is the proper way in which it should be done—"That this Assembly resolves that the following be appointed as members". And I say it should be the same thing: "That the Assembly resolves that the following be appointed members of the Senate," or else there is no resolution.

Chief Minister: Mr. Speaker, Sir, The Constitution of the Federation of Malaya takes precedence over any rules or regulations. According to the Seventh Schedule, section 2(1), the names of candidates for election shall be proposed and seconded by members of the Assembly—shall be proposed and seconded by members of the Assembly. I think we are following the right procedure.

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, On a point of order—as long as the Standing Order is not inconsistent with the Federal Constitution, we in this Assembly have accepted the Standing Rules as procedure in which the business of this Assembly is to be followed. In that respect, so far as Standing Rule 28(1) is just laying down procedure—if we are going to abolish this procedure, we may as well have no Standing Orders and carry on following the Constitution only. As long as it is not inconsistent, we should still follow the Standing Rules so that the proper procedure should be followed. As such, it should still be in the form of a motion rather than in the form of a proposition.

The Member for Tasek Glugor (Enche Hashim bin Awang): (in Malay) Mr. Speaker, Sir, I feel as what the Hon'ble the Chief Minister has said just now that the Constitution takes precedence over all rules and orders pertaining to matters in this Council, I therefore urge that the Constitution be followed in this case.

The Member for Glugor (Enche Aziz Ibrahim): Mr. Speaker, Sir, At the last meeting of the State Assembly, you will remember that the Standing Rules and Orders were to be amended and to-day at this meeting we are going to appoint a Committee to look into the Standing Rules and Orders of the Assembly; and

before they are amended, certainly the old Rules have to be used and therefore with the Constitution of the Federation of Malaya, as what the Chief Minister had said, I think they are in order until and unless the Committee appointed to-day have gone through the Standing Rules and Orders and which have not been amended; and, therefore, after this meeting, when the Committee meets and have amended the Rules for the State Assembly then we are in order. But now we have got to follow the Federation of Malaya Constitution for electing these two Senators.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Mr. Speaker, Sir, The Member for Glugor told us that until we change the Standing Rules, this will stand and this also will stand [holds up copy of Standing Rules in one hand and copy of Constitution in the other]. Nobody contested that. What we are arguing about is procedure; here is the Constitution: the procedure of giving 14 days notice is not at variance with the Constitution. So we should follow it. It says very clearly in the Seventh Schedule, 2(1), that "the names of candidates for election shall be proposed and seconded by members of the Assembly." It does not say that it should be done to-day, now, at this very moment. The Senators could have been proposed two months ago, or soon after the first meeting of the First Session; and the member proposing or the member seconding should submit a statement in writing, signed by the person nominated, that he is willing to serve as a Senator. He could have signed it at least two weeks ago; and then the names should have appeared on the Agenda so that those of us here who come to vote will have a chance to meet, discuss and decide who is the

better of the two or, if there are more than two, the two whom we should put up as Senators; or, if there are only two, who should serve for three years and who for six years. As it is, we do not know. We are suddenly pounced upon with two names. We do not know who should stand for three years or who should stand for six years: that is why we maintain that the procedure is correct according to the Standing Rules. We should have followed them.

The Member for Tanjong Bungah (Mr. Cheah Seng Khim): Mr. Speaker, The election of Senators—this command came from His Excellency the Governor only two days ago.

The Member for Tanjong Barat (Mr. Tan Chong Bee): May we know, Sir, when the Senate is going to meet and when the names will have to be submitted to the Governor?

Chief Minister: Mr. Speaker, Sir, I am afraid we are going away from the point we are driving at—whether we are to follow the Standing Rules and Orders or the Constitution. I remind Honourable Members of this Assembly again that the Federal Constitution takes precedence over any other laws in the country.

The Member for Jelutong (Mr. Ooi Thiam Siew): Sir, In that case, may I suggest that the Hon'ble the Chief Minister move for suspension of Standing Orders?

Legal Adviser: Mr. Speaker, Sir, We are slightly departing from what is the relevant issue. The attention of Honourable Members is drawn to Article 45 and it is very clear under that Article of the Federal Constitution that the procedure for the election of Senators shall be governed in accordance with the provisions of

the Seventh Schedule. The Hon'ble Member for Tanjong Barat mentioned that you have to debate the merits of the two Senators to be elected, to see which would serve three and which should serve six years; but that provision, again, is laid down in the Seventh Schedule, in Part II, that—

"the term of office of one of the two Senators elected at the first election held in accordance with the provisions of this Schedule shall be three years, and the Senator whose term is six years shall, if both receive the same number of votes, be determined by lot and shall otherwise be the one who receives the greater number of votes."

The important thing: it will be noticed that the motions normally under Standing Rules will have to be given at least ten days before; and the obvious provisions of the Seventh Schedule intended that possibly such motions or such election of Senators should not be the subject matter of debate for the simple reason that no one should be nominated unless he is qualified under the provisions of Article 47 and not disqualified under the provisions of Article 48. The ultimate election is one to be determined by the Honourable Members by casting their votes in favour of or against a person, and it should not subject the person proposed to be elected to the Senate to the indignity of the pros and cons which have no relevance to the question of his right to be appointed. If he is qualified, everyone is entitled to be nominated for election. The power is vested in the Honourable Members to cast their votes for or against.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Mr. Speaker, Sir, The opinion given by the Honourable the Legal Adviser takes us to another point. He mentioned

Mr. Speaker: I am sorry I cannot allow any debate on this matter, unless it is a point of order or information.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Sir, On a point of order: He was misleading the Assembly, so I would like to correct

Chief Minister: Mr. Speaker, Sir, On a point of order: When Mr. Speaker is addressing the Assembly may I request that Honourable Members be seated.

Mr. Speaker: (in Malay) As the Constitution of the Federation of Malaya takes precedence over all rules and orders in the deliberation of this Assembly affecting the law I cannot uphold the opposition put forward by some members of this Assembly. I therefore accept the nominations of the senators as proposed by the two members.

Clerk, proceed.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, On a point of order: Before proceeding I would like to know whether there would be a debate held so that the proposers can convince every member of this House which man should serve for six years and which man should serve for three years. Otherwise we cannot exercise our vote if we are not properly convinced. It came very suddenly, only in this Council.

Chief Minister: Mr. Speaker, Sir, Under Schedule 7 again — the procedure of election of members of the Senate — it is quite clear that the names of candidates for election shall be proposed and seconded. Nowhere is provision given for debate as regards the quality or the merits of the candidate proposed. So, if no other Members wish to nominate I suggest, Mr. Speaker, that we should take a decision on this.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, On a point of order: There is nothing under Section 2 of the 7th Schedule as to how a vote shall be taken. Section 3 points out to the result of the vote, in which the majority will get six years, but not as to the way. So I say that before we are called upon to exercise our vote it is only as reasonable men, as we all are, that we should know the pros and cons of the whole situation. Or else we will be exercising a blind vote.

Chief Minister: Mr. Speaker, Sir, Again, Schedule 7, paragraph 2(2): When all the nominees have been received the presiding officer shall announce the names of the persons nominated in alphabetical order, and shall then put their names to the vote in that order.

Mr. Speaker: I do not think I may allow any debate in the matter as the 7th Schedule has stated very clearly that the election will be carried out. We have two persons who have been proposed and seconded for election to the Senate. Will the Clerk of Council submit the two names in alphabetical order, please.

The Member for Jelutong (Mr. Ooi Thiam Siew): On a point of order, Mr. Speaker: Since the Government side is not following Standing Orders we on this side are not prepared to vote unless Standing Orders are suspended.

Chief Minister: Mr. Speaker, Sir, We are not following Standing Rules and Orders, but strictly the Constitution which takes precedence over any other rules or bylaws.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, Sir, There are two names submitted, and as a Member certainly I have

a right to vote. But it is equally certain that only in the last fifteen minutes I have heard about these two persons, and I have not had the time to consult my constituency as to whom I shall give the vote, and in that respect I decline to vote.

Mr. Speaker: If any Honourable Member wishes to decline from the voting he may do so.

I have received two names in alphabetical order:

No. 1 — The Honourable Mr. Cheah Seng Khim, proposed by the Honourable Enche Aziz Ibrahim, and seconded by the Honourable Dr. Yegappan;

No. 2 — The Honourable Enche Hashim bin Awang, proposed by the Honourable Dr. Yegappan, and seconded by the Honourable the Chief Minister.

Honourable Members who are in favour of Mr. Cheah Seng Khim please indicate by a show of hands.

Vote recorded.

Mr. Speaker: Honourable Members who are in favour of Enche Hashim bin Awang?

Vote recorded.

Mr. Speaker: Now that the vote has been conducted I would like to appoint two tellers to scrutinize the votes.

I would like to appoint the Honourable Member for Muda. Please come forward to scrutinize.

As Members of this side of the House (the Opposition) are not participating in the vote I do not think I would appoint any of them to scrutinize the vote.

The Honourable Mr. Phee Joo Teik, please come forward.

Votes scrutinized.

Mr. Speaker: Honourable Members of the Assembly, The result of the voting before me is 15: 15, and I am afraid we have to draw lots between these two. Will the Clerk of Council proceed with the drawing of the lots.

Members of the Assembly, I think I will appoint another man to draw these lots. He should be some neutral man. Will the Honourable the Legal Adviser please draw.

Lots drawn.

Mr. Speaker: Members of the Assembly, I hereby declare that Mr. Cheah Seng Khim is elected to the Senate for six years, by lot: and I hereby declare that Enche Hashim bin Awang is elected to the Senate for three years.

The Member for Sungei Pinang (Mr. D. S. Ramanathan): Mr. Speaker, Sir, Before we proceed to the next item, may I suggest that the 7th Schedule, paragraph 5, be noted here.

I did not take part in the discussion that preceded the election. I did not think there was any conflict between the 7th Schedule and our own Standing Orders, but still we Members of this side feel strongly that this election was not made by way of Motion and was, therefore, not strictly in order. I think in fairness we should draw the attention of the Senate to this point and ask them to consider this.

Mr. Speaker: Yes.

MOTIONS

(A) Motion by the Hon'ble the Chief Minister.

Chief Minister: Mr. Speaker, Sir, I rise to move the Motion standing in my name. This Motion is for the appointment of a Standing Committee which will

report to this Assembly on the Standing Rules and Orders of the Assembly and the privileges of its members, and is provided for under Article 24 of the Constitution of the State of Penang. It is proper that there should be such Rules regulating the conduct of business in order that this Assembly may carry out its duties in a dignified manner.

There are already Standing Rules and Orders of the former Council of State and, although they have served their purpose until now, in my view some amendments to existing Standing Rules and Orders of the former Council of State may be required.

It is hoped that the proposed Committee will hold meetings as early as possible in order that this Assembly may have available Standing Rules and Orders which will govern its proceedings throughout this Session.

With regard to privileges, certain privileges were accorded to members of the previous Council of State, and it will be the duty of this Committee, which I am now proposing should be established, to review such privileges from time to time, and to make recommendations to this Assembly.

With regard to the appointment of the Honourable the Legal Adviser on this Committee, Article 23(2) of the State Constitution enables this Assembly to appoint the Honourable the Legal Adviser to be a member of this Committee but subject to Article 23(3).

Sir, I beg to move —

“That this Assembly resolves that the following be appointed as Members of the Standing Committee on Standing Rules & Orders and Privileges:—

1. Hon'ble Enche Hasim bin Awang (Chairman)

2. Hon'ble Mr. D. S. Ramanathan
3. Hon'ble Mr. Phee Joo Teik
4. Hon'ble Enche C. D. Ismail
5. Hon'ble Mr. Tan Khim Hoe
6. Hon'ble the Legal Adviser and that the Chairman and three Members shall form a quorum.”

The Member for Tanjong Bungah (Mr. Cheah Seng Khim): Mr. Speaker, Sir, I beg to second the Motion of the Honourable the Chief Minister.

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, I like to move an amendment to the Motion. My amendment will read as follows:

“That this Assembly resolves that the following be appointed as Members of the Standing Committee on Standing Rules & Orders and Privileges:—

1. Hon'ble Enche Hashim bin Awang (Chairman)
2. Hon'ble Mr. D. S. Ramanathan
3. Hon'ble Mr. Phee Joo Teik
4. Hon'ble Enche C. D. Ismail
5. Hon'ble Mr. Tan Khim Hoe
6. Hon'ble Mr. Tan Chong Bee
7. Hon'ble the Legal Adviser and that the Chairman and three Members shall form a quorum.

Mr. Speaker: Will the Honourable Member please submit the amendment. (Amendment submitted).

The Member for Jelutong (Mr. Ooi Thiam Siew): Sir, In moving this amendment we on this side of the House are proud that at least the Honourable the Chief Minister has taken cognizance of the fact that the old Standing Rules and Orders are out of date and in need of certain amendments to be made. We would like Mr. Tan Chong Bee to be included since his experience in Legislative Council will help in no small measure.

The Member for Tanjong Selatan (Mr. C. Y. Choy): Mr. Speaker, Sir, I beg to second the amendment.

Question put and amendment defeated.

Mr. Speaker: The original Motion stands.

Question put and agreed to.

(B) Motion by the Hon'ble the Chief Minister.

Chief Minister: Mr. Speaker, Sir, The Motion standing in my name concerns the appointment of a Public Accounts Committee to examine the annual audited accounts of the State of Penang, and to make such report to the Assembly thereon as the Committee may think fit.

The duties of this Committee concern the efficient watching of the public purse. Its duties are to see that monies voted by the Assembly are spent in accordance with the policy of the Assembly, and also that they are used in compliance with the various rules and regulations. A further duty is to see that all money due to Government is collected properly, and collected promptly. In this work they are assisted by the reports of the Auditor General; and, also, they themselves carry out enquiries as detailed and as searching as they consider necessary.

Sir, I therefore beg to move —

“That this Assembly resolves that the following be appointed as Members of the Public Accounts Committee to examine the annual audited accounts of the State of Penang and to make such report to the Assembly thereon as the Committee may think fit:—

1. Hon'ble Mr. Phee Joo Teik (Chairman)

2. Hon'ble Tuan Haji Rifaie bin Haji Salleh
3. Hon'ble Mr. C. Y. Choy
4. Hon'ble Enche C. D. Ismail
5. Hon'ble Mr. Chor Sin Kheng of whom the Chairman and two Members shall form a quorum.”

The Member for 'Glugor (Enche Aziz Ibrahim): Sir, I beg to second the Motion.

The Member for Tanjong Barat (Mr. Tan Chong Bee): Mr. Speaker, Sir, I should like to make an amendment.

The Honourable the Chief Minister has just told us that this is a very important Committee; that is why I have great pleasure in proposing that another Member, the Honourable Mr. Yuen Fook Cheong, be included as No. 6 on this Committee.

Mr. Speaker: Will the Honourable Member for Tanjong Barat submit his amendment to the Clerk of Council.

Who is the Honourable Member?

The Member for Tanjong Barat (Mr. Tan Chong Bee): Sir, He works in a Bank; that is why he should look after our money for us. That is why I have great pleasure in proposing that his name be included in the list.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, I beg to second that amendment.

Question put and amendment defeated.

Mr. Speaker: The original Motion stands.

Question put and agreed to.

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, On a point of information:

These Motions have rather brought to me a point of order or information.

Under Standing Rule 28(2) Motions should be sent to the Clerk of Council within 10 days. Since the Orders of the day were only submitted on the 17th August we are wondering how the Honourable Chief Minister could have actually submitted in these Motions, or whether he is exercising his privilege of being the Chief Minister to send in Motions even before the notice is being sent out to other Assemblymen.

Chief Minister: Mr. Speaker, Sir, I wish to draw the attention of the Honourable Member to Standing Rule 17:

"The Clerk shall be responsible for the custody of the Minutes, records, Bills and other documents laid before the Council which shall be open to inspection by Members of the Council and other persons under such arrangements as may be sanctioned by the President."

As such, Sir, I take it that any Honourable Member of the Assembly may submit any papers or questions at any time. Whether you receive a notice of a meeting or not we may submit such questions or motions to the Clerk of Council.

ADJOURNMENT

Chief Minister: Sir, I beg to move that the Assembly do now adjourn.

The Member for Tasek Glugor (Enche Hashim bin Awang): Sir, I beg to second the Motion.

The Member for Kota (Mr. Lee Kok Liang): Mr. Speaker, Sir, I would like to take the opportunity of this adjournment to bring the attention of this Assembly to

what I consider a very vital matter. I refer to the promised legislation to cause the removal of language qualifications of candidates standing for the George Town City Council Elections.

At this stage I do not propose to dwell at any length on the merits or on the fundamental concepts underlying the removal of such language qualifications. But I would be failing in my duty as an elected member of this Assembly if I do not voice very strong protest at the attitude shown to this piece of legislation by the previous State Government.

It is well known that our Chief Minister sent an urgent letter by hand on 29th January, 1958 to the Mayor of this City. Our Chief Minister stated that the State Government had already decided that an Enactment would be introduced to remove the language qualifications. On 30th January, 1958 the City Councillors by a majority passed a resolution to effect such a change in the Constitution of the City Council. It was not because of our Chief Minister's letter. It was because as a responsible and progressive body they felt that such a change must come about, and accordingly they initiated it. The resolution was then conveyed to the State Government. In the course of the debate, drama was injected by a former City Councillor belonging to the same political party as our Chief Minister. This former City Councillor said that no such decision had been arrived at by the State Government. This was then the beginning of the wavering attitude of the previous State Government. In fact, we can say "What Paul said, Peter denied."

More than a year—in fact, one year, six months and thirteen days—had trooped by; and yet, and yet, there is no definite move

from the State Government. Letters were written by the City Council, replies were delayed. It seems as if the previous State Government were marking time, waiting for the command to go or to stop. Delay followed upon delay. Procrastination was raised to the art of keeping up with yesterday. New excuses were found for such delay on the part of the State Government. It had become something of a pantomime, something like a tea party in Alice's Wonderland. Such ambivalence, such hesitation and such coyness may become a young blushing bride but certainly not a hoary gentleman like our State Government. In fact, many uncharitable interpretations may be attached to this attitude of the State Government if no firm and swift decision is arrived at. As a member of this Assembly, I say that we must be responsible, and we must be responsive. Playing dead or dumb is not the thing for us.

To paraphrase Hamlet, I therefore say that there is something peculiar in the State of Penang. We must now settle the question: "To be or not to be."

The Member for Tanjong Selatan (Mr. C. Y. Choy): Mr. Speaker, Sir, I would like to speak on a grave matter regarding the closure of the Noordin Street Ghaut Pier and to seek redress for the hundreds of people who are now unemployed as a consequence of that closure.

Sir, you know at the end of Noordin Street Ghaut by the foreshore, there is a wooden pier built by the fishermen and the waterfront workers with funds subscribed by them some 30 years ago, for their daily needs. Since the time the bridge was built, people were allowed to land cargo of a duty-free nature on this pier and to load goods on to steamers

from this pier. There was, however, the Customs Officer there to prevent any smuggling and so on; so that the situation was well controlled; but only recently, on the 1st April last year, suddenly the Government by a stroke of the pen, made a decree that no one was to use the pier, with the result that hundreds of people and fishermen were thrown into confusion and all the workmen have since been unemployed because as I said just now, Sir, tongkangs and other vessels were not allowed to go alongside the pier to load or discharge goods. No reason was given for this ban and I understand several petitions have been sent to the Government from time to time; but the people there inform me that no reply has been received by them to say why the ban was enforced on the pier.

At present the fishermen who are staying around that area could not even use the pier to load their tongkangs with provisions and fresh water when they go out to the sea to catch fish. And regarding the hundreds of waterfront workers there they are still without employment. They cannot go and work at other piers because the other piers have their quota of labourers and it is not right for these people to go and infringe on other piers and cause other labourers to be thrown out of work. So they are now there, waiting for the bridge to be reopened, which I pray that the Government or the Department or the Federal Ministry concerned would consider this case humanely and carefully again and see that these people have the facilities to make a living because, Sir, you know at the last State Elections and Parliamentary Elections the Alliance Party had pledged that it will find full employment for all workers and, therefore, this is the first opportunity which the Alliance Party can put their pledge into practice and reconsider

this problem from the humane point of view because these people now are suffering untold hardship very silently, with the hope that the Government will take into consideration their plight and have the bridge re-opened for legitimate use. I pray that the reasons could be given to the Assembly showing why this bridge has been closed.

As a matter of fact, Sir, last week I enquired from the Clerk of Legislative Assembly if I may look at the file regarding this subject and I was politely informed that according to the Standing Rule I cannot refer to the file. Now, Sir, as an Assemblyman elected by the people and answerable to the people, I cannot go back and tell my Constituency that I am unable to see the file because the Standing Rule says I cannot do so. So, therefore, I appeal that this restriction of looking into the subject file be removed because everything must be done above reproach and without fear or favour in a democracy. With facts denied to me, I can only ask "Is the Customs Department incapable of handling a small Customs outpost and therefore has to close it down?" or "Is the pier closed because there have been alleged cases of smuggling?" If that were so, the Mitchell Pier should have been closed long ago because people also use this Pier to cross the Channel. Smuggling has been going on there all these years. If it is uncontrollable, then it must also be closed. You cannot pick and choose. The Customs Department should serve the people and not sit in big armchairs and pass all these rules for their convenience or at the principal wish of a few who are paid from public funds to serve and not to be masters of the people.

I would therefore appeal to the Government to re-open this pier

for legitimate use. It costs Government nothing to re-open the bridge: just by a stroke of the pen, they can re-open it for use. And I also appeal to the Departments concerned to see to the livelihood of hundreds of workers and their families, who are gravely affected. They should suffer no longer untold hardship for the last 17 months; and with this appeal, Sir, I thank you.

The Member for Sungei Pinang (Mr. D. S. Ramanathan): Mr. Speaker, Sir, I wish to draw the attention of the State Government to a very serious social problem confronting the State of Penang, namely, the problem of unemployment. It is, of course, no new problem, having been with us for some considerable time but it is a matter of regret that the Government has not up to now seen fit to tackle this problem. I will go even further and say that, unless Government takes immediate steps to remove, or at least mitigate, the ill-effects of this very serious ailment, the possibility of grave social disorder exists.

I am not trying to be an alarmist but I am sure that all those who have eyes to see and (this is important) who wish to see the problem can see it. There are no accurate figures available as to the number of unemployed who are at present found in Penang but my own experience indicates that the number of unemployed runs into hundreds if not into thousands. Unemployment is found not only in one community: it is found in all communities. And I have had actual experience of this—Malays, Chinese, Indians are affected by this very, very serious problem. Besides, it affects also all types of labour—both skilled and unskilled, both manual and clerical.

Another point to note with regard to this problem of un-

employment is that most of those people who are unemployed are either in their late teens or in their early twenties. If they remain unemployed for a long time, then they become "unemployable" and a very great menace to society. That is why it is imperative that this problem of unemployment should be tackled by Government without any further delay.

I am aware, Sir, that Government has established a Labour Exchange. I am also aware that the officials of this Labour Exchange Department have been doing a considerable amount of good work. But I submit that this problem has grown too big for the Labour Exchange Department and it is only Government which should really tackle it. I have been shown by young men who came to see me with Labour Exchange cards some cards which have been "chopped" regularly month after month, week after week—and sometimes for even longer than two years! What are they to live on during these months and years—fresh air and sunshine?

Sir, I cannot emphasize too greatly the gravity of the situation. Unemployment is a problem which only the Government can tackle, and nobody else. It cannot be left to private or charitable agencies. Besides, the worker does not want charity—he wants work.

I call upon Government, therefore, to take note of this very grave problem that exists in our midst and soon formulate projects and policies that will end this evil of unemployment and make it possible for thousands of our citizens to live as decent law-abiding citizens. We often talk of the duties of the citizens to the State. What about the duties of the State to its citizens?

Surely the State owes a living to its people. Surely, if they want young men to live decent responsible lives, the State should see to it that they are employed. If there is no employment, if a man does not have work, I ask Honourable Members: "What do you expect him to do?" How long can his parents support him? And, if the time comes when he is driven to desperation and he goes and steals, then what does the State do? The State arrests him and locks him up. Remember, Mr. Speaker, Sir, that when that happens it is the Public who are paying for his board and lodging. Now, that is the point I would like all Honourable Members to remember.

If we don't solve this problem of Unemployment we are going to be faced with a grave social problem. It is useless talking of the Teddy Boys and of their irresponsible behaviour. It is better if we give them work to do. Because of my position, I have been at very close quarters with this problem. I have seen young men from Form III and Form IV—and in one case it was a School Certificate boy, who comes to me and says, "Sir, give me a job in your Health Department." He is willing to do the work of a sweeper of the drains. Now I could not help him because for an \$85 job I had 178 applicants from as far south as Johore. Now I ask Honourable Members: what are we going to do about this? If, however, some members of the opposite side ask, "What are you doing about it?" I can only say that it is not our business on the Opposition to attempt to solve the problem because it is the members on the other side who form the Government. Sir, I repeat that it is their business to formulate policies and projects and see that this problem is solved. They may reply, "Well, this is a Federation-wide problem."

Let us get started somewhere. Let us do what we can for our citizens, and then perhaps other States will take notice. As usual, of course, Penang leads in these things.

I trust, Sir, that Government will take note of my remarks.

Thank you.

The Member for Jelutong (Mr. Ooi Thiam Siew): Mr. Speaker, I feel that it is my duty as an elected representative of the people to bring to the notice of the State Government a glaring injustice that has been perpetrated in the past by Government.

I refer to the fact that crops and property of the people living in "Black" and rural areas have been damaged and destroyed by Security Forces and Police personnel without compensation by the State Government. This state of affairs brings the name of justice into disrepute and should be rectified by the State Government without any further delay.

In bringing this to the attention of the State Government it is not my intention to criticise the Government on the necessity of the Security Forces and Police personnel to do their duty in tackling the communist menace to a successful conclusion. However, I feel that the innocent should not suffer, especially the poor peasants and the kampong folks who eke out their meagre living by rearing poultry, live-stock, and planting vegetables and other crops. When these are being destroyed by the Security Forces and Police personnel without compensation, the good name of democracy is being besmirched and it would appear to be travesty of social justice. Therefore, I consider it only reasonable for the State Government to consider any claims in this respect from the common people who are affected

by the operation of the Security Forces and Police personnel and, if they are found to be justified, then adequate compensation should be paid to these unfortunate people who have to bear the brunt of direct operations against communist terrorism. I hope that the State Government will leave no stone unturned and pay compensation without any further delay in every case in which compensation appears to be just.

Thank you.

Chief Minister: Mr. Speaker, Sir, In reply to the points mentioned by the Honourable Member for Kota, Mr. Lee Kok Liang: I have already given the essential facts of this subject in answer to question. I would have thought that we might have been spared recapitulation; and indeed for my part I will endeavour to avoid it as much as possible by saying only that my reply to the question for oral answer put by the Honourable Member for Kota and my letter to the City Mayor on the subject should be clear on this issue.

With regard to points raised by the Honourable Mr. C. Y. Choy — the question of the landing place at Noordin Street Ghaut: This is one in which the State Government has been sympathetically interested for a considerable period, and members may be interested if I recapitulate briefly the recent history of this jetty.

In 1953 when legal landing places under the Customs Ordinance, 1952, were defined the landing place at Noordin Street Ghaut was not included in the places so listed, but following consideration of the petition submitted by Mr. Tan Ghim Lee it was gazetted as a legal landing place on the 13th September, 1956. At that time the licensee was informed that the concession

would be withdrawn if it was found that the pier was being used as a means of contravening Customs and other laws and regulations, and also that it would be withdrawn when Weld Quay had been developed to an extent which would provide adequate facilities for landing and marketing cargo, and that in any case the right to withdraw the concession without any reason being assigned at three months notice was reserved.

Tragically enough, offences were committed, and action was accordingly taken by the Federal Government to withdraw the concession, which was done in March of last year. There is no doubt in fact that offences were being committed, and that the facilities offered by the jetty were being put to improper use. This was a matter for very considerable regret.

Subsequently, further petitions were received seeking the intervention of the State Government to revoke the order of the Federal Government, and during this present year a petition offering a bond as security for the due observance of the conditions imposed by the Federal Government was received. This petition was forwarded to the Minister who considered the matter in very considerable detail but found himself unable to agree. The Minister informed the State Government that he had reluctantly come to the conclusion that it would not be in the public interest to re-open the Noordin Street Ghaut jetty as a public legal landing place. He referred to the fact that during a relatively short period in 1958 some 20 offences were committed, either on the jetty or in its vicinity, by residents of the jetty. He also pointed out that from information which he had obtained most of the adult males, numbering about 100, were employed as casual

labour on Weld Quay, and he had received no conclusive evidence that the families concerned were living in conditions of sore distress. He referred also to the difficulties which had been experienced in exercising control over the area from the Customs viewpoint because Noordin Street Ghaut is somewhat difficult of access, and by its nature affords easy opportunity for smuggling and other unlawful activities. He went on to point out also that facilities for landing and shipping the trade of Penang across the legal landing places at Weld Quay were now adequate, and referred also to the further improvements which would result following the reclamation of the area north of the new ferry terminal which would bring into use a very considerable frontage easy of access and easy to supervise.

None the less the State Government appreciates that there may be a form of traditional or specialized use by particular families of the Noordin Street Ghaut landing place, and the State Government on these grounds, and also because of the fact that areas adjacent to Noordin Street Ghaut appear still to be used for the purpose of landing goods, will continue to seek the agreement of the Federal Government to an alleviation of the complete ban which at present exists. It is, however, true that within the near future the reclamations now in progress, when completed, will improve very materially the facilities now available; but it may well be that some form of compromise solution may be found to this unfortunate problem.

As I said when I began to speak on this subject it is tragic that having obtained permission to license the jetty that its use should have been so quickly and heavily prejudiced by illegal activities. It is also tragic that by doing so the traditional liveli-

hood of so many families should have been prejudiced by the selfish actions of probably a small number of misguided and unscrupulous individuals.

With regard to access to information from the Secretariat, may I invite Honourable Members, if they wish to get any information, to please write in to the Secretariat; and I can assure you that prompt attention will be given to your request. To dig into the files of the Secretariat, I am afraid it will be rather difficult, and sometimes it may be dangerous too. So once again, I wish to assure Honourable Members that the Secretariat will always be available to any Honourable Members if they can only please write in for any particulars they wish to have.

Now, referring to the eloquent speech by the Honourable Mr. Ramanathan: I wish to draw the attention of this Assembly to the opening address of His Excellency the Governor to the Assembly on the 11th of July.

In his address His Excellency said that "in determining its general policy Government will give first and equal priority to two basic aims— food and work; of improving rural economy and of increasing facilities for employment. The first need of any community is that of food and consequently development expenditure will be directed to this end: to give practical assistance to food producers whether padi growers, vegetable and fruit growers, poultry, cattle and pig rearers, and to fishermen.

"The next problem is that of employment. This problem is one which in a young country such as Malaya with a high birth rate and the lowest death rate in the East will continue to grow, and practical measures will be taken

to meet it. Broadly speaking, these will fall into two groups: one, a progressive planned programme of capital expenditure on Government works and undertakings— roads and communications generally, drainage and irrigation works, land reclamation and similar works; secondly, positive measures to attract new industries and to extend those now existing."

His Excellency went on also to say that "it is on the success of the measures taken to deal with these problems that everything else depends because it is on the revenue derived from our capital assets that other essential and desirable developments also in part depend."

Honourable Members, Sir, At the present stage, and bearing in mind present trade conditions and the availability of funds, our primary intention is to maintain in employment as many people as possible. As far as Government is concerned this policy is deliberate, and every effort is being made to ensure that work is so organized as to maintain as many workers as possible in constant employment. For this reason, and as a general policy, overtime is being avoided. This permits more people to be employed, and is a contribution to the problem in itself. Secondly, reference to the State Development Estimates will show that the State Government has in hand several proposals which involve the employment of the less highly paid categories of our workers. Such schemes are the construction of roads, both major and mukim roads, extensions to water supplies, the de-silting of rivers, contributions to local government authorities for road development, the expenditure of funds on wharf development and similar work and, of course, the money set aside for

the new Government Offices building which will employ considerable numbers of our local workers.

In the programme which is being prepared for 1960 the emphasis will continue. In a time of relative depression it is logical that Government should endeavour as far as is possible with the means at its disposal to cushion the effect of the trade recession and consequent unemployment by undertaking schemes of capital development. In this connection we have had one or two small disappointments. We had provided, for example, the sum of \$225,000 for improvement to King Edward Place, and it is a matter of regret to Government that because of reluctance on the part of the other authority concerned to finance a portion it has not been possible to proceed with this work; and it is Government's hope that these difficulties will be resolved in the near future in order that the work can proceed, and thus provide more employment.

It is gratifying to see too that the same policy is being followed by a number of employers of labour in the State. The Penang Port Commission and other authorities are continuing their work, and Members of this Assembly will have noticed the developments now proceeding on the water front which continues to employ significant numbers of manual workers.

But this in itself is not a cure for unemployment, and we look further afield to find solutions. One of these solutions lies in attracting industry to the State, and in this connection I am happy to say that we have had a number of enquiries which are being sympathetically entertained, which will result, we anticipate, in extensions to present industries and in the establishment of new ones.

In order to attract new industries it is necessary for us to make available the services which these new industries might require— roads, water supplies and electricity generally being the principal amenities.

Dealing with the question of water supplies: This amenity is not limited in its application purely to the development of industry. It affects also the welfare of the people generally, and I feel I am telling no secrets when I say that 1960 will see extensive and costly developments in our water supplies.

The road programme will continue at no lower level of expenditure.

The Central Electricity Board has been materially assisted by grants from the State Government in extending its supplies to areas from which at the moment no economic return may be expected.

Landing and handling facilities for goods, and the quickening of transport facilities between the island and the mainland are proceeding at a very satisfactory rate, and I can give this House the most categorical assurance that Government will do its utmost to encourage the establishment of any new industry which will provide employment for the large skilled reservoir of labour which we have available to us in this State.

But this is not the end of the story. The requirements of modern industry are such that a higher degree of skill is required than was previously the case, and in this context our Trade Schools and training institutions will progressively ensure that our workers start their careers with as high a degree of training as can possibly be arranged.

Government is well aware of the evils and dangers attendant

upon unemployment, and is aware too that repression is not a real answer. The answer lies in finding work for these idle hands to do. In order to do so the State Government seeks the closest association with all employers of labour. This association already exists, and will be fostered by every means within the power of Government. We do not claim to have the complete answer to the problem of unemployment. It is a problem to which no country in the world has yet found an answer, but our efforts to overcome the problem are in the forefront of our programme, as they must be in the forefront of the programme of any intelligent political party and of every individual who has at heart the interests of the State and the people whom we have the honour to represent in this Assembly.

Mr. Speaker, Sir, With reference to the points raised by the Honourable Mr. Ooi Thiam Siew with regard to the payment of compensation for damage caused by the security forces: I am afraid the Honourable Member for Jelutong may not be aware that the question of payment of compensation to people whose crops and property have been destroyed by security forces is a Federal matter as this comes under the Defence Ministry. However, for the information of this House the

policy is that where it is proved that crops and/or property have been damaged as a result of action by security forces in its operations against Communist terrorists reasonable compensation will be paid to the owners of such crops and/or property. The circumstances whereby crops or other property are damaged are investigated and considered by the State War Executive Committee who, if satisfied that such damage has been caused by security forces in the course of their duties, will recommend the payment of compensation assessed by officers of the State Government.

I have on record payment of two claims for damages which were paid to the parties concerned in 1956. These payments were made by the Federal Government. In addition to these, claims for compensation as a result of damages caused by disposal of Japanese bombs on Penang Island have been paid also from funds provided by the Federal Government. These claims were paid in 1958.

Apart from these, the State Government has not received any report or complaints from inhabitants on damages caused by security forces to their crops or other property.

Thank you, Sir.

The Assembly Adjourned at 4.30 p.m.



