

PULAU PINANG

DEWAN UNDANGAN NEGERI YANG KETIGA

Laporan Persidangan

PENGGAL YANG KEDUA

MESHUARAT YANG PERTAMA

Hari Rabu, 14hb Jun, 1972

HADZIR :

- Yang Berhormat Tuan Speaker (Dato' Harun bin Sirat, D.M.P.N.)
Yang Amat Berhormat Ketua Menteri (Dr Lim Chong Eu)
Yang Berhormat Penasihat Undang² Negeri (Enche' Abu Talib bin Othman)
Yang Berhormat Ahli Kawasan Tanjong Barat (Enche' Teh Ewe Lim)
" " Kawasan Tanjong Utara (Enche' Khoo Kay Por)
" " Kawasan Tanjong Tengah (Enche' Tan Gim Hwa, J.M.N.)
" " Kawasan Tanjong Selatan (Enche' Wong Choong Woh)
" " Kawasan Sungei Pinang (Enche' S. P. Chelliah)
" " Kawasan Bayan Lepas (Enche' Ismail bin Hashim, J.P.)
" " Kawasan Butterworth (Enche' Ooi Ah Bee)
" " Kawasan Kepala Batas (Tuan Haji Ahmad bin Haji Abdullah, A.M.N.)
" " Kawasan Glugor (Enche' D. C. Stewart)
" " Kawasan Permatang Pauh (Tuan Haji Mohamad Nor bin Haji Bakar, J.P.)
" " Kawasan Dhoby Ghaut (Enche' Khoo Teng Chye)
" " Kawasan Nibong Tebal (Enche' Teoh Chung Hor *alias* Teoh Kooi Sneah)
" " Kawasan Muda (Tuan Haji Abdul Kadir bin Haji Hassan, J.P., P.J.K.)
" " Kawasan Kelawai (Enche' Yeap Ghim Guan)
" " Kawasan Tanjong Bungah (Enche' Khoo Soo Giap)
" " Kawasan Jelutong (Enche' Koay Boon Seng)
" " Kawasan Sungei Bakap (Enche' Veerappen a/k Veerathan)
" " Kawasan Ayer Itam (Enche' Tan Phock Kin)
" " Kawasan Balik Pulau (Enche' Abdul Rahman bin Haji Yunus)
" " Kawasan Tasek Glugor (Enche' Mustapha bin Hussain)
" " Kawasan Bagan Ajam (Enche' Ong Yi How)

TIDAK HADZIR :

- Yang Berhormat Ahli Kawasan Bukit Mertajam (Enche' Ooh Chooi Cheng, J.P.)

Dewan bersidang sa-mula pada jam 9.32 pagi.

DO'A

(6) Rang Undang² Lembaga Bandaran (Pindaan) Pulau Pinang, 1972.

Bachaaan Yang Pertama

Ketua Menteri: Tuan Yang Di-Pertua saya mohon menchadangkan supaya Rang Undang² di-namakan "Suatu Enakmen untuk meminda Enakmen Lembaga Bandaran Negeri² Melayu Bersekutu sa-takat mana ia-nya di-pakai bagi Negeri Pulau Pinang" di-bachakan bagi kali yang pertama.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Tuan Yang Di-Pertua saya menyokong.

Rang Undang² di-bachakan bagi kali yang pertama.

Tuan Speaker: Bachaaan kali yang kedua hari apa?

Ketua Menteri: Tuan Speaker, sekarang juga.

Tuan Speaker: Baik-lah.

Bachaaan Yang Kedua

Ketua Menteri: Tuan Speaker, saya mohon menchadangkan supaya Rang Undang² yang di-namakan "Suatu Enakmen untuk meminda Enakmen Lembaga Bandaran Negeri² Melayu Bersekutu sa-takat mana ia-nya di-pakai bagi Negeri Pulau Pinang" di-bachakan bagi kali yang kedua.

Tuan Speaker, tujuan Rang Undang² ini ia-lah untuk meminda Enakmen Lembaga Bandaran (N.M.B. Bab 137) dalam pemakaian-nya terhadap Negeri Pulau Pinang, bagi membolehkan Majlis Bandar Raya George Town dan Majlis² Daerah yang lain di-Negeri ini membuat undang²-kecil bagi menyelaraskan pembangunan tanah di-kawasan masing².

Peruntukan² yang terdapat sekarang di-dalam Enakmen Lembaga Bandaran (Bahagian IX Sekshen 145) Bab 137 tidak memberi kuasa kepada Pihak² Berkuasa Tempatan untuk membuat undang²-kecil bagi menyelaraskan

pembangunan tanah di-kawasan masing². Tanah² baru yang sesuai untuk di-majukan pembangunan daripada Majlis² Daerah dan Majlis Bandar Raya. Oleh itu, ada-lah perlu bagi merancang semula serta menyelaraskan pembangunan tanah² yang ada sekarang.

Pindaan yang di-chadangkan ini akan memberi kuasa kepada Pihak² Berkuasa Tempatan untuk membuat undang²-kecil yang sesuai yang pada 'am-nya akan menetapkan bentuk dan kandungan permohonan² bagi memajukan tanah dan ini akan termasuk peruntukan bagi mengenakan syarat² yang mengawal kelulusan permohonan² itu, termasuk-lah:

- (i) Keperluan memperolehi kelulusan perancangan sa-belum pelan² bangunan boleh di-terima untuk pertimbangan;
- (ii) Pembinaan jalan², parit² dan sebagai-nya hendak-lah di-siapkan sa-belum sivil kelayakan di-keluarkan;
- (iii) Pengenaan kawalan ukiran tinggi bangunan dan had garisan belak-bangunan;
- (iv) Pengenaan kawalan pandangan binaan bangunan, termasuk rupa-hadapan dan jenis bangunan;
- (v) Pengenaan had masa bagi pelaksanaan kelulusan² Perancangan; dan
- (vi) Pengenaan keperluan² kawasan terbuka.

Tuan Yang Di-Pertua, dari pengalaman yang lampau, Pihak² Berkuasa Tempatan telah mendapati ia-itu ada banyak sifat² kawalan perancangan yang berfaedah tidak dapat di-kenakan hanya atas sebab ketiadaan kuasa undang². Sunggoh pun Pihak² Berkuasa dahulu-nya mendapatkan kuasa undang² bagi mengatasi sesuatu kekurangan perancangan, kuasa ini tidak luas atau menchukopi. Daripada meminda Undang² Perbandaran sedikit demi sedikit, ada-lah lebih baik bagi mengadakan satu sekshen yang lengkap di-dalam peruntukan² Rancangan Bandar Enakmen Lembaga Bandar supaya membolehkan penyediaan

sa-peranggu Undang²-kechil Peranchangan Bandar yang boleh juga dipinda dari semasa ke-semasa, apabila di-perlu.

Tuan Yang Di-Pertua, oleh yang demikian, sekshen 145 (A) yang di-chadangkan itu akan merupakan asas untuk memberi kuasa undang² bagi membuat undang²-kechil dan mengenakan kehendak² peranchangan ka-atas hampir² sa-genap bidang pembangunan tanah, sekira-nya keperluan² ini benar² mustahak dan di-kenakan demi kepentingan awam.

Tuan, saya mohon menchadangkan.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Tuan Yang Di-Pertua saya monyokong.

Tuan Speaker: Dewan di-buka untuk di-bahath.

Ahli Kawasan Sungai Bakap (Enche' V. Veerappen): Tuan Yang Di-Pertua, saya suka mengambil sedikit bahagian dan berchakap sedikit di-atas Rang Undang² ini dan saya minta izin-lah berchakap dalam Bahasa Inggeris.

Mr Speaker, Sir, I welcome in principle this amendment, and I think it is a good thing, so that we can control the haphazard development that has been going on, and so that, if properly planned, we could ensure, as the Chief Minister said, I think, that roads, drains, water supplies and other services can be easily provided; and also that we could ensure that where settlements are confined to certain areas better facilities can be provided to our people. But I must say that in this there is a danger of abuse. I do not know whether this would mean re-zoning. But what I am most particularly concerned about is that we must appreciate the fact that, unlike other States where the power or the jurisdiction of the Councils applies only to certain gazetted towns and villages, here in Penang the whole of the State—even the rural areas—comes under the jurisdiction of Councils; District Councils particularly. And that means that even people who live

in little huts in kampongs, people living in fishing villages, and perhaps even in estates will have to be under this control. And therefore there must be some special provision where these people can have some easy means of getting their plans approved.

Now, another thing is that with the introduction of these regulations we find that the work load on perhaps the Town Planning Section may be tremendously increased. As it, is in the Town Planning Section that there is a great deal of delay. And unless the staff in the Town Planning Section is increased then this good intention may be defeated. And I hope that the Government would ensure that there is proper staff before it implements the provisions.

Mr Speaker, Sir, as to paragraph (b)—approve and impose conditions thereof—I am afraid this may lead to a lack of uniformity because each Council is autonomous. And unless the State lays down the conditions which are necessary you might find that it may lead to abuse; and also lack of uniformity between Council and Council. I think that maybe in the light of experience gained Government may introduce amendment to impose these conditions so that it can be uniform.

While I appreciate the Government's intention to have this control, I would also like to know from Government what it intends to do in the existing kampongs, in the existing new villages, and in the fragmented estates where there are buildings, where there is no particular Authority to provide the roads, or to see to the scavenging or to the maintenance of these areas, or even to provide standpipes, and so forth; or lighting for that matter. So in these areas which are already existing, control may not have any effect because the buildings are already there. And I think it is the duty of Government to ensure that minimum health conditions are maintained in these areas because, as I said earlier, most of these buildings are not well looked after, particularly in the estate because, Mr Speaker, Sir, at one time these

estates have been under estate managements which were supervised and looked after by the Labour Office which ensured that certain minimum conditions were maintained. But once these estates become fragmented and broken up then nobody is responsible. It becomes smallholdings—like a kampong also. An estate becomes a kampong. And therefore in these areas there is no particular Authority or person to ensure that the basic facilities like scavenging, and so forth, are maintained. So I would urge the Government, since it has come up with good intentions in this Bill, to do something for these people, as the answer given by the Chief Minister reveals that the District Councils are not responsible for maintenance; and therefore the responsibility should fall on the State.

Thank you, Mr Speaker.

Ahli Kawasan Jelutong (Enche' Koay Boon Seng): Tuan Speaker, dengan izin berchakap dalam Bahasa Inggeris. We on this side of the House support this Bill in principle. And we have a great deal of reservations at the way the Councils, particularly the Council as run by the friends of the Honourable the Chief Minister. Unless Bylaws are to be applied evenly to the people, it is no point passing Bylaws which look good on paper but when applied are applied unevenly against the population. Abuse of Bylaws are apparent to all in this country and we urge the Honourable the Chief Minister as the State authority which appointed the three Members of Ex. Co. to the local councils to investigate into the various irregularities. A point that has been raised and not satisfactorily dealt with is the construction of a cinema at the Jalan Raja Uda. This building and workhouse were constructed without building plans and against the recommendations of the Town Planning Department, yet it has been permitted and has gone well ahead. These are the type of activities that cause the public at large to lose faith in the Government and the application of law. We also invite the

Government to explain in greater detail the proposed amendments and not merely to gloss over explanations. It is incumbent for a responsible Government not only to offer explanations for its acts, but to justify and see that these explanations are properly put to the people. It can be seen that the greatest injustices that arise, arise in the course of the application of planning and building bylaws. Quite often too much control in the hands of a bad Government, like the Alliance/Gerakan Coalition, only gives rise to wide opportunities for corruption. Whereas, we on this side of the House are in favour of proper controls over development of the towns and districts, we would not like to see controls that impede and stifle growth and development and which are bogged down by red tape.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Tuan Speaker, saya minta keizinan supaya berchakap dalam Bahasa Inggeris.

I know all the good intention to introduce this Bill, but I still strongly oppose the Bill because it is being brought to this House at the wrong time. The Bill is seeking more powers to the City Council of Georgetown and the District Councils to make Bylaws to regulate and control the development and use of any land or buildings within the City Council of Georgetown or the District Council areas as the case may be. Tuan Speaker, if this Bill is through, it means that all people in the kampong areas would have to submit plans for the approval of the District Councils in order to build even a little hut or even something for chickens to stay in or something for pigs and this would add a great deal of burdens to the poor people, poor folks in the kampong districts.

Tuan Speaker, I do not know very well about the efficiency of the machinery in the City Council. At one time I was told that 3,800 people worked there. I guess the machinery there must be very efficient, but certainly I know very well the machineries in the Rural

District Councils in Province Wellesley are throughout the State and throughout the country wellknown for being incompetent, inefficient and incapable of handling the volume of work which is now in their hands. And if we are going to add more powers to them here, it only would increase their volume of work which at the moment they cannot tackle. And just imagine all the poor folks in the kampongs have to go down to town and get the Architect to draw up the building plans if they want to build a little hut or anything; that will certainly add in a lot more hardship to them. Tuan Speaker, I said the Rural and all District Councils are inefficient and incompetent because here we can read from the reports from the Auditor-General that the Accounts of the District Council Central, Bukit Mertajam, and the Rural District Council, Penang Island, for 1969 and 1970, the District Council South, Nibong Tebal, and the District Council North, Butterworth, have not been rendered for audit for 1970. I am not satisfied that every effort has been made by the respective authorities concerned to render the accounts as early as possible. Again it goes on to say the present plight of the Council is due to the failure of the Council to enforce law and collect bills promptly and to revise the valuation of the properties. Here the Auditor General says so very clearly that the Council is not very efficient and therefore I say they are not capable of handling this extra work that this Bill will provide. Tuan Speaker, I stay in Butterworth myself and therefore I know very, very clearly how the District Council North in Butterworth works. Again it is well known throughout the District that the Council is very inefficient. A very simple example is this—the communication between the Council and the public is always broken down somewhere. I cite a very simple example that the school in Raja Uda submitted a plan for approval to build extra 8 classrooms and the Council sent back some queries for the school to answer. Then the school answer went back signed by the wrong Part II Architect

which should be signed by the Part I Architect and that letter was kept inside the file for two months. In fact the Council could pick up the phone and say this is signed by the wrong Architect, you must have a Class I Architect to sign or a Part I Architect to sign.

Another example is the same school submitted school plans which must be approved by the Chief Education Officer. Well, the Chief Education Officer indicated his approval on the building plan itself, but the Council said that they need another letter from the Chief Education Officer to certify his approval on the plan and they took another month to tell the school that they need a letter from the Chief Education Officer to confirm approval on the building plan. This is communication broken down and it shows the inefficiency and incompetence of the Council administering matters like that. I know a case of an eating house, Tuan Speaker, waiting 8 months for their licence and when they went to the Council to make inquiries they were sent to see the Secretary, Engineer, Building Inspector, Licensing officer, Licensing Inspector; by the time he has done it, he goes home he got nothing.

Tuan Speaker: Ahli Yang Berhormat, saya ingat tidak payah-lah elaborate panjang, 2 kali. Saya ingat yang tadi Ahli Yang Berhormat beri contoh pun serupa juga. Saya ingat tidak payah-lah elaborate.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): I am only trying to illustrate the inefficiency of the Council and I oppose the Bill because I know the intention of bringing the Bill up to this House is good. But I must give the reasons for opposing the Bill and these are the reasons. Tuan Speaker, for the last few days I took your ruling in good faith and, Tuan Speaker, I think you must allow me to finish my illustrations.

Tuan Speaker, also a hotel wanted to build an extra bathroom which only took one week to complete the whole thing, but took four months to get the plan approved. This is an illustration

of inefficiency, Tuan Speaker. Now if I am going to talk about building plans delay, I think the Honourable Member from Butterworth will agree with me that I will take all day here to talk about the delay of the building plans. And certainly I urge the Government to set out certain kind of inquiry to look into the delay of the building plans. Tuan Speaker, the Bill here wants to provide the District Councils and the City Council of Georgetown and Rural Councils the power to control the development and use of land and buildings within the area of the District Councils or the Rural Councils.

Tuan Speaker, you know in Butterworth, a very simple example—shop-houses. There is no control on the use of shophouses. I have made more than 20 complaints to the Council myself in writing saying that a shophouse next to the clinic was used for spraying and when that spraying work is going on for 2, 3 cars, the whole place is full of mist of this unhealthy atmosphere and next door is a clinic. Tuan Speaker, nothing was done. Even if this morning you phone up to the Council and send people over there you could still see that the spraying is going on. Control of the use of the buildings—and these are the type of things happening in Butterworth. And twenty times I even made a complaint in the District Action Committee and the District Action Committee instructed the secretary to look into the matter. They sent one or two people down there to see it, there is no spraying going on because the car was there. “Yes, it is ready for spraying, but I haven’t caught them redhanded spraying the car”. But when they caught them redhanded spraying the car, they said: don’t do that you know, don’t do that. So they left on that.

The five-foot way, Tuan Speaker, Sir, should be strictly controlled. The five-foot way has been used for storage for unwanted belongings. Five-foot way has been used for kitchen—you can even boil and fry things on the five-foot way. I know you haven’t

been to Butterworth walking on the five-foot way, so you shake your heads, but I can take you there even now, any time.

Tuan Speaker, this type of control—a little factory in the light industrial areas has been converted, reduced to use as a kitchen storage or eating house. Well, everybody knew that the building was a factory just a couple of months back and now this use as a restaurant and eating house—is it control? That is why I call it incompetence and inefficiency and I hope whatever I said, the authority that is administering the Councils would really and seriously look into the matter.

Tuan Speaker, talking about control of the use of land, again the land just next to council itself has not been properly used. Wild plants are growing everywhere and I hope the Members of the authority administering the Council when they next come to Butterworth they could walk along the road where the Council is—they could walk along Bagan Luar main road and they can see where the wild plants are growing and where the wild grass is growing. Tuan Speaker, this is a thing that the Council should have done in the past, but until now there is nothing done. Now there is lot of State land in Butterworth. Some of the land is very, very dear—\$20 per sq. ft. What are we going to do about that—just leave it there? We talk about income revenue for the State but we leave the land there. We can dispose of our land and properties to the private developer, but why not in Butterworth? \$30—per-square-foot land is used for squatters.

Tuan Speaker, recently the District Action Committee in Butterworth set up a Sub-Committee to beautify the Butterworth town. They want to grow more trees, more flowers and more plants. But while the wild plants and wild grass are there, how are they going to grow trees or plants? Tuan Speaker, the Health Officer who is the Chairman of the Sub-Committee sent out letters appealing for donation of plants.

Tuan Speaker: Ahli Yang Berhormat, saya perchaya Ahli Yang Berhormat sudah menyeleweng jauh daripada usul ini.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): This is control of the land, Tuan Speaker, Sir. They appeal to private sectors to donate plants. What is the Council doing? Does the Council know that there are such things going on? The authority administering the Council, do you know that they are appealing to private sectors for donation of plants and flowers to beautify the town? I don't think you know. Tuan Speaker, one thing the Council should have done in Butterworth as regards the control: there should be control over the private sectors when they want to develop the land. You see there is a case in Raja Uda when private sectors wanted to level up the ground to develop the land, they just pushed all the earth inside the public drains and choked the drains; then the water instead of going out of the drains it was going inside the houses. So the residents there sent in petitions and nothing much has been done. This should be controlled. You should not allow the private developer to damage public utility, roads and drains. In one case I know there is a road being closed by the private developer because they stuck all the earth on that. So, Tuan Speaker, I therefore urge the Government to defer the Bill until such time that the District Councils' machinery is ready to tackle this extra work, or to tackle the volume of work now in their hands. Then I am quite prepared to support this Bill. At this moment, I strongly oppose the Bill being read in this House.

Thank you, Sir.

Ahli Kawasan Balik Pulau (Enche' Abdul Rahman bin Haji Yunus): Tuan Speaker, suka saya champor dalam Undang² Lembaga Perbandaran ini. Saya tidak pula menentang pada keseluruhan-nya yang mana Undang² Negeri di-bentangkan. Tetapi apa yang saya maksudkan Tuan Speaker, sekiranya, Undang² ini di-laksanakan dan

tidak ada kechuali bererti Undang² ini meliputi keseluruhan Pulau Pinang dan Seberang Perai. Jadi termasuk dalam kawasan² pendalaman. Dengan laksana-nya Undang² ini tidak di-kechualikan tempat²-nya bererti ini ada-lah satu masa'alah yang paling berat di-hadapi oleh ra'ayat² di-luar bandar yang mana mereka ingin membuat pembangunan baru atau rumah² baru yang lengkap. Setahu saya rumah² ra'ayat di-luar bandar, khas-nya, ada-lah rumah² yang berupa (temporary) sementara. Kalau-lah pehak yang berkenaan melaksanakan tugas ini dalam fikiran saya ini bukan kechil, bahkan satu masa'alah yang besar di-hadapi oleh ra'ayat di-luar bandar.

Tuan Speaker, apa yang saya maksudkan ia-lah penderitaan ra'ayat di-luar bandar. Kalau kita mahu membuat perhitungan dan meneliti bagaimana-kah ra'ayat di-luar bandar mahu membena sa-buah rumah, mereka menyediakan sa-kurang²-nya tiga ranchangan, baru rumah yang mereka chita²kan itu dapat di-siapkan. Kalau-lah Undang² di-laksanakan jadi termasuk dalam ucapan Yang Amat Berhormat Ketua Menteri menyatakan had bagi masa perlaksanaan itu bererti di-sagenap bidang mereka menempoh masa'alah² yang susah bagi mereka.

Dalam masa'alah ini, saya suka menyuarakan bagi pehak orang² di-luar bandar kalau-lah melaksanakan ranchangan pembangunan peranchang bandar biar-lah dengan berhati² atau memilah kawasan² yang tertentu. Ini di-kechualikan supaya memudahkan ra'ayat di-luar bandar untuk mendirikan bangunan untuk mereka yang mana kehidupan mereka yang sama² kita mengetahui kalau kita mahu banding, kehidupan ra'ayat di-mana² negara pun ra'ayat di-luar bandar-lah yang paling miskin sekali.

Tuan Speaker, saya merayu pehak² yang berkenaan memperhatilah masa'alah kehidupan ra'ayat di-luar bandar.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan izin berchakap dalam Bahasa Inggeris, Mr Speaker, we on this side of the House support the Bill in principle. I

say "in principle" because quite often a Bill or any move presented in this House by the Coalition Government and the then Gerakan Government may on the face of it be quite a reasonable proposition, when it comes to the stage of implementation the manner in which the Government implements things in this State leaves a lot to be desired.

This Bill to extend certain powers to regulate development of land in the City Council of George Town and other Districts to a great extent will help to curb the indiscriminate and self-motivated sort of development that has taken place, and that took place in the past under the Alliance Government when rich millionaires could do as they liked in certain Districts of our State, and construct buildings, and develop land belonging to them in any way they liked. And this has gone on under the Alliance Government for quite some time, to the benefit of the minority. We on this side of the House certainly would like to see an end to that. But we find that although by letter the Government apparently appears to be conscious of this sort of practices in actual fact when it comes to practice the kind of underhand tactics, the kind of unfair practice, the kind of unjust application of laws still is continued. Therefore it leaves the people of Penang this great credibility gap as to whether the laws of this land, and particularly, Sir, Local Council laws, are applied evenly against all, and in favour of all. It leaves quite a great credibility gap also because Local Council laws are very important, because they to a great extent are the type of administration that the people come in contact with everyday of their life, whether it is by way of payment of electricity rates, water rates, assessments, or seeking approval for extensions, seeking approval for construction, seeking approval for repairs. It is a kind of administration that has a lot to do with the man in the street. And just an example I would give as to the unevenness. Of course, in this case there may be no ulterior motive, or no great intention behind the unequal application of law. But it

is an example as to the manner in which the Local Councils, although at the present moment administered by, in point of fact, half the members at least of the Executive Council, still don't administer the law evenly. For example, in one place in the city I came across the case where the landlord did not wish to allow the tenant to make certain renovations because there were differences between the landlord and the tenant. The City Secretary and the relevant Department went ahead and allowed the renovations against the wishes of the landlord. In another case in Butterworth, where again the tenant wanted to make renovations to the attap, the landlord did not wish to allow the tenant to do so. And in this case the Council went in favour of the landlord, and refused to allow it. And it was only when this matter was taken up, and we directed attention to Section 144, that subsequently they condescended to allow the renovations. Now, this is the kind of thing that goes on. If it were in the old days when the Councils were run by various Councillors—different people—I could understand. But here they are fortunately, or in this case perhaps unfortunately, administered by our very experienced members of Executive Council—very hard-working members of the Executive Council to take on 5 Councils. What do we see? Uneven administration even on a simple point like this. These are recurring things. They have it every day, Sir. That is why I say that a law may be good; but when it comes to bad administrators, bad leaders, it will be badly applied. Why do I say it will be badly applied? I say so because we have got experience, Sir, of this kind of things. As I say, we are in favour of development laws restricting indiscriminate development. But let us apply them evenly. Let us not, because we are going to apply these laws vis-a-vis a capitalist, a millionaire, an industrialist, say he can do what he wants. Cut all the red tape. We don't cut the red tape, Sir. We thank the laws for that. In fact we subvert the laws to benefit individuals, rich individuals. But when

we come to the small man, Ahmad, Ah Kow, you say, "Well, the laws are not bent". The law comes down on them like a sledge hammer, Sir. And that is the kind of administration that is unjust. And that is the kind of administration which we the people in this State tried to get rid of in 1969—where a rich man has a law for himself, and the poor man has a law against him. That's what we tried to do in 1969. But this injustice has been perpetuated by the Members of the present Government. Why do I say that? I have given an illustration of the poor man—one of the poor kampong folk—who just for the sake of making a "jamban" for himself now faces Court action. Just because he wanted a "jamban" for himself two feet by two feet, and he did not comply with all the development regulations, a Court action is pending against him for illegal construction. I say that even if a man like that were to make that kind of mistake, and he is one of the kampong folk, then we should temper the law and justice with some degree of mercy. It is not that he is trying to build a factory. He is trying to provide for his family and for himself decent sanitary facilities. And yet, what does the Administration of the City Council do? The Honourable Members from Tanjong Barat and Tanjong Utara are responsible for taking Court action against this man. Even if you want to apply the letter of the law, at least you must understand certain things. But did they, Sir, apply the letters of law? That is the question. Do they? I say they don't. Now I give an example why I say they don't.

In 1970 I appeared before the Honourable the Chief Minister in an Objection Proceeding matter which we are trying to debate here—a development matter. I appeared before the Honourable the Chief Minister in an Objection Proceeding because there was going to be a re-zoning of a particular Lot of land, to change it to another sort of development—from a residential house to a petrol pump. Objections were raised. I was not the only party representing the only party. There was

another party. Objections were raised, and the whole thing was gone through. Now I would give a certain degree of credit. The house was still there at the time when we went through this enquiry. But, Sir, now I hope the Honourable the Chief Minister will not try and stand up and draw another red herring and say, "Oh, I am no more the officer administering". Whether you are or are not, the Deputy Chief Minister is one of them; and his powers are delegated from the Chief Minister. And they are collectively responsible to the Executive Council. But, Sir, here is a case when I brought up this representation. What does the Honourable the Chief Minister do? "Alright", he says, "we'll take what you have said into consideration". And he thanked me for a very elaborate presentation. I've got the minutes here. And he says, "Nevertheless the whole purpose of *Gazette* Notification is to allow citizens in the area to make their petition; and their objection will be seriously considered." He says there is no question of pre-judgement in this kind of issue. And the Chief Minister adds that there has been other cases where petitions took place, as he had already indicated to Mr Yeap. Council will consider the various clause and merits of the case put up. And "Mr Yeap has put up a good case", he said, and so on, and so forth. Now, that was in 1970. Sir, when I attended that enquiry I did say something. I did make a point to stress that: "We are here not to waste the time of the Council. And I hope that Council, in this matter where there is a change of development from one sort to another, will obviously allow the petitioners to put their points across. And the issues are not already crystallized." That is the point I want to make. And that was the same kind of promise and undertaking the Honourable the Chief Minister gave to us. Also, he says, "Rest assured that certainly we will consider. Nothing is crystallized. Council hasn't made up its mind." That is the intention I read. That is not the intention of the *Gazette* Notification. The public Sir are very sceptical about this kind of *Gazette*

Notification—an invitation to objection and views—because they feel that this is an eye-wash. The Government is merely going through the letter of the law, but is not prepared to apply the law. If they have made up their minds they have made up their minds. Now, why do I say that? Because in this particular enquiry that we had the Honourable the Chief Minister promised me that the Council would inform me and the petitioners of the decision whether to accept the objection or to reject the objection. That is the point. The Honourable the Chief Minister promised me that it was a reasonable undertaking. If the objections are rejected then of course we must be informed. But what, Sir, do we find today? Today I have not been informed about the outcome of our objections. To make things worse, that was 1970, Sir. Today is 1972, June. On top of that, apparently at least the petroleum company has gone ahead, Sir. It has torn down the house; and there is a signboard "Shell Company Service Station" here. My God! Is this the way, Sir? That is why I say: Do you give confidence to the public in your administration when you do things like that?

Here I give the case of a man who has erected a two feet by two feet bucket lavatory. That is all. You pounce on him with your notices to demolish; and then threats of Court action; and then Court action. I know Shell Company is a multi-million-dollar international corporation. That is why I say that we help the poor. Or are we trying to support people like Rothmans, and so on? And the next day the residents there are up in arms, Sir. The residents of Kelawei Road are up in arms because when they woke up the next morning they saw the demolition squad coming. Of course, I understand that they have been very clever too. When they started demolishing they said: "Oh, this is only for constructing a house." But then slowly they found out it was a Shell Station. Sir, can the Honourable the Chief Minister give us an explanation? Can he? This is a matter affecting the State; and this is a matter affecting the people. Let us

not draw another red herring, and give stupid answers which are not relevant, just to cloud the issue. For once I appeal to the Honourable the Chief Minister on this very basic issue. Give us an honest answer. If that is wrong, say it. Have the guts to say: "I will cause an enquiry into this matter." This is what the people object to. This is a clear case. I raised the matter, and I said that I hope we're not wasting time because I hope that the whole issue has not already been prejudiced. And the Honourable the Chief Minister told me: "No. Don't worry about it. We will do what is right, and we'll look into the matter. And before we do anything we will inform you of the decision." But, Sir, has the decision been made? I have not been informed. Now, if the Chief Minister says there is some delay in the post I would also further add that the other party who objected has also not been informed. So there can be no question of any postal delays, or anything of that sort. And if the Honourable the Chief Minister would pull another red herring in front of us I would further add that surely, unless the re-zoning had been allowed for a separate type of development, the Company cannot go in and demolish the house, and start with construction activities right now, without a signboard. A Shell Service Station cannot do that. It is against the law. Isn't it? So, Sir, what is going on? I hope the Honourable the Chief Minister is not merely going to say, "Oh, I am not administering any more, so I do not know what went on." You have the responsibility to see that everything is done properly. And even if that were the case I would urge him to tell this House that there will be an enquiry into this matter. Everybody knows, Sir, that opening of Petrol Stations is a very big money-making matter. A Petrol Company is prepared, Sir, to pay half a million dollars for a choice site, above or below the counter. They are prepared to pay. So the public must be assured that everything done is above board. Now, Sir, this is one issue. I am not aware of other issues. There may be other issues.

The public are talking about the petrol pump that was opened opposite the Sanatorium. The hospital has a petrol pump right opposite it, with all the banging, the pollution, the fumes, the lubricants, the repairs, the servicing going on. Is it the right place to have a petrol pump? That is why I say it is alright to pass laws like this. Yes, we like to restrict development here and there. But can we apply it equally and justly for all? And can we apply it reasonably and sensibly? We cannot, from what we have seen. The more laws we give to the Honourable Members of the Government the more we give them opportunities to obstruct the public on technicalities, and the more room, Sir—the word has been used—is given for corruption.

Another example I would give: I understand that the by-laws require, in the city area, that trees should not be felled for the purpose of making a drive-way into any development. But I would advise the Honourable the Chief Minister, after the adjournment of this House, to go and have a look at this particular Kelawei Road development where the trees are going to be chopped down, Sir. Why don't you comply with your own requirement which is endorsed on the plans. Why don't you comply with them? And there is also a further requirement, I understand, that the drive-way should be 30 feet away from the adjoining boundary. This is not going to be complied with in this particular service station.

Sir, why do you apply one law for the rich capitalist, the rich industrialist, and one law for the poor man? Is that the kind of justice that you preach? Is that the kind of socialism that was talked about? Of course, today because it is a coalition there are no more socialist policies. Socialism! We heard there are some socialists over there, although we have not been able to really see them in action. This is unfair. If it were one instance, fair enough, Sir. One instance is that? To err is human, the Honourable the Chief Minister will say. It is not only one,

Sir, I had another Objection Proceedings; and this was this time before the Honourable Member for Bukit Mertajam, the Timbalan Ketua Menteri. And in this Objection this was over the question of change of use again—development from a Balai Ra'ayat into a factory. And when I attended that Enquiry I said—and the Honourable Members for Tanjong Utara and Tanjong Barat are here. They know—"Look, a serious matter has developed. Today we are enquiring about whether there are merits in the rezoning. But I would like to bring to the attention of the Committee that even as we speak today the owners are already reconstructing the premises, changing it into a factory, converting it, putting in machinery, and changing the electrical wiring into a industrial electrical wiring. And everything else is already going on. And here we are going to discuss. Is there any reason, any need, any use?" Again the Chairman of the Committee, now the Timbalan Ketua Menteri, says, "I assure you that we will see to it that if there are merits nothing will be allowed. And I am surprised, if you make an enquiry into this, if what you said is true." But when the City Secretary was pressed very, very unsatisfactory replies were given. First he said, "Maybe the owner was doing it in trust for the Council. And the Council does not require plans," and so on, and so forth. It was so ridiculous that subsequently he himself withdrew. I have the Minutes here, but I may have to take some time to dig them out. But subsequently he even withdrew that. But, Sir, that is the point. I have it here. That is the point, Sir. How can you trust the Government when things like that happen? And to make things worse, Sir, here again, as I said in this case, when we started the Enquiry all the change of development had started already, and they were going to commence operations in a few days. And, Sir, that Enquiry took place in 1971 December 14th. Today is 1972 June. I would like to tell this House that up to today also in this case I have not been informed, although I was promised that I would be informed. And

I think it is only natural that if and when a decision is made on our objection we must be informed. All parties, even like the person who applied, or the parties who applied for re-zoning, must immediately be informed of the decision. If not, how else can you administer these matters? And I would say here that up to today we have not been informed, one way or the other, what has happened to that decision. No decision has been made known to us also on this Enquiry. I have the verbatim minutes here. And I invite the Chief Minister again, after this Sitting this morning, to go and have a look. Does this House know that, aside from what I had already raised on that day, Sir, they had gone in; walled up the open space of the Balai Ra'ayat; converted the whole thing; put in their industrial machinery and wiring, and everything else? Does the Honourable the Chief Minister know? Does he care to go around looking at Hamilton Road and have a look there? Does he know what his Authority administering the Councils is doing? Does he know that these people, on top of having changed by doing these so-called minor—matter of opinion, the Honourable the Chief Minister likes to say—changes which in law are illegal, have gone on to build an extension factory on the ground that used to be an open ground for the Balai Ra'ayat. An extension has been constructed already, and the factory has gone up.

Sir, the re-zoning has not been approved, I presume, if we have not been informed. And I presume it is good practice to inform people who object. If not, say so. But we have not been informed. I hope the Chief Minister is not going to stand up and decide everything and say, "Oh, the Honourable Member for Kelawei thinks he is a big shot. He must be informed. Everything we must inform him." I do not think I am a big shot. I am trying to anticipate this kind of red herrings that the Honourable the Chief Minister is very fond of bringing into this House, and thereby effectively destroying any sort of constructive discussion.

Ketua Menteri: Don't anticipate.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, we I think have the right to be informed. And if you haven't informed us that means the decision has not been taken. And if a decision has not been taken, can the House ask the Honourable the Chief Minister to give an explanation—although he now says he is no more in charge of it—as to how these people can allow these developers to erect this factory at this place. There may be a reasonable explanation. And again here, Sir, I ask the Honourable the Chief Minister to cause an Enquiry into it. If necessary, a Public Enquiry. And I shall be quite prepared to give evidence. And we have photographic evidence.

Sir, these are examples to show that you can have all the laws you want. But you must administer them properly. The public, Sir, are looking at this House as the only forum, Sir. The public are very conscious of the proceedings of this House. They are watching this House. Everything that goes on every day is reported, not only in the Press but by word of mouth. The public are observing these proceeding because this is the only free and democratic institution left in Penang. This matter concerns the Local Councils. But the Local Councils have been abolished, so these things cannot be brought up. And it is very important. Sir, that laws that are passed are sensibly applied. And I say that if one allows industrial development in a housing estate like Hamilton Road—turn that into a factory—my God! That is the wrong place. Jelutong has got a lot of vacant land, or land that Government can go ahead and acquire and develop industries there so as to allow the people who live there employment. That would be good in that area. And if I am not wrong, if I look at the zoning plan, that is the area for industrial development; not a residential area like Green Lane. So I would urge the Honourable the Chief Minister and his friends to really try and administer law, not just in the letter when it suits them, but also in

the spirit; and not to go against sensible planning. You may have all the laws you want; but if you don't have sensible application you will never make it.

Sir, another example is the requirement now—and this I read from the newspaper very clearly—that the coffee shops have to provide parking space.

Tuan Speaker: Ahli Yang Berhormat, ini saya ingat tidak kena-mengena dengan ini. Saya ingat ta'payah disebut berkenaan kedai kopi. Saya tidak benarkan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, this involves the question of planning and development. Application of this law involves things like this. Now, with the extension of this law, Sir, if the House does not appreciate it, this kind of thing can happen also in the rural areas. So it is relevant, Sir. It is a matter of record in this House, I hope you will agree with me. I am explaining to you. You may have misunderstood my point. I am explaining to you that this is a matter concerning this amendment because this was only restricted to the city. But now we are extending this law to cover the Districts. So what has happened in the City Council can happen in the Districts. That is my explanation. Sir, you require the coffee shops to have parking space. Is it possible, Sir, to apply this law? Coffee shops: what is their capital? You know, Sir, how much it costs to have parking space, especially in the city areas? And are we going to apply this law in the Districts? I hope the Honourable the Chief Minister will pay more attention to this, rather than ancillary matters that may provoke his mind. And I think it is wrong. I think there should be a reconsideration of this point—that we want to force coffee shops to provide parking space. I would like to inform the Honourable the Chief Minister that there is a difference in words. If you are talking of a Coffee House perhaps I will agree—Merlin Hotel and Ambassador Hotel. But coffee shops, Sir, are not patronized by the Member for Tanjong Barat or

the Ketua Menter. They are patronized by people who go on their two feet and cycle. Coffee shops, Sir, where you don't have to pay 50 cents for a cup of coffee, but perhaps 20 cents. So it is not necessary to impose this kind of provision on the people because the people who frequent coffee shops are not by majority the people who drive in big cars, like the Honourable Members of Government. They are people who pedal a bicycle or come by trishaw. So why impose this unjust requirement? It is unheard of. And I would just in passing refer to all these comments—we criticize the Government—made by the Auditor-General. These are all here, Sir. I feel that the Government should be more sensible. "Muddle," he says, "in Penang Councils." These are the words used by the Auditor-General.

And again, matters like roads not looked after. They are numerous. And even a Judge has already rapped the City Council, and described it as people more capable at collecting rates than administering the law and providing services. These are the words of the Commission of Enquiry that even held its proceedings in this very House.

Sir, we on this side of the House would emphasize that we would not obstruct any piece of legislation that can be good for the State. But certainly, Sir, not legislation to be passed in this House, and to be maladministered by the Members of the Government. And unless they wake up to their responsibilities, and unless this method of passing the buck, this musical chairs they are trying to play with us is stopped every time a query comes up they push it to somebody else, and they zigzag somewhere else—it degrades the dignity of the House. We are here to air the grievances of the people, and the electorate, and the constituencies. And we air them without fear or favour. But let not the Chief Minister first intimidate us by saying that we are trying to waste the time of the House; and on the other hand by drawing inferences and unnecessary things, and issues that are irrelevant to the discussion. And give us for once at least;

after this long—to him long perhaps, but me rather short—sitting, one or two honest answers at least that we can go on record with.

Ahli Kawasan Tanjong Barat (Enche' Teh Ewe Lim): Tuan Yang Di-Pertua, saya minta kebenaran berchakap dalam Bahasa Inggeris.

Tuan Speaker, Sir, I rise to support the Bill because I feel there is a real need to curb indiscriminate development. As we all know, Penang is a very small State, and therefore land in Penang is very scare and limited. In view of this, Sir, we should not permit indiscriminate development to use up whatever available land. What we must realise is that in view of our smallness we, unlike other States, are in no position to tolerate indiscriminate development. It is therefore only appropriate, Sir, that steps should be taken to control and to check indiscriminate development.

Tuan Speaker, Sir, how are we going to curb indiscriminate development? The best way of doing so, to my mind, is to enact a Bill which would give the Local Authorities like the City Council and the other Local Councils the necessary power to make by-laws to regulate and to control development within their respective areas. In view of this need, Dato' Speaker, this particular Bill is introduced into this Assembly for the necessary legislation. And I am very glad to note that Honourable Members from the opposite side of this House, with the exception of the Member from Bagan Ajam, are in favour, although Honourable Members from the D.A.P., you know, in their usual selves could never be, you know, decided on one thing or other. They support the Bill in principle, with their own reservations. That is the usual thing we observe from the D.A.P.

Dato' Speaker, another reason why a Bill of this nature should be passed and approved is the fact that it would help to eliminate illegal erection of buildings, and other illegal development which, in the absence of such control, would inevitably lead to a lot

of problems later on. It would retard and hinder growth and development which could bring benefit to the State, and to the people in general.

Tuan Speaker, the passage of this Bill is also to eliminate the fly-by-night developers who unscrupulously prey on the houseless, especially when the houseless in their desperation to seek accommodation for themselves and their families would jump innocently into such a deal which however would land them into trouble later on.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Build more low-cost housing.

Ahli Kawasan Tanjong Barat (Enche' Teh Ewe Lim): We can also say here, Sir, that there were numerous instances and our attention was drawn to the fact that some of these houseless in their desperation to have a roof over their heads quite often find themselves landing up as losers of everything. This Bill will, therefore, help to prevent exploitation of the houseless by the unscrupulous developers. And as it is rather difficult to pin these people down, prevention is therefore better than cure.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ulang².

Ahli Kawasan Tanjong Barat (Enche' Teh Ewe Lim): Tuan Speaker, Sir, before the extension of building control to cover the whole state of Penang, the various Councils, with the exception of the City Council of Georgetown, were quite powerless to take action against illegal erections or development in places outside building-control area. It is regretted to say that much of this illegal development was done in total disregard of existing laws such as Water Enactment, Hill Conservancy Act and other laws. As a result, Sir, such illegal buildings built haphazardly are constantly exposing their occupants to various forms of risks and dangers.

Uncontrolled clearing of hill lands will lead to erosion and landslides. Uncontrolled diversion and choking of

streams and brooks will lead to inundations and flooding and also silting. And as these are illegal buildings, they are denied supply of water and light and therefore risk of sickness arises when water is being tapped illegally.

Another point, Sir, uncontrolled and unapproved buildings with poor ventilation and light could also be a source of sickness and diseases.

In the light of all these, Dato' Speaker, it is therefore in the interest of the people of the State that control should be extended to cover the whole State.

In concluding, I wish to thank the Honourable Member for Sungai Bakap for giving his support to this Bill.

Dewan di-tangguhkan pada jam 10.54 pagi.

Dewan bersidang sa-mula pada jam 11.15 pagi.

Ahli Kawasan Tanjong Utara (Enche' Khoo Kay Por): Dato' Speaker, saya minta kebenaran berchakap dalam Bahasa Inggeris. Tuan Speaker, I rise to speak in support of the introduction of this Bill. Tuan Speaker, we in the part of the Government have carefully examined the pros and cons. I think it is a good intention on the part of the Government to introduce this Bill in order to curb the people, especially the "fly by night" contractors who take the advantage of building illegal houses, and then selling them to the public. I think it is wise on the part of the Government that we look into this problem in order to protect the interests of the general public.

Tuan Speaker, I wish to take this opportunity to reply to the Honourable Member from Bagan Ajam who took the opportunity to make some allegations pertaining to the District Council North. I happen to be one of the members appointed to the Administration of this Council. It is always the policy of the Government to give an efficient and honest service to the general public. I think that for the Honourable Member, particularly at this stage, to make certain accusations is to my mind very unfair. There is no

point for me to go into the details, Tuan Speaker, regarding the behaviour of the Honourable Member. To me it is very unpleasant to quote the words of the Honourable Member. They are best forgotten. At the District Council Meeting, Tuan Speaker, we took the opportunity of inviting the Honourable Member to attend. But the Honourable Member in the course of Meeting did not hand out the specific cases which he just now mentioned, particularly regarding the school. Tuan Speaker, regarding the school, at first the plan was submitted for the purpose of two storeys. And of course the Council had to go into the processing of the plans, which naturally will take some time. But after that the Board of Governors of the school thought they would like to change the plan into three storeys; so they submitted a new plan. Finally, Council discovered that the architect was not qualified; so they had to get someone else to sign the plan. So in the course of this action this caused some delay. On my part I think it is very unfair of the Honourable Member to say that the City Council purposely delayed this thing. Tuan Speaker, it is the duty of our Civil servants in the Council to give the best service. Should anyone try to purposely delay plans, or try to create any obstacle, I think the Council will take very drastic action against whoever it may be. It is our policy and intention, Tuan Speaker, to give good service. And there should not be delay on the part of any Civil servant. But I can assure the Honourable Member that we on our part will give fair play. Thank you.

Ketua Menteri: Tuan Yang Di-Per-tua, saya berasa Yang Berhormat Ahli dari Kawasan Balik Pulau barangkali sedikit salah faham tentang penubuhan Lembaga Bandaran ini yang bermaksud untuk memberi kuasa kepada Pihak² Berkuasa Tempatan bagi mengadakan undang²-kecil yang sesuai bagi meng-awal penggunaan dan pembangunan tanah khas-nya dari segi perancangan. Tetapi apa yang di-bangkitkan oleh Ahli Yang Berhormat dari Kawasan

Balik Pulau yang ada berkalu, Kerajaan akan ambil perhatian tetapi untuk prinsip saya ingat Yang Berhormat ada sedikit salah faham. Soal pendudok² luar bandar membena rumah² di-kawasan² luar bandar. Di-atas ini tidak akan di-ganggu² oleh perlaksanaan Rang Undang² yang kini dibentangkan di-dalam Dewan ini, kerana sa-banyak kawasan pembangunan dikuatkuasa di-seluruh Negeri ini, Pihak Berkuasa Tempatan telah menyediakan pelan² bagi rumah² kampong atau type plan tetapi apa yang saya katakan tadi, lain² perkara yang di-bangkit, Kerajaan akan ambil perhatian.

Tuan Speaker, saya minta izin menjawab dalam Bahasa Inggeris untuk menjawab perkara² yang di-bangkitkan, sunggoh pun Ahli² Pembangkang telah membangkitkan-nya, tetapi saya tidak boleh berjanji yang saya hendak jawab semua soalan². Nampak-nya, jika boleh pun Ahli² Yang Berhormat dari Pihak Pembangkang jika tidak ada apa² modal hendak bawa dalam perbahasan mahu berchakap hingga terang bulan pun boleh, perkara² yang langsung tidak laku pun boleh bawa.

Mr Speaker Sir, I do not think it would be necessary for me to touch on every point; but I would take a little time to try to answer some of the points. In actual fact the purpose of the Bill is clear. And in actual fact the principle of the Bill is in effect accepted by Honourable Member from Sungei Bakap, Honourable Member from Jelutong and Honourable Member from Kelawei. What they are unhappy about is the question of implementation. The whole argument is to cast doubts that even the best of courses can be badly implemented. But they are really not opposed to the principles of this Bill, and the provisions of the Bill. So I feel that probably the best way to reply to the Honourable Members at one time is, first of all, to refer Honourable Members to His Excellency's gracious speech, and in particular to paragraph 5 and 6 of that speech which I shall not trouble the House to read because I am sure that reference is

enough. Honourable Members can go back, and at their leisure and ease absorb the implications of that speech.

In fact this Bill today is not a major Bill; but it is the first scratch, and the beginning of, I hope, a fruitful dialogue and constructive legislation in this House for continuing legislation that will bring about force in the administration of Local Authorities, and the provision of services by the Local Authorities to the people in the areas under the control of the Local Authorities. From that point of view, all that have been brought up by the Honourable Members who oppose on the question of implementation. For example, the Honourable Member from Sungei Bakap asked about the problem of control of drains, and so on, concerning fragmented estates; the question of re-zoning; the question of delay in approval of plans. The Member from Jelutong referred to the question of the construction of the cinema in Jalan Uda, although I think we did have time to reply to him from the oral question. The Member for Bagan Ajam raised points in the illustration; no control of schools, five-foot-ways. The Member for Kelawei referred to various questions. He talked from jambans to petrol stations, and petrol stations to coffee shops. In effect, Mr Speaker, Sir, it is because there are no proper bye-laws to control development use—particularly the words used by, I think, the Honourable Member from Sungei Bakap: "should make a law"—under an overall plan that we find a great deal of unevenness, which I accept, in the decisions that have to be taken by Local Authorities. However, unlike Honourable Members of the Opposition, I do not impute any lack of hard-work, corruption, or bad intentions on the part of the administrators, nor do I blame it on inefficiency or incompetence of the staff of these Councils. These problems will be dealt with, as I said, in ensuring and following Meetings of this House. But the Honourable Member from Kelawei I think rightly brought up to illustrate, but wrongly concluded his

opinion when he brought up this question of unevenness of decisions, as in the City Council. I do not know his specific case; but I have noted this particular point where the landlord did not agree to have renovations, but the tenant wanted renovation, and the renovation was approved by the Council. And in Butterworth, I think, a vice-versa situation where the landlord wanted (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): On a point of clarification, the decision was vice-versa; not a situation. The situation was exactly the same.

Ketua Menteri: Well, the decision in actual fact was exactly the same too. Because he said (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): After representations.

Ketua Menteri: I have it noted here that when he was represented under Section 144, Council then agreed to permit the renovation. However, he used the word "condescended". It is his opinion that people try to condescend. But I suggest to him that it is because of a lack of uniform control, and a uniform set of guidelines throughout the whole State which would apply to all the Local Authorities—that various Councils have to take decisions on the merits of particular cases. A case arises they have to take the decision. They take their decision in earnestness. And, as was brought up, when the points are raised, and new information comes in they revise their views. And it is this *ad hoc* type of decision on particular issues which to some extent make Local Authorities much more human than organisations or institutions where there are strict laws to be followed. I mean it is a human thing when a person is a politician although he acts as a politician, and then goes to the squatters and tell the squatters that they deserve more compensation and *ex-gratia* payment. Then this is a human act. It is similarly part of a human social act that the same person

acts in his capacity, not as a politician and as a lawyer advises his client who happens to be a landlord, and tells the tenant or the squatter on the land of the landlord that he should not be paid as much compensation as he has asked for. That is part and parcel of human life. And we are dealing with human society. So in this respect I think that if Honourable Members in the Opposition will realise that we have a job to do, to institute the reforms of the State, to enable better service to the people—and this is just the beginning of the reform—we will be in actual fact serving the State in a better way than in bringing up all sorts of terms like God, corruption, underhand tactics, and so on. Because I think there are good points that were raised; and there were unfortunately bad points also that were raised. Once you agree in principle that it is necessary for us to have a Bill to give powers for Local Authorities to make bylaws to regulate and control the development and use of land and buildings I think the next hurdle has still got to be crossed, namely what is proper development, what is proper use.

Now, the State Government will be bringing up in this Session all the House proposals that will involve the establishment of a Central Development Planning Control Board which will draw up guidelines and advise the State Authority on issues of development and utilisation to the best interests of all the people of the State. It is true that when this kind of guidelines are drawn there will be necessarily those who are unhappy about them. But if the State is going to progress in an orderly, planned manner, and the State in particular is going to do so in relation to the changes that are taking place in view of the rapid economic uptake in the State, this Development Planning Board or Committee will have to work extremely fast. For example, the Honourable Member for Kelawei brought up two points: one was the question of the jamban. The other one was the

question of the petrol pump. I do not quite know the details of the case of the provision of a closet, or a W.C. in this particular instance. But he brought this case up to indicate that for a poor person just trying to provide decent sanitary facilities for himself and his family he was brought to Court, and there was Court action. Mr Speaker, Sir, without the details being brought up, or the specific case being referred to, I would not construe that the officers of the Council concerned, nor indeed the administrators concerned had done something harsh or wrong, because I would imagine that the Council officers and the administration of the Council concerned would have worked under the health by-laws which necessitated to bring this case to Court action. Otherwise, I think, being also human, they would not take unnecessarily harsh steps just because they do not want to provide any one with a decent sanitary facility, or that they want to show inequality or lack of justice to a rate-payer—a rich man having the same jamban under the same circumstances would have got away with it. But he being a poor man. I do not think that kind of imputation should arise at all. I would have assumed that the Council had carried out its functions properly. But here the interesting point in the debate is the term “for himself and his family”.

Now, when one makes laws and by-laws to regulate the utilisation of property, land or buildings, the regulation is usually made in the light of social need. And to that extent the individual loses some of his liberties to do what he likes. In this particular case, the Health By-laws have certain specific provisions. And without going into the details of these provisions, the whole principle underlying the write-up of the Health By-laws is that no person should be allowed to do things to the detriment of the general public. And here probably I would think that in the case of the W.C. and jamban it is very likely that the action was taken because there was contravention of the health

laws. And it would obviously be very unsalutary for the neighbourhood if people decide to put their jambans anywhere they liked without taking into consideration the requirements of the community in which they live. There are, however, instances where even a person has got to be protected or safeguarded against doing something which may be to his disadvantage. For example, during the time when I myself was involved in the Local Authority administration I came across several cases where people were very unhappy when we told them that plans could not be passed because the W.C. was too close to the kitchen. Well, it was very difficult for us to convince them that it is to their advantage not to have it so; and they would probably also find it difficult to comply because they haven't got that much land, or the design of the house does not give them that latitude to comply with the by-law. And another aspect of this, of course, is that with modern technology and advancement of modern equipment, it is now technically possible for one to devise a kind of oven or infra-red type of oven, which can virtually be put next to a water closet. And the sanitary by-laws under those circumstances cannot apply because the sanitary by-laws when they were provided in those days did not anticipate this technological advancement. It is necessary for us now to give the power to the Local Authorities to look through their own by-laws and to make these alterations to control utilisation. So the point raised by the Honourable Member for Kelawei, I think, is a good point in debate for illustration. But I think there was no necessity to jump into conclusions against the administrators of the Council. But it is only a point which contributes towards this debate. On one hand regulations have got to be made in relation of the individual to the society. On the other hand also the regulations have got to be made to review existing regulations which may not really be up to the modern-day provisions for modern livelihood.

The other points which he raised, namely petrol pump which he said was objected to in 1970: I must here apologise that the Secretariat had not informed him about the subsequent decisions taken by the Council. It was a promise which I made when I was officer administering; and in continuity I think the Council properly have informed him as a petitioner against the rezoning. And without making too much of this matter, I hope to write to the Council concerned and ask the Council to comply with this agreement to inform the Honourable Member. That I think is a small lapse which in actual fact the Honourable Member would have known because obviously the Council would have taken this decision. And Council decision records are actually public material. They can be seen and scrutinised. However, in this particular case, the Honourable Member chose to read a small part of the transcript of a taperecording which was given to him. He quoted "Mr Yeap has put up a good case." I did say those words, if I remember correctly, because I was involved then.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You can have it if you want.

Ketua Menteri: Oh, yes. But I think I went further and said that. . . . (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You do contradict yourself all the time.

Ketua Menteri: I know. I said he put up a good case. But he then elaborates the case I think he spoils it. Similarly even in this House, he brought up the same thing about petrol stations being big money business, involving half a million dollars, and so on. My experience in dealing with the question of petrol stations is contrary to his experience. I find in actual fact that there is not really all this big money involved. It is a very hard-headed business proposition. And the agreements that the City Council came to with the petrol operators regarding

siting of petrol stations on Council land in actual fact would give a fairly good indication of the kind of agreements which petrol companies are prepared to enter into with Government. It is true that the sum involved sometimes goes into hundreds of thousands. But the payment is usually made in terms of 20-30 years; so that in actual fact the return is usually not much higher than what would have been obtained in terms of a monthly rental.

Sir I think the Honourable Member also went on to talk about pollution in the case of the petrol station opposite the Sanatorium. Now, again it is my view that there is pollution. I remember in 1970 when he brought this case up he brought a little bit of the transcript. This particular station he said would cause pollution into Gurney Drive sea-shore: and all the fish and everything would die. And the oil effluence would go through the sewage, and so on. Well this was beginning to overstress the points which made a good case into a bad case, because in actual fact there is no evidence available on the question of pollution, and the question of effluence. And in particular there is a very strong provision, in the erection of petrol stations, where all effluence should go into a sump pit and this sump pit is slushed off, and not allowed to drain into the water drainage out-flow system of the city so that the degree of pollution to that extent is eliminated. Thereby, in that particular case also, I think he brought up the fact that siting of a petrol station lowered the value of properties in the area and that it took a long time for Council to investigate into this matter. The cases that were sited and his points were taken up seriously and they were, I think, examined; but it was obvious to me that when the Council finally took into consideration all the points raised against and measured them against the facts, then the Council must have come to a decision which probably did not conform with the opinions of the Honourable Member for Kelawei.

And so again you see, in referring to this particular case, that is how you make a good case into a bad case and it makes one doubt the credibility of the points that are raised by the Honourable Member for Kelawei, because in his enthusiasm—that is the best I can say because I previously called it schizophrenic euphoria—he said that I should know about this, having delegated powers to the Honourable Member for Bukit Mertajam.

Mr Speaker, Sir, it is this type of detailed error, fundamental error—under Section 398 B (1) of the Municipal Ordinance, it is a transfer of powers, not a delegation of powers; so you see when a member from the very learned profession, mind you, on top of that, a man who claims to know more about law than others (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): A point of clarification—have you delegated powers to the Deputy? Have you delegated? Answer that, that's all.

Ketua Menter: Mr Speaker, Sir, the Honourable Member is referring to the position of the Honourable Member for Bukit Mertajam in his capacity now as Chairman of the Committee in charge of the City Council and this has reference to 398 B (1). Now he is trying to slither around because Mr Speaker, Sir, I am not allowing him a chance to slither around when he has made a bad point—we will crush him on that point.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): With a rubber hammer.

Ketua Menter: Mr Speaker, Sir, we accept this kind of hollow laughter. It is a reflection of emptiness. Mr Speaker, Sir, it is because when pushing his point—mind you I was listening very carefully to the Honourable Member for Kelawei—I thought he had a point and the point was developing nicely—but in his enthusiasm he starts bringing in all sorts of things: pollution, sanitorium, delegation of powers;

and I began to wonder whether he has got sense or not. So, Mr Speaker Sir, yes, we would say he has a good case and I think he must have mugged his good case.

However, Mr Speaker, Sir, I repeat again, I apologise to him if the Secretary of the Council had not given him the information and I shall take what action necessary to see that this administrative lapse is redressed as soon as possible.

Mr Speaker, Sir, the question of coffee shops as parking places was brought up. I realise that this matter is under serious consideration at the present time. There is not much point for me to elaborate on this because this is precisely the same kind of thing that a proper By-law could regulate, and control development and use of property and buildings for coffee shops; and installation of an overall plan would lead to the benefit of the local authorities as a whole.

However, to come back to the points raised and to sort of round-off my arguments—not rebutting really—but my arguments to show that the Honourable Member for Kelawei in bringing up his point he did not substantiate the fact that implementation was undesirable; although he accepted in principle, I think that having accepted in principle, he should accept that not he alone but everybody else who is appointed into office strives his best, earnest best, to serve the interest of the people, but sometimes it is difficult to do so when you haven't got the proper guidelines.

Now in the case of petrol pumps in the City during the time when I was involved in the administration of the City affairs, I had great difficulty to decide who was right and who was wrong and I was under pressure because there were many applications for petrol pumps. However, I set up a Committee then on the Council and invited the Members from the various companies who are involved in the operating of petrol pumps and allied

business to try and look into the existing provisions of the Council and provide a guide-line as to how Council would work. It took sometime and the public were getting restive, because this type of discussion and this type of research and consideration takes a lot of time and so we were fighting against race of time.

A set of guide-lines were put up and although I would say that the guide-lines do not satisfy everyone—they may not even satisfy the Council or the Local Authorities when the time comes for them to put up By-laws to regulate control and control the use of the land and buildings—but nevertheless it was a guide-line. It was something better than nothing. Otherwise decisions could be arbitrary. And this was one of the great difficulties of the Councils previously.

Council administering the local authorities previously, and even right up to this day, had to view and consider each particular case individually and this was time consuming and it led to, as I said, human decisions; and the decisions because of the volume of the problems that are brought up sometimes criss-cross one another. They became uneven and in the unevenness of the presentation of decisions, it provides those who wish to say so—although they do not substantiate it by the Commission of Enquiry—that there were underhand tactics, unjust application of power and so on and even corruption. But I earnestly believe that one of the difficulties that Councils previously had to face was simply because there were no real guide-lines—no uniform regulations to control or to enable them to effect proper control.

Another reason for the difficulties was raised strangely enough by the Honourable Member for Bagan Ajam, although it had been touched upon by the Honourable Member for Sungei Bakap. The Honourable Member for Sungei Bakap said that unless there was more money and more staff, then there will be delays and even if we put

up the regulations, the regulations cannot be properly implemented. I suggest, Mr Speaker, Sir, that this Bill today before us deals with only the beginning of a series of reforms that are necessary if we are to provide better administrative control for the people at local authority level. And the fact that there is no money, no staff, is true. We have to accept that.

The reason given may be related to the observation made by the Auditor General in the 1970 Report that there was no strong attempt to collect dues that were properly due to the Councils; but whatever it is, there is not enough money to sustain the service and one of the problems which we in the Government are involved and which Council here, the Assembly, will have to be involved very soon is to take a decision on how to find the money to service the infrastructure requirements for local services as we develop. And if we were to take for example in rough figures—I am not giving details but bringing up only rough figures—for dimensional comparison at this stage, the City Council administers an area of approximately 9 square miles. It has a staff of about 3,000 over people and its annual Budget estimates for expenditure is in the region of 30 to 35 million dollars. Now other local councils, the RDC, the Council Province North, Central and South administer areas of land, a territory more than a hundred sq. miles. All of them are more than a hundred sq. miles, some of them well over 130 sq. miles and the staff involved is in the region of approximately 300 to 100 sq. miles. And the Budget in relation to the City Council's Budget varies from about a million to slightly over 3 million dollars.

So you see the problems of meeting the requirements of the people living in the local authority areas are extremely high and I agree with the Honourable Member for Bagan Ajam that a lot of the points that he raised can be better controlled, but I think again his conclusions are wrong. He says he

opposed the plan, unlike the Honourable Members for Kelawei, for Jelutong and Sungei Bakap who approve and agree with the principle of the plan. The Honourable Member for Bagan Ajam—we realise he is suffering from a mild shock in the state of mental confusion—but he brought up his points about the use of five-foot ways as kitchens. But I think the Honourable Member for Bagan Ajam, Mr Speaker, will be the first one to agree that we need these By-laws to control the unwarranted use of five-foot ways, if we want to effect the very things that he is opposed to—the question of the cars being sprayed next to a doctor's clinic and so on. Now it is the objective of this Bill to be passed to provide powers to the Local Authorities to take action on these particular types of cases. I mean, we have heard of all these cases being brought up. People have naturally accused Government and when they use the Government they use it loosely. They accuse us for not doing this, not doing that, and they jump to conclusions and say there is probable corruption, there is probable abuse of power, underhand tactics and so on. But one of the real defects of it is because there are no real powers in the local authority now. Now this is what was discovered and unfortunately for us we have to practice Parliamentary democracy.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Unfortunately.

Ketua Menteri: Yes, because Honourable Members from the Opposition say "Oh, the Government, particularly the Chief Minister is dictatorial" and as soon as I said "unfortunately for us" they immediately take it up and try to make it up with what they have been thinking. But in terms of the rapidity for decision making and implementation, it is unfortunate that we have to go through all the processes of democracy; and hence we have to accept one of the deficiencies of democracy is that points that they raise have got to go through careful thinking and

debate before they are passed. Unfortunately for the Members of the Opposition if they want things to be done very quickly, rapidly, immediately, instantaneously, then they cannot at the same time say we want to support democracy. If they say they support democracy then they must realise that one of the unfortunate factors in democracy is that it involves consultation and this is time consuming, sometimes leading to delays. And in this context I say it is unfortunate that we have to go through this process because we cannot otherwise legitimately meet the needs of the people in a democratic manner.

So when it became obvious to Government that there was a defect in the existing laws of the local authority by-laws—there was no power given to these authorities to make by-laws to regulate and control development and use of land and buildings—Government took up the matter and in conformity with the provisions of the Constitution, the matter was raised at the National Council of Local Government and discussed sometime ago. A decision was forthcoming late in 1970 and the drafting of this present Bill before us was undertaken and now we have to go through the proper democratic procedure of bringing it to the Assembly; and I hope that the Assembly will not obstruct the passage of this Bill which in effect will remedy many of the points that were raised and which could not be remedied hitherto under the present existing laws.

So, Mr Speaker, Sir, the Honourable Member for Bagan Ajam seems to have come to a position where he cannot see the wood for the trees when he says he brings this matter and then he opposes the Bill. Deferring the Bill and opposing it would in actual fact delay giving powers to the authorities to carry out the very things that he wishes to be carried out.

Further, Mr Speaker, Sir, I would urge Honourable Members in this House, having participated in this debate and supported the principle and

I hope when the time comes they will support the Bill *in toto*, they will not go back on the spirit of the Bill. Because when the time comes when By-laws are made to actually prohibit people from spraying motor cars in front of clinics or having kitchens on the five-foot ways, once we have a law we have to enforce it, and these people are then being asked to move out of the five-foot way, as in fact some coffee shops have been asked to take their wares out from the Rifle Range buildings, then Members of the Opposition will not put on their political cap and outside this house then claim to be champions of these poor people who are being driven out from a site of livelihood. Mr Speaker, Sir, in this Assembly we have to take into consideration the pros and cons how it affects the livelihood of people but nevertheless we agree with the Honourable Member for Bagan Ajam that it is not good planning nor good utilisation when kitchens have to be put up on five-foot ways and five-foot ways are used as storage places. And in those particular instances the provisions of the Municipal Ordinance do give City Council more powers than other Local Authorities and we cannot strictly compare therefore the effectiveness of the City Council in dealing with this kind of cases with the effectiveness of the other Councils like the other local authorities.

Mr Speaker, Sir, to sum up all these various points that have been raised, I think that this straightforward Bill meets one urgent requirement. This happens to be one of the blind spots of the administration and of the Government in the past and I think we should eliminate these blind spots as soon as possible. It is in the course of the Debate the Honourable Member for Sungei Bakap mentioned lack of staff. Here again we agree with the observation but I think the Honourable Member will realise that already this year we have provided for increase of four members of the staff of the Town and Country Planning Department. As I said, perhaps even this increase in

staff may not be adequate; and the qualifications of the staff in the various local authorities are inadequate. But I don't think it is fair for us to say that they are incompetent, because they do their very best.

The State Government is now considering the setting up of a Central Development and Planning Control and those will in due course be brought up in this House for debate and for approval and I hope that the Honourable Members will then remember that they themselves on this occasion had brought up this need to co-ordinate and to service the requirements of the Bill when it is passed and become an Enactment. I hope that the explanations that I have given will encourage Members of the Opposition to revise the Bills because in actual fact the Bill seeks to do precisely what we want to achieve and not just for opposition sake or for cleverness sake.

Solalan di-kemukakan dan di-perse-tujui.

Rang Undang² di-bachakan bagi kali yang kedua.

RANG UNDANG² DALAM JAWATANKUASA

Dewan bersidang sebagai Jawatankuasa.

Fasal 1 dan Fasal 2 dan tajok penoh dan fasal yang mengundangkan menjadi sa-bahagian daripada Rang Undang².

Dewan Bersidang Sa-mula.

Bachaan Yang Ketiga

Ketua Menteri: Tuan Yang Di-Per-tua, saya mohon melaporkan bahawa Rang Undang² Lembaga Bandaran (Pindaan) Pulau Pinang, 1972 telah pun di-pertimbangkan sa-fasal demi sa-fasal di-dalam Jawatankuasa dan di-persetujui tanpa pindaan. Oleh itu, saya mohon menhadangkan supaya Rang Undang² ini sekarang di-bachakan bagi kali yang ketiga serta di-luluskan.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Tuan Speaker, saya mohon menyokong.

Soalan di-kemukakan dan di-perse-tujui.

Rang Undang² di-bachakan bagi kali yang ketiga dan di-luluskan.

(7) Rang Undang² Pehak berkuasa Ayer Pulau Pinang, 1972.

Bachaan Yang Pertama

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran berchakap dalam Bahasa Inggeris.

As we have only 15 more minutes to go, I think it will be fair to adjourn now so that we come back fresh to consider the next Bill and no point putting through the thing halfway and the Honourable the Chief Minister would not be able to finish his speech even then. My watch shows that we have only 10 minutes but 15 minutes there, we should commence again in the afternoon. Why then try to force the thing through in 15 minutes.

Ketua Menteri: Tuan Speaker, masa² yang Dewan ini bersidang telah pun Tuan Speaker sendiri ketahui, nampaknya, Parti Pembangkang selalu hendak menanggohkan Dewan ini. Pada pendapat saya, beberapa minit yang ada, kita boleh juga jalankan apa² kerja yang kita mesti buat di-sini.

Tuan Speaker: Saya harap Yang Amat Berhormat Ketua Menteri akan teruskan.

Ketua Menteri: Tuan Speaker, saya mohon menchadangkan supaya Rang Undang² bernama "Suatu Enakmen bagi menubuhkan satu pertubohan bernama Pehak Berkuasa Ayer Pulau Pinang bagi menguruskan pembekalan ayer dalam Negeri Pulau Pinang, pemindahan kapada pehak berkuasa tanggungan ayer Kerajaan Negeri dan tanggungan ayer Majlis Bandaraya George Town dan bagi maksud² yang berkaitan dengan-nya di-bachakan bagi kali yang pertama.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Speaker, saya mohon menyokong.

Rang Undang² di-bachakan bagi kali yang pertama.

Tuan Speaker: Bachaan hari yang kedua hari apa?

Ketua Menteri: Tuan Speaker, sekarang juga.

Tuan Speaker: Baik-lah.

Bachaan Yang Kedua

Ketua Menteri: Tuan Yang Di-Pertua, saya mohon menchadangkan supaya Rang Undang² yang bernama Suatu Enakmen bagi menubuhkan suatu pertubohan Perbadanan bernama Pehak Berkuasa Ayer Pulau Pinang bagi menguruskan pembekalan ayer dalam Negeri Pulau Pinang, pemindahan kapada Pehak Berkuasa tanggungan ayer Kerajaan Negeri dan tanggungan ayer Majlis Bandaraya George Town dan bagi maksud² yang berkaitan dengan-nya di-bacha bagi kali yang kedua.

Tuan Yang di-Pertua, saperti yang di-umumkan di-dalam Uchapan Tuan Yang Terutama Gabnor di-pembukaan Persidangan Pertama Dewan Undangan yang Ketiga, Kerajaan bertujuan untuk menubuhkan sa-buah Pehak berkuasa Ayer yang bebas, Rang Undang² yang di-bentangkan di-hadapan Dewan hari ini bertujuan untuk menubuhkan sa-buah pertubohan perbadanan yang di-beri nama Pehak Berkuasa Ayer Pulau Pinang yang akan merupakan suatu Pehak Berkuasa Ayer yang bebas bagi mengurus dan menjaga sistem bekalan ayer untuk seluroh Negeri termasuk Majlis Bandaraya Georgetown.

Saperti yang Ahli² Yang Berhormat sedia ma'alum bekalan ayer dalam Negeri Pulau Pinang ada-lah di-tadbirkan oleh Bahagian Ayer, Jabatan Kerja Raya dan Jabatan Ayer, Majlis Bandaraya George Town. Jabatan Kerja Raya mengendalikan sistem bekalan ayer di-tanah besar dan di-kawasan² di-Pulau ini yang terletak di-luar kawasan Majlis Bandaraya

Georgetown. Jabatan Ayer, Majlis Bandaraya hanya membekalkan keperluan Bandaraya. Ada-lah menjadi pendapat Kerajaan Negeri bahawa adalah berfaedah bagi bekalan ayer di-dalam Negeri ini di-tadbirkan di-bawah pengurusan dan kawalan satu Pehak Berkuasa Ayer yang bebas.

Tuan Yang di-Pertua, pada tahun 1968 Kerajaan Pusat, bagi Pehak Kerajaan Negeri telah memohon dan telah pun di-beri pinjaman sebanyak \$7.2 juta oleh Bank Pembangunan Asia untuk membiayai projek bekalan ayer di-dalam Negeri Pulau Pinang. Projek ini ada-lah peringkat pertama di-dalam rancangan kemajuan tiga peringkat bagi menambahkan bekalan ayer yang ada sekarang untuk Negeri Pulau Pinang.

Tuan Yang di-Pertua, projek ini adalah bagus dari segi teknik dan adalah sesuai dari segi ekonomi. Akan tetapi, untuk menentukan bahawa projek bekalan ayer ini akan menjadi satu usaha yang jaya dari segi kewangan adalah perlu untuk meminda kadar bayaran ayer yang ada sekarang di-dalam Negeri ini yang pada masa ini adalah terendah sekali di-dalam Negara kita.

Tuan Yang di-Pertua, pada 23hb September 1968, Kerajaan Pusat telah mengikat satu kontrak pinjaman kewangan dengan Bank Pembangunan Asia untuk jumlah \$7.2 juta bagi Pehak Kerajaan Negeri. Di-bawah perjanjian pinjaman kewangan ini, Kerajaan Negeri ada-lah di-kehendaki mengikat perjanjian dan telah pun menanda-tangani satu perjanjian projek dengan Bank Pembangunan Asia, bersetuju menjalankan projek bekalan ayer seperti yang di-sifatkan di-dalam perjanjian pinjaman mengikut dan berdasarkan syarat² yang di-tetapkan di-dalam-nya. Perenggan 6 surat yang berkenaan yang di-keluarkan mengenai Sekshen 5.01 perjanjian pinjaman itu dan Sekshen 2.01 (a) perjanjian projek itu juga menyatakan:

"The State Government shall keep under review that possibility of the establishment of an independent water

authority to operate and maintain the water supply system for the whole State, including the City Council of George Town".

Tuan Yang di-Pertua, keperluan² perenggan 6 itu ia-lah sesuatu-nya lagi perkara yang mendorongkan Rang Undang² ini di-bentangkan di-Dewan ini untuk meminta kebenaran undangan bagi menubuhkan satu Pehak Berkuasa Ayer yang bebas di-dalam Negeri ini.

Tuan Yang di-Pertua, Kerajaan Negeri ada-lah terikat kepada semua syarat² perjanjian pinjaman dan perjanjian projek yang tersebut tadi, dan saya ingin memberitahu Ahli² Yang Berhormat bahawa di-dalam menyediakan Rang Undang² ini, pandangan Bank Pembangunan Asia perlu di-timbangkan oleh Kerajaan Negeri.

Tuan Yang di-Pertua, Negeri ini telah pun berhubung dengan Bank Pembangunan Asia dan satu salinan Rang Undang² ini telah di-sampaikan kepada Bank itu bagi ma'aluman dan tegoran, sekira-nya ada. Bank Pembangunan Asia telah mengesahkan bahawa ia-nya tidak mempunyai apa² bantahan terhadap pemindahan tanggungan² kepada Pehak Berkuasa di-bawah Fasal 10 (1) Rang Undang² ini dengan syarat bahawa satu jaminan di-beri kepada Bank Pembangunan Asia bahawa Pehak Berkuasa Ayer akan bertanggung-jawab bagi perlaksanaan dan mengendalikan Projek Bekalan Ayer Sungai Muda selaras dengan peruntukan² Perjanjian Pinjaman dan bahawa tanggong-jawab ini tidak akan menyentoh apa² tanggong-jawab dan kewajipan² Kerajaan Pusat, Kerajaan Negeri dan Majlis Bandaraya George Town yang ada sekarang.

Tuan Yang di-Pertua, saya juga ingin memberitahu Ahli² Yang Berhormat bahawa Kerajaan Negeri telah mengambil keputusan untuk menang-gong pinjaman dan bayaran² faedah pinjaman ini sa-hingga satu masa apabila bayaran² ini telah di-selesaikan dengan sa-penoh-nya.

Tuan Yang di-Pertua, mengikut peruntukan² Enakmen ini Fasal 3 Rang Undang² ini bertujuan untuk menubuhkan Pehak Berkuasa Ayer Pulau Pinang. Tugas² Lembaga ini ada-lah seperti yang terdapat di-Fasal 5. Pehak Berkuasa Ayer Negeri, dengan persetujuan Pehak Berkuasa Negeri, boleh membuat kaedah² dan peratoran mengenai beberapa perkara termasuk syarat² perkhidmatan bagi penjawat² dan pegawai²-nya di-bawah Fasal 22 dan untuk mengenakan bayaran² ayer di-bawah Fasal 71.

Tuan Yang di-Pertua, apabila Enakmen ini di-kuatkuasakan nanti, semua kuasa² dan tugas yang kini di-laksanakan oleh Jabatan Kerja Raya dan Jabatan Ayer Majlis Bandaraya akan di-pindahkan kepada Pehak Berkuasa ini tanpa sebarang tindakan yang lanjut. Apabila pemindahan ini telah dibuat tanggungjawab dan pengurusan bekalan ayer di-dalam seluruh Negeri Pulau Pinang akan di-tadbirkan di-bawah kawalan dan pengurusan satu badan yang bebas, ia-itu Pehak Berkuasa Ayer Pulau Pinang.

Tuan Yang di-Pertua, saya ingin mengambil peluang ini bagi Pehak Kerajaan Negeri, untuk menyampaikan penghargaan kepada semua Ahli² Bahagian Ayer, Jabatan Kerja Raya dan Jabatan Ayer, Majlis Bandaraya bagi segala perkhidmatan yang telah di-beri oleh mereka di-tahun² yang lepas dalam menguruskan bekalan ayer dalam Negeri.

Fasal 4 Rang Undang² ini ada-lah berkaitan dengan keahlian Pehak Berkuasa. Syarat² pengambilan, pemberhentian dan perletakan jawatan Ahli² ada-lah di-peruntukkan di-dalam Jadual Pertama Rang Undang² ini. Fasal 8 Rang Undang² ini memberi kuasa kepada Pehak Berkuasa Negeri untuk memberi arahan kepada Pehak Berkuasa ini dan Pehak Berkuasa hendak-lah mematuhi arahan tersebut.

Tuan Speaker, di-bawah Bahagian IV dan Bahagian V Rang Undang² ini, Ahli² Yang Berhormat akan ma'alum bahawa semua tanggungan² ayer Kerajaan dan tanggungan² ayer Majlis

Bandaraya akan di-pindahkan kepada Pehak-berkuasa ini. Pada hakikat-nya, ini-lah bahagian yang terpenting di-dalam Rang Undang² ini, kerana tanpa pemindahan tanggungan² ayer yang tersebut tadi bersama² dengan semua kuasa² dan hak² yang berkaitan dengan-nya, saya tidak dapat memikirkan bagaimana Pehak-berkuasa ini akan dapat menjaga keadaan sekarang bekalan ayer yang ada dalam Negeri ini sekarang tanpa gangguan. Pemindahan tanggungan² ayer yang tersebut tadi bersama semua hak² dan kuasa² yang berkaitan dengan-nya, memerlukan pembatalan (gangguan).

Tuan Speaker: Yang Amat Berhormat, jam sudah chukup 12.30, ada panjang lagi-kah Yang Amat Berhormat?

Ketua Menteri: Sadikit sahaja.

Tuan Speaker: Ya, baik-lah. Sila-lah.

Ketua Menteri: Tuan Yang Di-Pertua, dan saya kata tadi pemindahan tanggungan² ayer yang tersebut tadi bersama semua hak² dan kuasa² yang berkaitan dengan-nya, memerlukan pembatalan "Water Supply Ordinance" (Standard Application to the Settlement and Amendment), 1955 oleh kerana ia-nya terpakai kepada Kerajaan Negeri dan Sekshen 171 dan Sekshen² 174 hingga 186 termasuk Ordinan Perbandaran, seperti terpakai kepada Negeri Pulau Pinang. Tidak kira pembatalan Ordinan² yang tersebut tadi dan segala Sekshen² yang tersebut tadi, semua Undang² yang berkuatkuasa sa-belum bermula-nya Enakmen ini, yang di-buat di-bawah-nya, akan terus berkuatkuasa sa-olah² ia-nya telah di-buat di-bawah Enakmen ini. Ini bererti, antara lain, bahawa kadar bayaran ayer yang ada sekarang di-dalam Negeri akan terus berkuatkuasa sa-hingga satu masa apabila Pehak-berkuasa memikirkan perlu untuk mengkaji sa-mula melalui peratoran² yang di-buat di-bawah Fasal 71 dalam Enakmen ini.

Fasal 17 Rang Undang² ini memperuntukkan bahawa Pengerusi-nya hendak-lah menjadi Pegawai Pengurus Utama Pehak-berkuasa dan di-bawah

Fasal 17, Timbalan Pengerusi hendaklah menjadi Pengurus Besar yang akan bertanggungjawab bagi pelaksanaan semua rancangan, sekim² atau pun projek² dan bagi pelaksanaan semua keputusan² Pehak-berkuasa dan arahan² Pengerusi. Di-bawah Bahagian VI Rang Undang² ini, peruntokan juga di-buat untuk memberi kuasa kepada Pehak-berkuasa untuk melantek di-atas apa² syarat² seperti yang di-fikirkan perlu oleh Pehak-berkuasa ini, Ketua Juru-tera Kerja, Setia Usaha dan lain² pegawai dan penjawat yang di-fikir perlu bagi maksud Enakmen ini. Mengikut peratoran Kerajaan yang ada sekarang dan juga peratoran Majlis Bandaraya satu peruntokan ada-lah di-buat di-dalam Rang Undang² ini untuk memberi kuasa kepada Pehak-berkuasa bagi memberi pinjaman atau pun wang pendahuluan kepada pegawai² dan penjawat² untuk membeli harta aleh atau pun tak-aleh bagi tujuan pengangkutan atau pun untuk membena rumah atau mendirikan bangunan² atau pun menjalankan apa² kerja yang perlu bagi memajukan mana² tanah atau pun tanah bangunan bagi tujuan perumahan.

Tuan Yang Di-Pertua, Fasal 32 Rang Undang² ini memberi kuasa kepada Pehak-berkuasa untuk meminjam di-atas syarat² seperti yang telah di-persetujui oleh Pehak-berkuasa Negeri, satu jumlah yang mungkin diperlukan oleh Pehak-berkuasa ini bagi menghadapi mana² daripada kewajipan² atau pun untuk menjalankan mana² tugas-nya. Di-bawah Fasal 33 Pehak-berkuasa ada-lah diberi kuasa untuk melaborkan aset²-nya sekira-nya aset² ini tidak perlu di-belanjakan seperti yang di-luluskan oleh Pehak-berkuasa Negeri. Peruntokan ada-lah juga di-buat untuk memberi kuasa kepada Pehak-berkuasa untuk mengambil dan membayar wakil² dan penasihat² teknik untuk menjalankan perniagaan atau pun untuk menjalankan sa-suatu tindakan yang perlu di-jalankan dalam pelaksanaan tugas² atau pun untuk menjalankan tujuan² Enakmen ini sa-chara yang lebeh berkesan.

Tuan Yang Di-Pertua Bahagian VIII, ini sudah habis, Rang Undang² ini berhubung dengan lain² kuasa Pehak-berkuasa. Di-bawah Fasal 36 Rang Undang² ini ada-lah di-peruntokkan bahawa di-mana terdapat harta tak-aleh yang bukan tanah Kerajaan perlu di-perolehi oleh Pehak-berkuasa bagi maksud² Enakmen, maka harta itu boleh di-perolehi mengikut peruntokan mana² undang² bertulis berhubung dengan pengambilan tanah bagi sa-suatu maksud awam, yang pada masa itu berkuat-kuasa di-dalam Negeri, dan apa² perisytiharan yang dikehendaki oleh mana² undang² bertulis itu bahawa tanah itu di-perlukan sademikian boleh di-buat walau pun pampasan akan di-bayar oleh Pehak-berkuasa dan perisytiharan itu hendak-lah berkuat-kuasa sa-olah² ia-nya ada-lah suatu perisytiharan bahawa tanah itu ada-lah di-perlukan bagi sa-suatu maksud awam mengikut undang² bertulis itu. Tuan Yang Di-Pertua, Fasal 37 Rang Undang² ini (ketawa). Tuan Yang Di-Pertua, Fasal 37 Rang Undang² ini memberi kuasa kepada Pehak-berkuasa Negeri, di-atas permintaan Pehak-berkuasa ini, untuk mengisytiharkan sa-suatu tasek, sungei atau pun saluran ayer atau sebahagian daripada-nya untuk di-khaskan sabagai sumber ayer bagi tujuan Enakmen ini. Ada-lah juga di-peruntokkan di-dalam Rang Undang² ini bahawa tidak sa-siapa yang boleh di-benarkan untuk membuat ampangan atau pun sechara lain mengganggu sumber ayer yang di-khaskan tadi tanpa memberi notis kepada Pehak-berkuasa, sama ada sechara bersendirian atau pun melalui pos berdaftar, selama 3 bulan di-dalam bentuk yang di-tentukan oleh peratoran² yang di-buat di-bawah Fasal 71, dengan memberikan butir² mengenai kerja yang ia hendak jalankan. Peruntokan ada-lah juga di-buat dalam Rang Undang² ini memberi kuasa kepada Pehak-berkuasa untuk memasoki suatu tanah sa-lain daripada tanah Kerajaan, sa-lepas notis yang sesuai di-beri kepada tuan empunya tanah itu, bagi tujuan memasang atau pun mendirikan atau pun menjalankan

di-atas atau di-bawah tanah itu, sa-loran² paip atau pun lain² benaan yang mungkin perlu atau sesuai bagi tujuan kerja² Pehak-berkuasa ini dan boleh juga mengambil lain² tindakan yang di-fikir perlu untuk menjamin keadaan baik alat² tersebut dan membayar gantirugi penoh mengenai-nya mengikut Fasal 44 Rang Undang² ini.

Tuan Yang Di-Pertua, yang akhir Bahagian IX Rang Undang² ini berhubung dengan peruntokan 'am dan memberi kuasa kepada Pehak-berkuasa untuk memotong bekalan ayer di-bawah keadaan² yang di-tentukan. Peruntokan ada-lah juga di-buat di-atas perkara² gantirugi, pengadilan dan lain² kesalahan di-bawah Enakmen ini.

Tuan Yang Di-Pertua, saya mohon mengusul.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Yang Di-Pertua, saya mohon menyokong.

Dewan di-tanggohkan pada jam 12.40 tengah-hari.

Dewan bersidang sa-mula pada jam 2.30 petang.

Ketua Menteri: Tuan Speaker, sadi- kit clarification. Bila saya beruchap tadi berkenaan wang sabanyak \$7.2 juta—itu hendak-lah US\$2.2 juta.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Tuan Speaker, saya minta izin berchakap dalam Bahasa Inggeris. The Bill as such is one of very great importance because it seeks to consolidate the various Water Authorities into one. And in doing so, the Bill seeks to provide for transfer of assets from one body to another. In this respect it is interesting to note on page 4 of the Bill, with regard to the transfer to the Authority of Government water undertakings and loans raised by the State Government to this particular Authority, that in Section 10, Subsection (4), it is stated that the value of all assets and liabilities transferred to and invested in the Authority in accordance with the provisions of this Enactment shall be

accounted for on the basis of the book value of those assets and liabilities immediately prior to their transfer. Well, this refers to assets of State water undertaking. While I submit this is legal, after all the assets of the State's undertakings belong to the State as a whole; so in that respect to transfer the assets in accordance with book values there is some logic in it.

Coming now to the transfer to the Authority of the City Council's water undertaking. Here is an entirely different category of assets belonging to an entirely different category of people. The City Council represents the rate-payers of George Town. And in fact all the assets of the City Council are the assets of the ratepayers of George Town in the years they have accumulated. The City Council have taken loans from various Government Authorities, for which they pay interest. And all the loans and the interests are being serviced by the Council itself; and they are paid out of funds of the City Council. So the City Council is an entirely different entity as distinguished from the State. It may be a public body—there are similarities in the fact that they are both public bodies—but it represents a different set of public—ratepayers in the City of George Town. Valuable lands which were purchased perhaps at very low prices in the past are of very high value today, while the various assets of the Water Department which have been maintained all along during these years are of some value. And this particular fact is appreciated by the authors of this particular Bill in that they envisaged that the Authority shall pay to the City Council—that is provided for in Section 13 Subsection (2)—as compensation for the transfer of the water undertakings such sum as may be agreed on between the Authority and the City Council or in default of agreement as may be determined by arbitration under this Enactment. But one must be careful in that at the present moment Authority administering the City Council is appointed by the State Government; and it

is very likely that there may be a conflict of interests. It is actually the right hand telling the left hand what to do. Is there any safeguard for objectivity in this? Is there any safeguard that the interests of the ratepayers of George Town are being safeguarded? And on that Members of the Opposition, as representatives of the people, must be very vigilant. So we must scrutinise the Bill very carefully, and see whether there is any safeguard, or whether there is any anomaly in the Bill which may give rise to unfairness. And here I would like to refer the attention of this House to the provision of Section 13 which has this to say: "The value of all assets,"—this is with regard to the City Council—"and liabilities transferred and vested in the Authority in accordance with the provision of this Enactment shall be accounted for on the basis of the book value of those assets and liabilities immediately prior to their transfer." While I submit that this is an error of very great magnitude, this is alright if the attitude taken is the same as that of the State Authority taking over the State water undertaking, where there is no question of compensation being considered, so the value to be taken shall be the book value. But in this particular case, if there is going to be reference to arbitration, if there is going to be reference to negotiation, why is it that you should have a provision as in Subsection (5) which says that the value of all the assets and liabilities shall be accounted for on the basis of the book value of those assets and liabilities immediately prior to the transfer? If that is so there is no necessity for any valuation. If the valuation is going to be based on book value then why have negotiations? Why is it necessary to refer it to arbitration if you cannot agree on that? Unless this particular clause is remedied or is deleted, you will have an accounting anomaly because if the City Council were to demand valuation at the market value, and some expert is asked to give a

valuation of all the assets of the City Council water undertaking, then I submit that should be the only logical way as far as valuation for take-over is concerned. The assets must be valued not at book value but at current market value. On the basis of this particular Water Authority undertaking, and should they buy a plant at the date of taking over, what is the market value of that plant? And I think the City Council and the ratepayers of Penang should be compensated. The ratepayers of George Town should be fairly compensated on that basis. And in this respect I have a very good authority to support me which says that in cases of any compulsory acquisition of any property a proper compensation should be paid to the person at current market value. And I think Clause 13 of the Federal Constitution states that very clearly regarding persons whose property is being acquired by the Government. With regard to our fundamental rights as provided for in the Constitution, Section 13—Rights of property—says: "No law shall provide for the compulsory acquisition or use of property without adequate compensation." And I submit "adequate compensation" here should mean the market value of those assets. And I submit that if there is going to be valuation then the value of the assets to be transferred to the Authority cannot be accounted for on the basis of book value. So if the Authority is going to pay more than the book value for the assets naturally the assets must be accounted for even in the books of the Authority at the enhanced value. Otherwise there is no accounting for the money that is being transferred. It must be accounted for somehow. And similarly in the books of the City Council, if they are going to receive more money than the book value they must account for it in the books. And this I submit, Mr Speaker, Sir, is a very fundamental error as far as the Bill is concerned. And I hope that in the course of the debate the Honourable Chief Minister

will see fit to amend this particular sub-section by deleting this from the provisions.

Another point which I would like to refer to here is the provision, as put in Section 30 of the Bill, which states that the accounts of the Authority shall be audited annually by the Auditor-General or other auditor appointed by the Authority with the approval of the State Authority. Sir, here again we must be clear in our minds as to whether the Water Authority is considered to be a public Authority as such. And in that respect I, for one, will disagree that there should be such latitude in having a choice of a public auditor or the Auditor-General. And I think an Authority of this kind should have its own auditor; and have its accounts audited by the Auditor-General annually, and not by any other auditors. This is a fundamental provision because after all the funds of this Authority are all public funds. There is no suggestion that this Authority will invite foreign capital; so as such I see no reason whatsoever why there should be an alternative proposal for the appointment of auditors.

I also like to refer to Section 26 of the Bill which states that it shall be the duty of the Authority to conserve the Fund by so exercising and performing its powers, functions and duties under this Enactment as to secure that the total revenues of the Authority are, subject to any directions given by the State Authority under Section 8, sufficient to meet all sums properly chargeable to its revenue account, including, without prejudice to the generality of that expression provisions in respect of its obligations under Section 25 and Section 27 and depreciation and interest on capital, taking one year with another. Here again, one must appreciate that the Water Authority is a public Authority providing its services to the people of the State as a whole; and it should not be tied up too strictly with the principle of

making revenue because in the initial stage there must be a lot of capital expenditure to be written off. And as such there may be an undue burden on the people in this State in having to pay very high water charges. So the State Government should be in a position to balance up the position by using its discretion to spread the burden equally over a number of years. And it should not place too strong an emphasis on the question of balancing its revenue and its expenditure because it is a State Authority which should not be considered as a purely profit making Authority. It must appreciate its responsibility to the State as a supplier of a very essential commodity.

Coming now to the other Section with regard to liability of owner or occupier for acts of agents and servants. It is normal practice for a person to be charged for any unlawful act. The law should be certain that that person himself commits a breach of the law. But here we have in Section 62 (2) a presumption. It is stated that "it shall be presumed until the contrary is proved that such damage was caused by such owner or occupier, or by his agents or servants or by persons habitually residing on such holding." Here again I think this is following the trend of legislation in this country, in which the onus is always placed on the person himself; and in this case it is the house-owner. The house-owner may not be aware of it; but it is on the house-owner to prove that he is not responsible. And in some cases it could be very difficult to prove it. And here again I feel that it is undesirable for the Water Authority to have such powers. After all this is not a matter of such importance, as in the case of income. Particularly in income the onus is always placed on the taxpayers to prove otherwise. Here again the Government is attempting to follow that. And it may prove difficult to house-owners in many respects, even though they are innocent of the offence, to prove so.

Another aspect of the Bill which requires clarification is section 71 (2) which gives the Authority powers to publish Rules. And such Rules when published in the Gazette shall have the same force and effect as if they had been hereby enacted, and the contravention of any of them render the offender liable to a fine not exceeding \$500 for each offence. In the case of a continuing offence to a further fine not exceeding \$100 for every day during which such offence is continued. Here we have a case in which this House is asked to delegate authority to the Water Authority to legislate laws; and in this case penal laws which will penalize the people to the extent of a \$500 fine. And in the case of the offence continuing \$100 every day. And here again, is it desirable that legislation of this nature can be approved without actual approval of this House? No doubt it will be tabled. But I feel it is not good enough. Particularly penal legislation must receive the sanction of the House.

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Dato' Yang Di-Pertua, saya ada sa-patah dua yang saya ingin berchakap dalam Rang Undang² ini ia-lah berkenaan dengan ayer, ia-itu yang menjadi polisi dalam Rang Undang² ini. Saya berasa ragu sedikit, Dato' Yang Di-Pertua, kerana masa'alah ayer ini, saya sudah berpuluh² kali tulis kepada Yang Amat Berhormat Ketua Menteri, merayu kepada beliau bahawa berpuluh² kampung dalam kawasan saya, Tasek Glugor dan Seberang Tengah, belum dapat ayer. Bukan kata terok sangat atau jauh dari jalan besar, tetapi tepi pekan seperti Jalan Lahar Bubu dekat bandar Kepala Batas itu sampai sekarang belum dapat ayer lagi. Jadi, maksud tujuan Kerajaan yang mengubal satu Rang Undang² ini ia-lah bagus juga, tetapi kita berchakap meluluskan Rang Undang² tidak ada ma'ana jikalau banyak kampung² yang belum dapat ayer untuk makan dan minum. Jadi, saya merayu-lah disini kepada Kerajaan dengan kelulusan Rang Undang² ini biar-lah bayaran

atau water rate di-luar bandar termasuk dengan perkampungan² baharu boleh-lah di-rendahkan sedikit, janganlah di-naikan lagi.

Saya juga berharap, Dato' Yang Di-Pertua, Rang Undang² ini biar-lah jadi tujuan Kerajaan yang dinamik. Saya harap dinamik. Biar-lah tiap² kampung, tiap² penduduk di-seluruh Negeri dapat ayer untuk minum. Make it the main objective of this Act that every house, every hut in the State of Penang should have piped water.

Itu-lah sahaja Dato' Yang Di-Pertua, terima kaseh.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, kami pehak Pembangkang DAP dukachita bahawa kami tidak boleh menyokong Usul yang di-chadangkan itu oleh Ketua Menteri. Kami bukan menentang Pehak-berkuasa Ayer—konsep itu kami sokong, tetapi kami tidak boleh menyokong Rang Undang² seperti di-hadapan kami, oleh sebab Rang Undang² ini—dan dari contoh² dan misal² kesilapan yang ada didalam-nya menunjukkan bahawa pehak Kerajaan sudah membawa Rang Undang² ini kepada Dewan dengan tidak bertanggung-jawab. Sebab itu kami sekarang suka menchadangkan satu pindaan kepada Usul Ketua Menteri bahawa Rang Undang² ini diserahkan kepada satu Jawatan-kuasa Pilehan Dewan untuk membincangkan sa-mula. Langkah ini bukan satu langkah politik atau obstructive, tetapi ia-lah untuk memberi peluang kepada Kerajaan membawa satu Rang Undang² yang patut dan berikut taraf Dewan ini Dengan izin.

(Pindaan di-beri kepada Tuan Speaker).

Tuan Speaker: Pindaan itu ia-lah berbunyi bahawa Rang Undang² ini di-serahkan kepada satu Jawatan-kuasa untuk berunding sa-mula.

"That this Bill be referred to a Select Committee of the House for further consideration."

Ahli Kawasan Jelutong (Enche' Koay Boon Seng): Tuan Yang Di-Pertua, saya mohon menyokong.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, we in this part of the House had time and again advised Members of the Government not to hastily rush to present legislation; and to see that whatever Bills are presented in this House are Bills that are properly studied and looked into; and that the time of this House should not be wasted by Bills that are presented without being properly looked into. And even policy decisions and issues that are embodied in clauses are not properly thrust out. Now, why do we say, in this part of the House, that things of this nature are happening in this House? We have time and again moved amendments—notably amendments to the Members' Remuneration, Pension and Gratuity Enactments. But all these, Sir, have been time and again rejected by the Government. And in the course of debate Members of this House and the public at large will note that this rejection has not been on the basis that what we have suggested is not constructive, although the Honourable the Chief Minister will persist in saying that everything that is brought up here is either ulang², frivolous, or in his own Bahasa equivalent, which the public now is quite sick of. If the Member for Tanjong Barat would study Bills, rather than make comments sitting on his buttocks, we could have more constructive work here. On other phases, whenever we suggest any amendments here—and we suggest amendments in good faith—they are rejected. Hence, Sir, I hope that the Members of the Coalition, not least the heads of the Coalition walking out now, will now consult each other on what I propose to do. (*Ketawa*)

But, Sir, glaring mistakes arise in this Bill. I use the word 'glaring'. When I look through this Bill I wonder, Sir, what our Members of the Government are really doing. That is the question: I wonder what they are doing. We vote ourselves pensions

and gratuities. But are we prepared to do the work? We talk about a better calibre of people. But I said there was no calibre on the Government benches. I substantiate my point even now. There are such glaring mistakes—errors in numbers; a hundred-and-one mistakes, I would say—inside this Bill as presented to us today. I honestly ask the Members of the Government: Have you studied your Bill? Sir, have you? We went through the Pensions and Gratuities Enactment; and we submitted as many amendments as there were clauses. But we in this part of the House: how determined we are to prevent such a disgraceful Bill being presented and passed as it is. We are in no position, Sir, to amend every single mistake here; and we can only appeal to the Honourable gentlemen of the Government benches to have some sense—and I now see that the Political Secretary also joins the Chief Minister's Coalition partner—Sir, and accept the hands of co-operation that we now extend to them when I move that this Bill be sent back to a Select Committee. Not only are the principles not properly embodied in this Bill, but there are such glaring technical errors, Sir. I take a simple example now, Sir—even an error which they themselves try to correct. They do not understand what they are attempting to correct; and in the course of correction make more mistakes. I simply refer the House to the amendments that were presented when this House sat—the whole talk of amendments. They are full of mistakes. But they cannot even find all the mistakes under this page 2 of the amendments that was submitted. And I read: "Muka 97, Sekshen 15, barisan 3." This refers obviously to the Bahasa version. And we are told that the Bahasa version is the official text, and the English version is only a translation. Well, let us look at that, Sir. "Rang Undang² Pehak-Berkuasa Ayer Pulau Pinang, 1972," it says—Bahasa Malaysia. That is the one we are amending—membetulkan. To amend—alright, it is correct—the word "ka" bukan 'di'. Well, Sir, I would like to

read clause 15: "Dengan berjalan kuatkuasa-nya Enakmen ini, tiap² orang yang bekerja di-jabatan ayer Majlis Bandaraya,"—and this line, barisan 3, that we are supposed to amend, I presume—"hendak-lah di-anggap sabagai telah di-tukarkan di-perkhidmatan" Now, Sir—even a simple thing like that—in that line there are three "di's": di-anggap, di-tukarkan dan di-perkhidmatan. The amendment tell us we are going to amend 'di' into 'ka'; 'ka', bukan 'di'. Alright, which one of these three, Sir? Tell us which one. The first one, 'ka-anggap'? Or is it 'ka-tukarkan' or 'ka-perkhidmatan'? Tell us. This is so ridiculous. The Government benches say they are doing their work. And we note that in the previous Bill that we handled they said they wanted to get rid of the Legal Adviser from the Penang Development Corporation. They don't need the services of the Legal Adviser. But can they do the work if they don't need the services of the Legal Adviser? Of course, the Chief Minister will say, "Oh, the Member for Kelawei is frivolous. He brings out a point like this." Why is it that he did not explain it properly? That is all.

Well, I bring out another point then. It is so infuriating that we are being given a Bill that is not properly considered. And this is the manner in which we are expected to do our work. Let us look at Fasal 2—Bahasa version. And even the sequence, Sir, is not in accordance with the English version. Of course, it could be that the English version is not the version that you follow. But the sequence is not even according to the English version. But that doesn't matter. We go on to the essence of it. The Chief Minister may say I am frivolous because, 'What does it matter if one word is first, or one phrase second? It doesn't matter.' But, of course, in drafting, and in matters of legislation we have to keep to certain procedures so that we do not create ambiguities. But let us look at this one in essence, Sir. 'Kumpulan-wang' in the definition says, "erti-nya

kumpulanwang yang di-tubuhkan di-bawah sekshen 26." Well I read the English version. I do not know which is correct. I would like the Chief Minister to tell us which is correct. The English version says—and this is 'Kumpulan-wang.' It may be 'Fund'. Correct me if I am wrong. My Malay is not that good; but there are Malay Members on the Government side. "Fund" means the Fund of the Board established under Section 25." In the Malay version 'Section 26'; in the English version 'Section 25'. Which is correct, Sir? I would like the Honourable Members of the Government to tell us which is correct. And if we look at it we will have to find out for ourselves which is correct. And this is, Sir, not a question that can be corrected by Order 85. It's not a slip, or anything that can be corrected in the course of printing the Bill. It's not all errors that can be corrected by Order 85. Let us look at '26' which is stated in the Bahasa version. What does '26' say? And here again I want the Chief Minister to say that just because I read the notes I am trying to deceive the House. I will read the whole thing just in case he twists my words again:

"It shall be the duty of the Authority to conserve the Fund by so exercising and performing its powers, functions and duties under this Enactment as to secure that the total revenues of the Authority are, subject to any directions given by the State Authority under Section 8, sufficient to meet all sums properly chargeable to its revenue account, including, without prejudice to the generality of that expression provisions in respect of its obligations under Section 25 and Section 27 and depreciation and interest on capital, taking one year with another."

What has that got to do with the "Fund"? The correct one I presume and I submit is "25"—the one that is stated in the English version, which is sub-headed "Establishment of the Fund". I would like to read it because the Chief Minister would stop me again if I don't read the whole thing: "25 (1) For the purpose of this Enactment there is hereby established a fund to be administered and controlled by the Authority." And it goes on to set out at Sub-clause (2) that the fund shall

consist of, and so on, and so forth. Now, which one, Sir? Can the honourable gentlemen of the Government tell us. Sir, we are here only 8; and they are 16. Do they care to do their work? And they talk about increasing their salaries, increasing their pensions, increasing their gratuity. None of them—not a single one of them—has even bothered to look at it. Here the Malay version says “26”; and the English version says “25”. Which is correct? Will the Ketua Menteri tell us? And I guess that the order is different from the English version. And I could go on, Sir.

So what are we going to do here? Sir, on the basis of even the technicalities you have not looked at your Bill properly. Let us accept this Motion which I move: that we refer this Bill back to Select Committee so that the whole thing can be looked at again.

There are other aspects in terms of unhappy provision, Sir, inside this Bill which we on this side of the House cannot agree with—provisions which give wide and arbitrary powers to the Authority. For example—and I read this—this is an extract from the Honourable the Chief Minister's own speech: “empowering the Authority to appoint on such terms and conditions as the Authority may think desirable a Chief Executive Engineer, a Secretary” and so on, and so forth; “to grant loans to its officers and servants to purchase movable or immovable property for the purpose of conveyances or to build houses or construct buildings or to do any other work.” We find, Sir, for example—This is only an example I could go on—that this kind of clause is not justified. We do not find this kind of clause in the State Development Corporation Bill—that special powers are given for this kind of loans to Government servants. I understand that the Government wants to, perhaps, cushion the integration of the City Council's employees into the Water Authority because they do enjoy these privileges. But I think that that is not right. In legislating we should keep to a certain conformity—to use the

favourite word of the Honourable the Chief Minister—that all the statutory bodies, as far as possible, should enjoy either the same privileges or otherwise; and not: one occasion one thing; another occasion, another. The simple example here again is—he says: “Oh, we took the Legal Adviser out of the State Development Corporation because, you know, he would be involved with land acquisition.” Sir, the State Legal Adviser is also in this Water Authority—an ex-officio member.

In legislating we should keep to a certain conformity, use the favourite words of the Honourable the Chief Minister certain conformity that all the statutory bodies as far as possible should enjoy either the same privileges or otherwise; and not one occasion one thing, another occasion another. A simple example here again is: He says, “Oh, we took the Legal Adviser out of the State Development Corporation because, you know, he would be involved in land acquisition.” Sir, the Legal Adviser is also in this Water Authority—an ex-officio member. And this Authority also involves the power of acquisition. So, what is the argument? Where does the sense of the Honourable the Chief Minister's argument lie? The mistakes here are fantastic. That is the only word I can use—fantastic. We hope that having raised this thing the Honourable the Chief Minister will be sensible enough to accept that. Although we on this side of the House are very angry that such a Bill from so many Members of the House who should know better, who have great political experience, and who have been here in the House longer than we have, can be thrown on to our laps we would be happy Sir, if they would accept our offer now that they refer this back to a Select Committee so that this whole issue can be looked into, and whatever mistakes, human or otherwise, can be corrected so that the time of this House will not be wasted by my having to stand up every moment and propose an amendment in Bahasa and in English, and have it written down; and to be rejected

by the Chief Minister in all probability also. He may wish to reject it just for the kick of it. He doesn't conceive that he also makes mistakes. Sir, there are other mistakes which I do not wish to point out at the moment, and which could be better pointed out in a Select Committee; mistakes both in the English version and in the Bahasa version, and also in both. And I would urge the Honourable Members of the Government to really think properly and accept this opportunity to refer back this Bill to a Select Committee.

Ahli Kawasan Kepala Batas (Tuan Haji Ahmad bin Haji Abdullah): Tuan Yang Di-Pertua, saya menyokong Rang Undang² ini kerana (gangguan).

Tuan Speaker: Ahli Yang Berhormat kita berchakap di-atas pindaan bukan kita berchakap atas Select Committee.

Ahli Kawasan Kepala Batas (Tuan Haji Ahmad bin Haji Abdullah): saya minta ma'af.

Ketua Menteri: Tuan Yang Di-Pertua, saya berasa gembira sebab Yang Berhormat Ahli dari Kawasan Kelawei sekarang menunjukkan sedikit penghormatan kepada Bahasa Kebangsaan. Bila beliau berdiri bagi ucapan beliau, beliau berchakap dalam Bahasa. Saya nampak beliau pandai sekali berchakap dalam Bahasa. Sebab, kali ini pun, beliau tunjuk bukan sahaja beliau membaca Rang Undang² di-dalam Bahasa Inggeris tetapi Rang Undang² dalam Bahasa Kebangsaan. Sebab itu beliau nampak ada dua, tiga pindaan² yang berlaku dalam satu Rang Undang² itu sungguh panjang. Rang Undang² ini yang kita bahath mesti ada sedikit gangguan di-sana sini. Kerja kami di-dalam Dewan ini ia-lah di-mana ada tempat yang mesti di-pinda, kita mesti buat pindaan. Tuan Yang Di-Pertua, sungguh pun saya harap Yang Berhormat Ahli dari Kawasan Kelawei berchakap dalam Bahasa Inggeris, beliau berkata ada 101 dalam perkataan Inggeris. Ini satu perkataan yang menunjukkan ada beribu² tetapi dalam Inggeris kata sa-ratus satu (hundred and

one). Saya sungguh nampak beliau bukan tunjok di-mana² Rang Undang² ada kesilapan sampai 100 pun. Sunggoh ada menunjokkan satu, dua (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Di-dalam Jawatan-kuasa Pilehan boleh. Kalau awak mahu tambah 2 pun boleh. Sebab itu beliau bawa Rang Undang².

Tuan Speaker: Ahli Yang Berhormat jangan ganggu.

Ketua Menteri: yang di-bawa sebab itu beliau bila bawa Rang Undang² dalam copy beliau pun ada markah dalam pensil merah. Tetapi yang besar sekali sebab beliau kata beliau angry—marah. 2 di-sini tidak sa-rupa macham mana ada di-dalam Bahasa Inggeris. Tetapi beliau bahath perkara ini beliau kata ini tidak boleh ikut peratoran Dewan ini. 82 macham mana kita boleh buat terus jika ada kesilapan. Atau sunggoh kalau kita nampak buku Peratoran Dewan ini 82. Saya baca 82: "Withdrawal of Motions or amendments." Yang Berhormat Ahli dari Kawasan Kelawei kata 85. Tetapi di-dalam 85 apa peratoran ada? Dalam Peratoran 85, Tuan Speaker, saya harap Tuan Speaker bukan hendak marah saya mengambil masa Dewan ini tetapi dengan pendek Tuan Speaker, saya baca: "Pada bila² masa jua pun sebelum penyiaran tersebut, Penasehat Undang² boleh-lah membetulkan kesalahan² nahu dan kesalahan² menaip yang tersebut di-dalam Undang² itu, atau kesalahan merujuk, atau tanda² berhenti atau chatitan² di-sabelah tepi, dan beliau boleh-lah bagi mana² maksud itu, membuat tambahan², potongan² dan perubahan² dengan mulut."

Yang Berhormat Ahli dari Kelawei menunjukkan Peratoran 80—Fasal 2. Sunggoh pun dalam Fasal 2 ada satu kesilapan yang kecil ia-itu Sekshen 26— a printing deficiency. Di-sini menunjukkan sekshen 25. Tetapi kalau mengikut Peratoran ini kita tidak ada satu cross reference. Yang Berhormat Ahli dari Kelawei sunggoh pun membuka sendiri Rang Undang² di-depan

Ahli² Yang Berhormat menunjukkan bersungguh² sekshen ini mesti peruntokan 25 bukan 26. Ini kita terima. Ini satu kesilapan yang sungguh lambat dalam Peratoran 85 Dewan ini.

Penasehat, Peguam pun boleh tukar. Lagi ada apa yang beliau hendak tunjukkan. Yang Berhormat Ahli dari Kelawei menunjukkan dalam Bahasa Malaysia syarat² tidak sa-rupa dengan syarat² di-dalam Bahasa Inggeris tetapi ini mengikut alphabetical order. Baiklah. Ini pertama kali Ahli Yang Berhormat dari Kelawei menunjukkan bahawa beliau menghormati Bahasa Kebangsaan Negara kita. Pertama kali beliau baca Rang Undang² di-dalam Bahasa tetapi ini mengikut alphabetical order.

Tuan Yang Di-Pertua, beliau berkata dalam notis pindaan yang di-buat oleh Kerajaan tidak berapa sesuai tetapi itu kita sudah buat. Apa yang kita buat tidak boleh terima dengan sesuai kadalam Fasal 15. Yang Berhormat Ahli dari Kelawei berkata di-dalam barisan 3 ada 3 "di-"—"di-anggap", "di-tukarkan" dan "di-perkhidmatan." Tetapi "perkhidmatan"—perkataan ini ada di-dalam barisan 4 bukan 3.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): "Di" di-dalam 3.

Ketua Menteri: Di-dalam barisan 3 ada satu saja "di-". Ini perkara kechil sahaja. Yang Berhormat Ahli dari Kelawei sebab tidak ada apa² modal hendak bahath Rang Undang² ini beliau menunjukkan Kerajaan tidak kerja baik². Selalu buat silap. Tuan Speaker, kita fikir chadangan Yang Berhormat Ahli dari Kelawei pindaan perbahathan ini mesti dari Jawatan-kuasa tidak perlu langsung. Tadi kita pun mendengar apa Yang Berhormat Ahli dari Kawasan Ayer Itam dan Yang Berhormat Ahli dari Tasek Glugor membawa perkara² yang sungguh kita boleh bahath di-dalam Dewan hari ini. Saya ingat jika Yang Berhormat Ahli dari Kawasan Kelawei tidak ada apa² modal tidak payah-lah makan masa Dewan ini. Ini satu chadangan yang kita mesti bangkang.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran. Sir, the reaction from the Government benches, particularly from the Honourable the Chief Minister, is no surprise to us on this side. We on the Opposition, and the people of Penang, Sir, have long since got used to the manner in which the Chief Minister conducts his affairs in this State in contravention of clear laws and procedure.

Ketua Menteri: Tuan Yang Di-Pertua, mengikut peratoran (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Peratoran apa? Dudok. I am not giving way.

Tuan Speaker: Peratoran 46.

Ketua Menteri: Ini satu amendment to Motion. Bagaimana Ahli Yang Berhormat ada kuasa membaca lagi.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker

Tuan Speaker: Ahli Yang Berhormat tidak boleh baca lagi. Ini satu amendment to Motion. Saya tidak benar jawab.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tidak benar jawab.

Soalan di-kemukakan dan pindaan tidak di-persetujui.

Ketua Menteri: Tuan Speaker, saya minta division.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Hugh! Pandai, pandai, Disgrace; real disgrace in this House.

YA

Enche' Yeap Ghim Guan
Enche' Khoo Soo Giap
Enche' Koay Boon Seng
Enche' Ong Yi How.

TIDAK

Ketua Menteri
Enche' Teh Ewe Lim
Enche' Khoo Kay Por
Enche' Wong Choong Woh

Enche' S. P. Chelliah
 Enche' Ismail bin Hashim
 Enche' Ooi Ah Bee
 Tuan Haji Ahmad bin Haji Abdullah
 Enche' D. C. Stewart
 Tuan Haji Mohamad Nor bin Haji Bakar
 Enche' Khoo Teng Chye
 Enche' Teoh Kooi Sneah
 Tuan Haji Abdul Kadir bin Haji Hassan.

TIDAK MENGUNDI

Enche' Mustapha bin Hussain.

TIDAK HADZIR

Enche' V. Veerappen
 Enche' Tan Phock Kin
 Enche' Abdul Rahman bin Haji Yunus
 Enche' Ooh Chooi Cheng
 Enche' Tan Gim Hwa.

Tuan Speaker: Mengikut keputusan division ia-lah: "Ya"—4; "Tidak"—13; "Tidak Mengundi"—1 dan "Tidak Hadzir"—5. "Tidak" lebeh banyak. Sekarang Dewan bawa balek di-atas Usul yang asal.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker belum berchakap sama ada pindaan di-tolak atau tidak. Sebab bagi tahu nombor "Ya" lebeh, "Tidak" lebeh. Keputusan itu mesti beri.

Tuan Speaker: Tidak, saya beri itu. pindaan tidak di-persetujui.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ya. Terima kaseh. The Member for Butteworth could contribute more by standing up and speak rather than whispering at the back. Sir, we are elected by the people in this State to take care of their interests.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Everybody knows.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Thank you very much. If you wish to speak your time will come.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Ya. I am going to speak.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, therefore we are elected to conduct ourselves in a responsible manner to look after their interests.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): To delay the Bill.

Tuan Speaker: Ahli Yang Berhormat, harap jangan ganggu.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You are being paid very well for that delay, don't worry. One of the aspects of our work is to pass legislation in this House. And let us pass legislation, Sir, that is creditable and correct; not pass legislation that will make a laughing-stock of this House. We have already seen, Sir, the spectacle of a Chief Minister. I do not think that anywhere in the States of Malaysia we have a Chief Minister who in the course of a Sitting stood up and moved an amendment; but because he did not have a Bahasa Kebangsaan edition and an English edition, and I objected, and the Speaker upheld that, he refused to move that amendment altogether, and says he is going to use Standing Order 85.

Sir, we are moving a Bill. The Standing Orders come into play at the moment when you move a Bill. What do the Standing Orders really say? Do the Members really understand the Standing Orders, or do they think that by just sheer numbers, Sir—quantity, Sir, is no quality—they hope to push the Bill through? This is an abuse of Government, not democracy, because what does 85 say? "As soon as practicable after the assent of His Excellency the Governor has been signified thereto, every Enactment shall be published in the *Gazette*. At any time before such publication, the Legal Adviser may correct grammatical and typographical mistakes in the Enactment, or cross-references, or punctuation or marginal notes, and, for any such purposes, may make verbal additions, omissions and

alterations.” Sir, we are not passing two Bills. I would like to remind this House we are not passing an English Bill and a Malay Bill. We are not mistaken by the words of the Honourable the Chief Minister. We are passing one Bill, Sir, under the National Language Act; and that Bill is the Bahasa Bill. And don't say they are different. If it is wrong in the Bahasa version it is wrong, full-stop. And it cannot be a cross-reference, Sir. What cross-reference arises when you say your powers rise from Section 26 when Section 26 does not give you these powers? And is Section 26 the only one? Are we suggesting that it is the only one? Are there no other sections which are wrong? The Chief Minister is prepared to say there are two “di's” in Fasal 15. There are three. And can you, from the type of amendment, know which of three “di's”—“di-anggap”, “di-tukarkan” and “di-perkhidmatan.” We don't know. And yet he says he knows. This is the way he conducts the affairs of this State.

Sir, we are here to legislate. But before we can legislate we must first learn to uphold the law. If we don't uphold the law we don't believe in moral behaviour. And where do we go from here? We shout from the rooftops the Rukunegara. But what sort of Rukunegara do we have here? When we make a mistake we amend. Stand up and admit the mistake. But not to pretend and say, “Oh, we can slip through here, and slip through there.” You can bluff perhaps 10 people or even the Whole House. Can you continue to bluff the rest of the world? Even if you succeed, is that the way you conduct the Assembly—to pull a fast one over each other? We are angry. And we are justifiably angry that the Government which claims itself to be stable because it has now got a coalition is unable even to carry out its own work with the vast machinery beside it helping it at every angle. Whatever questions we raise in this Assembly, Sir, there will be an Assistant, there will be a Secretary, and there are District Officers who will be

able to make a note and pass on to the Chief Minister. We have none of these facilities. And yet when we submit that things are not so right in the Bill the Honourable Chief Minister and his very, very clever 16 blind mice choose to adopt an ostrich-like posture and bury their heads. And merely coming here and saying “No” they won the day. You win, Sir, perhaps a small battle; but not the war itself.

Ketua Menteri: Tuan Speaker, mengikut Peratoran 46, Bahasa Inggeris—I don't know. For the last 15 minutes the Honourable Member from Kelawei has been speaking. But are his observations of any relevance to the subject matter of the Bill?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): It is perfectly relevant because we are passing a Bill. And we should know on what basis we are passing the Bill; and why the Bill should not be passed as it stands. And I am dealing with the debate proper. And I can criticise any aspect of this Bill. But I am well aware that the development today is most uncomfortable to the Honourable Chief Minister; and he will attempt to interrupt me. But I will say this: we will not in the least be stifled by any interruptions that will be forthcoming.

Sir, in a Bill of this nature, where we are proposing primary legislation, we should not attempt to just borrow from here and there. Legislation in some States who choose to be *ad hoc*—and then try to squeeze conditions into that kind of legislation. Instead of that, what we should do is to legislate on the basis of the conditions that prevail in this State. And we have seen the type of legislation that we have today, which quite clearly indicates that of a person who is prepared to wallow in ignorance.

Sir, we on this side of the House cannot support the provision as it stands. I have already stated that we support the Bill—the concept of a Water Authority—but we certainly cannot accept the Bill as it stands.

Firstly, as I had earlier indicated on technical grounds, this is an atrocious piece of legislation which has not been properly studied, and not properly looked into by the Government which has more than enough manpower to do it, Sir. And as an illustration, we are not debating this Bill in Committee Stage. And when it comes to Committee Stage, taking the belligerent—the word that has been used by the Press—attitude of the Government, and particularly the Honourable Chief Minister, political leader of this State, we on this side of the House do now question whether it serves any purpose for us to move an amendment subsequently, or whether it serves any purpose in Committee Stage to move an amendment, or whether we should allow the Honourable Members of the Government to proceed to live and languish in their own ignorance because they prefer to pass a Bill which is wrong rather than to have it corrected and pointed out by the Opposition.

I give another example, Sir, of the kind of legislation that we have before us. Take for example again Section 2. I naturally just now raise one aspect. The Chief Minister says, "Oh, it is so clear," and brings all his red herrings around, then blurs the issue. Nobody understands what it is all about in the end. That act can bluff today; it cannot bluff tomorrow, Sir. The record speaks very, very clearly, as I have already once before said. We should be proud of what the records speak. But with the Honourable Chief Minister anything goes. And even this morning when I tried to mention something he tried to twist and turn; and even to the extent that he went through saying things /(*gangguan*).

Tuan Speaker: Ahli Yang Berhormat, jangan bersaling jauh sangat sekarang kita terus dengan debate ini, itu semua tidak relevant.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, we in this House are confused in the act to think that the paramount issue, I would say, with the question that was asked—Hamilton Road—was enough answer.

Tuan Speaker: Ahli Yang Berhormat, saya tidak minta sebutkan itu. Sekarang kita bahath di-atas (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, we are looking at Clause 2. We will go on determinedly with or without signals all over the House. Look at Clause 2; the Government is looking at it seriously now. But it is too late to look at it. As the colloquial phrase goes, don't build the jamban when you are going to do it. It is too late. Sir, for example, look under the English version. Of course, the Chief Minister is going to say, 'Oh, the English version is not the version we are doing; it is only a translation.' He wants to have his cake and eat it. But don't be, Sir, the spoilt brat of Penang. Grow up. You are the Chief Minister. Look at the definition in Clause 2. 'Fund' means the Fund of the Board established under Section 25. Sir, what power are we referring to? I don't know what the Honourable Chief Minister refers to. I know this is the Fund of the Authority. Under Section 25 it refers to the fund to be administered and controlled by the Authority. But what power are we referring to? Perhaps the Public Utility Board of Singapore. It is just a Board.

Ahli Kawasan Butterworth (Enche' Ooi Ah Bee): Then go back to Singapore.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Speak. You have the right to. You have been voted by your Constituents to speak. But don't interrupt by making funny and nasty remarks which don't even tally.

Sir, what powers are we referring to? Is there a Board mentioned in this Bill? What mistakes are we talking about? I am angered. But now the Honourable Chief Minister is more angry because we bring it out. What power? Sir, a man of his legislative experience likes to say, 'When we were in the Legislative Councils the Honourable Members of the opposite benches were still in school.' Well, Sir,

if we were in school we were learning. I don't know about those who were outside who were not learning. What power, Sir, are we referring to again? Pass this Bill. Pass it as you like. Don't amend it. Be obstinate. Pass it as it is. What power are we referring to? Perhaps, in his flickering way the Honourable Chief Minister will try to force the issue again, and cite even the Governor's speech which has no relevance. This won't work, Sir. It works for one Siting; it works for two Sitings; but it will not work forever. People get used to things like that. People get very used to it.

Sir, here again—and I am speaking on the debate proper, and I don't like to be interrupted in this—it is relevant. under Standing Orders we are prepared to do away with the Legal Adviser; but in the Development Corporation Enactment we put it in. But what is the point explaining this kind of things? It is because there is no Section 10, similar to the Development Corporation. That is what was brought up—because there is no Section 10 which requires that the Legal Advisor be there when certain decisions are made. Is that the reason? Because there is no such clause here you are quite prepared to have the Legal Adviser there as a Christmas decoration. Is that what you want to do? What sort of legislation are we having? Obviously today we will only have one sort of reply. On the basis of legislation, Sir, I think it is a very good guide and good Parliamentary governmentship that wording should be as far as possible the same. In other words, by way of illustration I would say: suppose we were to legislate as we are doing now. Suppose we were to legislate, let us take Clause 10 as an example—"Upon the coming into operation of this Enactment—"if the Honourable Chief Minister were to hurriedly hunt through it—and now that I have mentioned it he would probably overlook the page—Clause 10 is similar to Clause 13, I presume. And it is good legislative backing practice to make sure that if the function is exactly the same the essence

is the same; and it is only the parties that are different. In other words, in the case of Section 10 you are referring to the State Government; in the case of Section 13 you are referring to the City Council. We ought to keep in line with the wording. In other words, quite rightly under this English version which is not, I emphasise, the official version, it is only a translation it says in Sub-clause (i) 'the Government water undertakings; and'. And there on the other side it says, 'the City Council water undertakings; and'. Correct, Sir. But let us look at the Malay version; it is so laughable. One talks about respecting the National Language. We on this side of the House, like many non-Malays, were not educated in Malay. We found it honestly very difficult to speak in Bahasa. But we try our best, Sir. We don't pretend. And if we don't know we don't have a complete text written in Bahasa, and read it out against Standing Orders. But we try our best to memorise; to do our best. Honestly, we do our best. We have nothing to hide. But we don't pretend to be specially loyal because we can read out in Bahasa. But let us see, Sir, whether in action the Government itself, is—to use the words of the Chief Minister which are relevant to this—'rendahkan' the National Language; 'belittling'. If I use bad National Language I think I would be belittling the National Language. But if one uses bad National Language persistently then it shows disrespect. I think although the mouth says, "I am loyal" the action is otherwise. Let us look at Fasal 10 in the Bahasa version, Sub-clause (i) 'tanggongan² ayer Kerajaan,' it stops there. Look at 13. It says 'tanggongan² ayer Majlis Bandaraya; dan'. The other one has no 'dan.' The Chief Minister is going to say, "There you are. A little word 'dan' he picks it out and makes a big issue of it." The principle I am trying to impress is that legislation must be according to a set pattern. You don't use one word here, and then decide to use another word there when the clause is similar. You are using so

many words. And in time to come the question of interpretation in Court will be horrible. Do you know anything about legislation? The Government Members are not bothered. They expect to come to this House and say, 'We did all this work.' And the public will say, 'This sitting is very good. We have passed so many laws. What laws, Sir? Do your work, instead of whispering at the back, and making funny remarks. The Member for Butterworth is good in Malay. He stands up here and reads in Malay. Read it. 'dan' has been left out. I think the layman would be able to find out that this kind of things are bad, Sir. And this is the method. Let us look closely. We are speaking to blank walls—people who have cars but hear not.

Sir, let us look at Clause 9—an example of the type of things they are prepared to perpetrate in this State. A very simple example as to the type of things that are being done. And the Honourable Members are not prepared to look at the work. They will say it is a printing error. And the Honourable Chief Minister will blame everybody but himself. I just read.

"Clause 9. Dalam bahagian ini—

"tanggung² ayer Kerajaan² erti-nya loji² dan semua tanah², bangunan² dan lain² harta aleh dan harta takaleh, yang terletak pada dan di-pegang oleh Kerajaan Negeri, Pulau Pinang dan meliputi semua aset², kuasa², hak² kepingan², keistimewaan², serta hutang², tanggungan² dan kewajipan² Kerajaan Negeri berkaitan atau berkenaan dengan-nya."

Here in the clarification, although it is for the City Council, of course. The Chief Minister will again blur issues. And what about the Bahasa version? Of course, he says grammatical mistakes; he says it can be cured. Yeah, this can be cured. Sir, whether you can cure it or not you are obligated to bring to us something sensible. Not just bringing in everything, and saying "I will cure it later." I know he is a doctor. But some things can kill rather than cure. Sir, let us look in this Section 9—'dan lain² harta.' In the

equivalent of the Majlis Bandaraya it says, 'harta² lain.' Now, which is which? 'Lain² harta.' In the equivalent for the Majlis Bandaraya it says 'harta² lain.' Let us make up our minds one way or the other. I am not saying this is the essence. Don't try and distort me and say, 'Oh the Member for Kelawei picks up a little point and builds up.' But legislation, Sir! It is not a letter of resignation from the Gerakan. You can use any English you want. This is legislation, Sir. Let us do it properly. Is this the only one? The Honourable Chief Minister will say it is the only one; they have got no capital. I will show you. It is not political capital. It is in the interest of the State that we must not pass the Bill as it is.

Clause 10, sub-clause (e): Let us read the last two lines—"nilai buku², aset dan tanggungan² itu se-belum sahaja pemindahan²-nya."

And let us see what is equivalent for that. Bandaraya—City Council. What is the equivalent for the City Council? Read it: 'Buku'—the original one; that is the equivalent. I said equivalent, I don't want the Chief Minister to come out and stop. Read the English version. They are equivalent. I said. In clause 10(4) it says 'nilai buku².' And what does it say in clause 13(5) which is equivalent? I said 'equivalent'; just the part. In fact it is exact in this particular case because it just refers to 'Pihak-berkuasa'. 'Buku': What it says—'nilai buku²'. One is 'buku'. Is it 'buku² aset', or is it 'buku aset²'? This one put 'buku aset²'. Which one is correct, Sir? What are we doing? One example: 'Buku² aset' or 'buku aset²'. We could go on. But there is even another one here—'pemindahan²-nya', that's all. What is going on in this State, Sir? Is this the only one? There is another one. We could go on at this rate the whole night. Sir. I invite the Honourable the Chief Minister to interrupt me now. Sir, take this one here. I look at 13(4): 'sapertimana'. Now, I agree, Sir, that this word 'sapertimana' is also interchangeable with this word

here—'bagaimana'. I agree—I don't disagree—this has almost the same meaning. 'Almost', I said. Words must vary, I mean. But why do you use 'bagaimana' here, and then 'sapertimana' in the other one? What can we legislate? For legislation, Sir, we have to be precise with our words. English was used because it is precise. And here the National Language is used. We must be precise. Let us use the very word. If we choose 'sapertimana', let us use 'sapertimana'. If we choose 'bagaimana', let us use 'bagaimana'. But don't change it around. There may be a slight shade of difference. And in law if there is that slight shade that's bad. Good legislation is to define everything that you mean without ambiguity. And this is good legislation. Is this the only one? I ask the question. There are others. We could go on. And the Chief Minister would say, "Of course, he is referring only to those simple things." There are things which you say: Program², sekim atau projek. And another one he says: Program², sekim² atau projek. He can't make up his mind. I mean you must make up your mind what you mean. And there is a provision here also when he says, 'menurun pangkat'. Where in the English version he doesn't say that. Does he know what he is doing? Has he read the Malay version, to begin with? He hasn't read it. And this is very important. Sir—the one I just referred to—because if you don't intend to put a clause in, 'menurun pangkat', which you don't have in our English version don't pass it here. Don't pass it here because you are going to empower certain things that you don't intend at all. What are we doing? Is this the only one again? He says, "Oh, I refer only to a little thing"—85; "to cross reference." Cross reference, I intend to say 'my foot'. There is another one here, Sir. And I am giving all to him now. Since he is not prepared to accept it I am giving all to him. I would like him to interrupt me now to say that I should not be bringing these things up. Sir, clause 28 (Fasal 28): please look at it—page 102. Please look at clause 28; and look at clause

28 in the English version. I don't choke when I say that when one reads this things one is infuriated. Now let us look at that: 28 sub-clause (e), Sir. And this is the attitude, Sir, we meet with in this House. I say it is contemptible because we make mistakes. We are legislators. Let us admit our mistakes, and get on with the work. Don't just for political fame and prestige refuse to accept facts that are thrown in your face. What does 28 (e) say? In English I'll read: "purchasing or hiring plant, equipment, machinery, stores and other materials and acquiring land and erecting building and carrying out any other works and undertakings in the execution of its duties or in the discharge of its functions under section 6," it says. The Bahasa version; what does it say? I will read it out: "(e) membeli atau menyewa loji . . ."—and here again on a question of singular or plural anything will do—"alat kelengkapan, alat jentera, barang² dan apa² bahan lain dan memperolehi tanah dan mendirikan bangunan² dan menjalankan apa² kerja dan usaha lain dalam melaksanakan kewajipan-nya atau menjalankan tugas-nya di-bawah seksyen 5." The English version says '6'; the Malay version says '5'. What is going on, Sir? Is it '5' or is it '6' I don't know which one, Sir, we are referring to. Is it '5' or is it '6'? Or is it '5' and '6'? Make up your mind; not like this. From what I can see it must be '5'. From what I can see the Malay version must be correct, and the English version must be wrong, because the Malay version says '5'. '5' refers to duty. It becomes 'duties of the Authority'. But '6' refers only the general powers of the Authority. But then again we cannot be sure because '5' is 'General duties of the Authority', and '6' is 'General powers of the Authority.' Now, which one? Shall we guess? If this came from a schoolboy is trying to pass 'The Constitution of the Society' I can well appreciate. But this is a legislature—Dewan Undangan Pulau Pinang. The Honourable the Chief Minister is named 'the most experienced politician'. And this is what he has brought to us, Sir. And he

still insists, "Oh, the Member for Kelawei is frivolous. He is just wasting our time, trying to show how clever he is." You want another mistake you've made, Sir? I will show you another mistake you have made. This is contemptible, I will stress the word 'contemptible'. "It is a spelling mistake," he will say. It is a spelling mistake? Fantastic! Clause 38: What does clause 38 say? In the Malay version, what does it say? The English version says—it is so ridiculous, and I will read only that relevant part of it: "the Chairman or any person authorised by the Chairman in that behalf may, after not less than twenty-four hours' previous notice to the occupier thereof, if any, *cater* open such land and may survey and take level" 'Cater'—catering. Bringing cakes, food? Is that the 'cater' you are referring to: c-a-t-e-r? What does the Malay version say? Let us read the Malay version. I think sometimes we have to follow the Malay version, and sometimes we have to follow the English version. But we do not know which one. The Malay version says, "Pengerusi atau mana² orang yang di-benarkan oleh Pengerusi bagi maksud itu boleh, sa-lepas tidak kurang daripada dua puluh empat jam notis di-beri terlebih dahulu kepada penguni berkenaan, jika ada, memasoki" My Malay is very poor, Sir. I am not that clever as the Honourable the Chief Minister. He has all these legislative experiences. 'Memasoki' to me, I think—correct me, all this Malay scholars—will mean 'to enter. Is it correct, the Member for Bayan Lepas? 'To enter'—'memasoki': is it correct?

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Yes.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): And here it says 'cater'—'to cater upon'. It is a verb. Is this a spelling mistake—'cater'? 'Enter' and 'cater' is the same word? I do not know. 'To enter upon': it says 'to cater upon'. So you legislate nonsense, Sir. That is what you do. And

the Member for Bayan Lepas was telling us the kind of tricks you see here—the Member for Bagan Ajam should be in the Waterfalls. Well, this should be in the Waterfalls. Is that all again? I ask: Is that all? I am only bringing out the most salient points, Sir. Do not take it for granted that everything that I point out are the only things that are there. Is that all? Let us look at section 44. I do not have your legislative experience; but we do our work, Sir. No doubt the Honourable Chief Minister tried to extend his hearing right up to eleven o'clock, so much so he thinks that Honourable Members over this side cannot do their work. Eleven o'clock; and the next morning it is 9.30. We have to leave our House the latest by nine o'clock.

Tuan Speaker: Ahli Yang Berhormat, itu-lah ruling daripada saya bukan yang Amat Berhormat Ketua Menteri. Itu daripada saya.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, I thank you very much. It may be so. But as the Leader of the Government, and as one who has always talked about conformity, let us conform to Parliamentary practice to say that Proceedings start at 2.30. Let us conform to that. And we are having a Motion to that effect—formation of a House Committee. And I would like to propose that in the House Committee, so that things will be carried out.

Tuan Speaker: Itu-lah Ahli Yang Berhormat ada prerogative bawa didalam House Committee. Saya harap jangan di-sebutkan sini.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Baik, terima kaseh. Can I continue Mr. Speaker?

Let us look at 44. Here again, what on earth did the Honourable the Chief Minister give? He said I bring up one point—now using up one point; and 'He is trying to be a hero'. I am not being a hero. I am doing my duty, Sir. That is not the only one point. There are so many glaring ones. Let us look at 44. It says—44(1)—"The amount of

compensation, if any, payable under the provisions of section 39 or section 41 of this Enactment shall be assessed by the Collector of Land Revenue after such enquiry as he shall deem sufficient—". Let us look at the Bahasa version of 44. You call yourself legislators; vote yourself more money. What does 44 in Bahasa say? 44(1) in Bahasa says, "Jumlah pampasan, jika ada, yang kena di-bayar di-bawah peruntukan sekshen 39 atau sekshen 40". In English '41'; in Malay '40'. Where do we go from there, Sir? Where do we go from there, I ask the Honourable the Chief Minister. Do you read your legislation? Do you read your own Bill before you bring it to this House? For heaven's sake read it. '41' and '42' are different. Why are they different? I will tell you why they are different. '40' says—and this is the substance. I do not like to read the whole thing—"Power to enter on land for purposes of construction." '41' says, "Saving of wayleave agreements." What is 'wayleave agreements'? Is it anything glamorous to do with '44'? "Nothing in section 38, 39 or section 40 of this Enactment shall—

- (a) affect the right of the Authority to enter into an agreement, with the owner or occupier of any land for the purpose of carrying a pipe line across such land; or
- (b) affect any such wayleave agreement subsisting at the commencement of this Enactment."

There is not a question of compensation. What compensation are you talking about? What, Sir, is going on? And there are clauses, Sir, where you say in English: "Shall be made in writing." And in Malay you say 'boleh'. 'Boleh', Sir, and 'shall' are two different things. 'Hendak' is 'shall'; 'Boleh' is 'may', I presume. My Malay is not that good. Am I correct, the Honourable Member for Bayan Lepas? Yes? In English you say, "Shall be made in writing"; and in Malay you say, "May be made in writing." Which do you mean—'may' or 'shall'? The Honourable the Chief Minister may laugh. You are dealing, Sir, with the affairs of this State; the well-being of these

people—the people of Penang. The people must have confidence in you. You know what you are doing? You shout, "Gerakan is bigger by size, by weight." Well, show it here. Is that the only one, Sir? There are other provisions where you say, "for any ornamental, mechanical, scientific and related purposes" How do you say it in Malay? You leave it out. You don't even mention it. What, Sir, is going on? He can plan letters and all sorts of things; but we cannot do our work. Sir, this is different. Another one, Sir, I should draw the Chief Minister's attention to. If it were one or two, I don't mind. He stands up and say, "Frivolous! The Honourable Member is wasting our time. He is trying to block this legislation." Sir, there are 101:

Penasihat Undang²: So far it counted 8.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Thank you. But if you are going to base yourself, Sir, on what I bring to your attention you are in troubled waters because I, first of all, am not paid to be your Legal Adviser. Secondly, I have no time to look into every aspect; and I am capable only of looking into what I am capable of. I am not that learned in Malay; and I haven't got the time since you do not allow us much time. Let us see, Sir, 68: So interesting; Laughable, I think. What does 68 say in English, and what does 68 say in Malay? And does he mean what he is saying in English, or what he says in Malay? That's interesting. He talks about my having a schizophrenic personality. Well, you have your schizophrenic personality if you change your minutes every now and then. Let us look at 68. You tell us to do our work, Sir. We do our work We will earn what you legislate to pay us. What you make for us we will earn. But whether your own Members earn it—whether they just sit at the back and sleep and snore—is another question. What does it say here, Sir? '68'—My God! In Malay it

says, "Pihak-berkuasa boleh, dan ia-nya tidak boleh di-kenakan apa² tang-gongan"—your responsibility—"kerana berbuat demikian, mengurang-kan bekalan ayer" Now I am not very good in Malay. I ask the learned Malay scholar from Bayan Lepas, or even the Member for Butterworth who has now disappeared; the political—well, the word that has been used is 'rat'. Sir, the word is mengu-rangkan'. What does that mean? To re-duce, isn't it? So 'mengurangkan be-kalan' is 'reduce the supply', isn't it? And what does the Chief Minister say in English? The great leader would say that everybody is frivolously wast-ing time. We all should come here, and I propose the Bill. You say 'Aye'; you do not say 'wrong'. And we say "Fasal 1, 2, 3," and all go home. 68: what does it say in English? "The Authority may, without incurring any liability for so doing, reduce as it thinks fit the quality of water"—correct? Sir, now the Honourable the Chief Minister is going to say, "Never mind, the spelling of 'quality' and the spelling of 'quantity' is a slight diffe-rence." It coincidentally, Sir, is a slight difference. But if you pass the law as it is, Sir, it is not different. Why do I say it is not different? Anybody who knows about water supply will know that the quality of water is different in different countries, and for different uses. Water that is used for industrial purposes is different from water that is used for consumption. That is the difference. If you want to drink that water you must supply a certain type of water which is I am not learned in it. The Honourable the Chief Minister has got all the studies, and the pre-feasibility survey. He ought to know. But there is such a thing called 'one part in how many million pure water'—that sort of thing. And one type of water can be used for drinking. One type of water can only be used for industrial purposes; that is not pro-perly purified. And if you legislate yourself, Sir, this kind of provision that you can reduce as you think fit the quality of water—my God—the whole of Penang will be poisoned by you.

Now, this is in lighter vein, but it is not a joke. Sir, for the information of the Honourable the Chief Minister, although he goes travelling around the world he doesn't open his eyes. He still adopts, as he does in the Assembly, the ostrich's attitude. But I would tell the Honourable the Chief Minister that in some countries water for such pur-poses is not the same water as we use in this country. We are privileged, Sir, to use pure drinking water for much purposes. In some advanced countries they use salt water. So you cannot legislate for yourself the right to reduce the quality of water. And do you mean this, or do you mean the Malay ver-sion? Make up your mind. But don't deceive us. And this is a small mis-take, no doubt. But here is a mistake that shows lack of care in doing things—69 (2). And this is a spelling mistake: 'by an *officer*.' They cannot even spell properly 'officer'—officer. Is that the Malay spelling of 'officer' or what? I do not know.

And that is not good enough. The Chief Minister will say: 'Oh, he is fri-volous. Anything he will bring up just for politics'. Let us have another one which is very serious—66. A penal clause is not a joking matter. We are going to penalise our citizens, it has been said. "Penalty for injuring meters, works, etc. and for diverting streams or deviating water". Penalty! Sir, a penal clause should be looked upon with greater care. And what does one find in the penal clause, especially the Eng-lish version? Very interesting. Let us read the English version now:

"Any person who—

(a) wilfully or negligently injures or suffers to be injured any conduit, reservoir, cistern, pump, well, pipe, lock, cock, valve, waste-pipe, meter or other waterwork under the management or control of the Authority;" (b); (c); (d);

"shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred dollars and in case of continuing offence to a fine not exceeding fifty dollars for each day during which the offence is continued".

Now let us see what the Malay ver-sion says. My God. Did they do their

work? The Malay version says the same thing. And we read the paragraph as well: "ada-lah melakukan suatu kesalahan dan apabila di-thabitkan boleh di-kenakan denda sa-banyak lima ratus ringgit"—correct—"dan denda tambahan"—additional fine—"sa-banyak sa-ratus ringgit bagi tiap² hari kesalahan itu di-teruskan". In English you say \$50/- a day if you commit the offence. In Malay you say \$100/- a day. Sir, what do you mean? If Ah Kow goes to Court for this kind of offence, does he pay the fine according to the English text, which will be (very good) \$50/-, or does he pay according to the Malay text, which is \$100/-? Mr Speaker, Sir, I merely ask you: Is this D.A.P. propaganda? We are only three here. You have got 16. They have got Malay scholars, as I said. And what do they do, Sir? Do they try to do a decent bit of work. A fine is different. Of course, to the Honourable the Chief Minister \$50 and \$100 is not great. He has voted himself \$1,000/-. And is that all? Again, I said there are others, Sir. Let's look at the Schedule. We can go on the whole day.

Tuan Speaker, I know you are looking at the clock. (*Ketawa*). And I would also like to stop for tea. But I would stop at the right point, since you gave the Honourable the Chief Minister time to speak up to 12.45 in order that he could meet the Press tomorrow. I am not bothered about meeting the Press tomorrow; but I think I should be allowed to finish this part of what I have to say. I would like to stop because I would like to quench my thirst, and so to calm down a bit. So the Chief Minister may say I am angry. I am angry because it is not the way, Sir, to conduct this Assembly. The public would not have respect for us people. And this respect they have for the Honourable Chief Minister will also wash out on us. We do not want this House to be degraded to that of a classroom where nothing is done properly. Look at the Second Schedule, Sir. It says, "Notice of intention to enter and do work on land under Section 43", Sir.

That is why I say the Honourable Members just don't care to do their work. They come here. They say "We have done it". And they go back and tell their constituencies they have done their work. Oh, we are very good. We vote ourselves more money. We want a better calibre of politicians. I think, Sir, that the Honourable the Chief Minister for once is correct. We do need a better calibre of politicians here—people who do their work; not people who sit in Executive Council seats, shake their heads, and pass stupid remarks here. Let us look at 43. What does 43 say?

"All works, installations, meters, fixtures and fittings executed, erected on or affixed to land or buildings by the Authority under this Enactment shall continue to remain the property of the Authority and shall not vest in the owner of the land on buildings concerned".

What has that got to do with intention to enter to do work on land under Section 43? Section 43 does not give you any right to enter on land to do work. Does it? And here the mistake is not only in the English version. And the Honourable Chief Minister will stand up and say "Oh, he is not taking the right version". The Malay version also says the same: "Notice tujuan hendak memasoki dan membuat kerja atas tanah di-bawah Sekshen 43". Well, what does it say of works? What does Section 43 say? It says "All works, installations", and what is under. I do not have to read this again. The note says, "Property of the Authority". It says these are the property. If the Authority connects pipelines or installations on your land they do not belong to you. They still have a right of property over it. That is what it means. Sir, does it mean that you have the right to go on the land to do work—notice of intention to enter and do work. It should be so obvious to you that it is under Section 40 because you put "Penang Water Authority Enactment (Section 40):—arising from Section 40. And yet you say you are entering under Section 43. Sir, are the honourable gentlemen of the Government really seriously wanting us to believe—and there you are, "Power to

enter on land for purposes of construction", 40—that this is the way this House should conduct its affairs? We come here blindly. Just because he intimidated us and said, "Obstruction, frivolity", we get morally discouraged; we quiver, and don't say anything. Is that what he wants? Is that the kind of constructive ignorance that he wants—the type of silence that he gets from his own Members? Sir, I honestly say that this is the kind of thing his own back-benchers should be doing. This is the kind of thing that his back-benchers should be reading, and finding out, and telling him. Now, I am a reasonable man. I know that the Honourable Chief Minister is a very busy person. He is. Sometimes busy in the sense of being a busy-body; but busy. He takes on things that are not his responsibilities. So what can we do? But I find there is no justification for Members of the back benches to sit on their fat buttocks, and not do their work. Do your work, for heaven's sake. Don't come to the Assembly symbolically to mark your attendance, appear on the verbatim report, and go back; appear on the Minutes, and go back. Do your work. Read your stuff. Is that all? Is that all, again I ask? I hope it is not to the Chief Minister's irritation when I say, "Is that all"? Even on a simple matter, Sir. And, of course, he is very fond of saying that the Member for Kelawei has some good points, but he brings in bad points to spoil his good points. (*Ketawa*). It is not a bad point, I would say now. We know, Sir. We are very used to the manner of the Honourable the Chief Minister. There are times for laughter, and there are times for temberang, he says. Yes. But there are times for seriousness. You are paid by the rate-payers to do your work. We are doing our work. Look at this. Just look at this notice. He will say, "It is a matter of opinion". This is the kind of answer that we get—matter of opinion, his politics, his bad arguments, and all that. And the answer: he spoils it. Now, look at it. You know this notice of intention under Section 40 is a notice issued by the Authority. Now, if we look at the Bill properly, Sir, and read the

Bill, who are the people empowered by Authority to act? Under Section 31 certain choice people only are empowered by the Authority to act: "The Authority may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to the Chairman, Deputy Chairman or any other person the power and authority to carry out on its behalf such powers, duties or functions", and so on. Now this Bill quite clearly states "Chairman, Deputy Chairman" And if we take it in relation to another clause which also allows appointment—Clause 19: "If the Chairman or the Deputy Chairman or any member of the Authority is temporarily absent from Malaysia or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the State Authority may appoint any person to be a Temporary Chairman or Temporary Deputy Chairman or Temporary member of the Authority". These are the powers. But these are the powers that are given by the Authority to certain specified people to act. And here we see a notice. And, of course, there is going to be this claim of opinion again. Never mind, let him claim. We are used to the claim of opinion. The Secretary issues the notice. I say that unless you specify that the Secretary has the right to issue a notice—that you delegate the authority to the Secretary—the notice, to have any legal meaning, must be issued by the Chairman or the Deputy Chairman, because you did not make the proviso. Here again, Sir, why do I say that this is so stupid? Another example: Section 40, in the English version at least. Section 40 (4) says—I read this earlier already, but it is on another aspect, so I am not ulang²—"Any of the persons mentioned in subsection (3) of this section may, within fourteen days of the receipt of the notice therein referred to, lodge an objection to the intended acts of the Authority. Such objection shall be made in writing" I have already said earlier that the Malay version says "may be made in writing". Now the English version says "shall". We do not know which one they mean. But never

mind. It says "shall" in English. But what does it say in the Schedule that pertains to this one—objection and all that? What does it say in clause 2 of the Schedule? "Within fourteen days from the date of this notice you may lodge an objection either verbally or in writing" Now, which one? You told a person he must lodge a notice of objection in writing to the Collector of Land Revenue; and on the other hand in the notice you told him he can lodge a notice verbally. You know, Sir, verbal notice and written notice are worlds apart. I know, Sir, that you pointed out to me the other day that as a lawyer I should know what is "three" and what is "nine". I stand corrected. But as Honourable Members of the Government, with all the facilities at hand, surely they know what is "verbal" and what is "in writing". Now, that is this, Sir. You are trying to legislate again. You are misleading the people. If this kind of notice goes to a rate-payer what is going to happen to him? If he lodges his notice in writing, good. If he lodges his notice verbally, what happens to him? In the notice itself it tells you what happens to him. (*Ketawa*). Unless you lodge an objection within the time specified it will be presumed that you have consented to the Authority entering on the land in terms of this notice. If you do not lodge a written notice, and if you go to the letter of the law, the Schedule is not the letter of the law. If you go to the letter of the law then I pity the poor chap who has lodged orally his objection because then he suffers the consequences. Is this the kind of legislation you are trying to pass, to mislead the House? And is that all? As I said, and I say again, 101, if you care to look. For those who have eyes they can see. But for those who have eyes, and see not, it doesn't even aid, I think.

Sir, I feel that even at this stage, as I have already indicated so clearly, the mistakes are many. And I for one, even on the technicality, have nothing but regret that this House has to face this kind of thing because it is not, Sir, the way to do things. Can the Members of

the Government understand the hint? Can the people outside have respect for us if the legislature can submit Bills like this? Well, the Honourable the Chief Minister can say, "We'll legislate. This is the purpose of the Assembly, because you know we are here, and you are supposed to pick this out for us". Yes. But not when you take the attitude, "Oh, these mistakes are nothing". They are, Sir, mistakes of substance. If it is a small mistake in spelling, fair enough. Mistakes of substance "quality of water" for "quantity of water". That is a lot of difference. "\$50.00 fine", "\$100.00 fine"; there is a lot of difference. Which do you mean? We have heard the beautiful text of the Chief Minister's speech giving us an outline of the Bill. Had he read this Bill when he made this great speech here? He hasn't.

Sir, now I can go on to the provisions of the Bill itself; the principle which I feel is repugnant. Sir, we are giving very wide powers to the Authority to act against the officers who work for the Authority. Sir, I would like to bring it up here because if I do not bring it up here the Honourable the Chief Minister will say, as he said in the Pensions Bill, "Well, they did not bring it out in the proper place, so I do not want to consider it". And I am not given an answer. Sir, whether you bring it out here, or whether you bring it up in the Committee Stage, he will have an excuse. That is what we have been treated to—excuses. This proviso, Sir, that you can take action against servants of the Authority who do not earn a salary of more than \$500.00, I think, is not a fair provision. Provisions for discipline, for control of civil servants or public servants, should be uniformly applied. We should not delegate to individuals in an organisation the right to take action quite arbitrarily. And as far as possible we should make sure that legislation along these lines is even, and applied to all. And unless the Honourable Chief Minister can give us concrete reasons as to why he deems that this provision is fit and proper for the Authority we do not think that this

is a healthy provision because it will mean that sometimes injustice will be perpetrated against public servants.

Another clause, Sir, which we are not very happy about—the principle of it—is the clause whereby the Authority is allowed to make loans. I think that is not a procedure that should be encouraged as far as possible. Let us keep in line with what the Government allows the various categories of civil servants; and the various provisions. And it is in this kind of situation that I would ask that the Chief Minister conforms with Federal practice. It is in cases like this that we need to conform with Federal practice; and not in cases where it is to our personal benefit that we would like to conform.

Another clause, Sir, which I find repugnant, and which the public will also find repugnant, is this special clause—of course, if the Legal Adviser will advise us. He knows, and he has checked up whether such a clause also exists in the State Development Corporation Bill. But I do not think it is there. I have tried to look it up—on obligation of secrecy. I do not think it is in the State Development Corporation Bill.

On this point I am wondering, Sir, why it is that the Chief Minister wants this provision for secrecy? Sir, high Government official have to take the Official Secrets Oath. But then that was the practice; and that applies to a category of Government servants—those of a higher status. But let us look at the provision as it stands now. 42 says, "Except for the purpose of this Enactment or of any criminal proceedings under this Enactment, no member."—Member I presume must be Chairman, Deputy Chairman, and so on, and so forth—"officer"—high ranking officer "or servant of the Authority shall disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Enactment". Now, Sir, is it fair to apply this kind of law against all and sundry? That is exactly what the Chief Minister

proposes—member, officer or servant. Correct me if I am wrong. We have the Legal Advisor here "officer or servant" is so wide that it covers from the Chairman of the Authority to the office-boy. And is it fair to apply this provision even against the office-boy? How do you justify this provision? We have the Official Secrets Act. If you wish to bring it in let us bring it in in some way. That is why I say this is not properly written. You can bring it in if you really want to. I conceive we are not destructive. We are not unreasonable. I conceive that in the course of the work of the Authority it may have to acquire land, and build certain projects. And this kind of news should not spread out to the public so that people, like in the Alliance days, will profit from this special information and buy land, and make money—speculate. Yes, I agree if that is the motivation behind this. But I don't agree, Sir, at the wording of it because the Government has got procedure. You have got procedures whereby this kind of information can be kept away from the lower rank of civil servants. How? You have got your restricted circulation notice. You have got your confidential files; highly confidential files; highly, highly confidential files. You are highly protected. So why, Sir, do you need a clause like this? Are you saying that a simple tamby will have all this vast information? That is, of course, if I take the reasoning in the proper light. Of course, the Chief Minister will say, "Well, the Honourable Member will then insinuate, in the absence of any explanation." Or is it perhaps that the Honourable Chief Minister is so afraid, having experienced the Penang Development Corporation where there has been so much of a mess? So much mess that he now wants to provide so that nobody can ever say anything about the Water Authority; so that nothing can leak out. If it leaks out, have that man arrested. And what happens if a man does that—if a person, even a clerk or a tamby, just leaks out even simple information that is obtained by him in the course of his duties? What happens to him? He

is fined, Sir. They are very good at fining people here—'Any person contravening the provisions of sub-section (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars or to both.' Why, for a tamby earning—if at the rate you are paying the people of State Development Corporation are concerned it will probably come to \$50 a month—\$50 a month, you expect them to pay a fine of \$1,000 just because he says there is a project called the Penang Hill Project, or something like that. And he will be arrested and fined \$1,000. It cannot apply to everybody. This is the kind of thing that shocks us. When it comes to penalty everybody gets it—the clerk, the tambi, the Chairman will get it. But when it comes to protection of services, as I had indicated earlier, only certain civil servants who are not below \$5,000 will be subject to suspension, dismissal, fining, refusal of granting leave; they suffer. But when it come to penalties everybody will suffer. And talking about differences, well, we feel that there must be some reasons. Some have already been mentioned. And I would like to mention it again, if only to stress, and not to look at it from another angle. As the Member from Ayer Itam said, here you don't allow the Auditor-General to come in. You can appoint a private auditor. Sir, for the State Development Corporation you put it as mandatory that the Auditor should look at the Accounts. But here you say a private auditor can do it. Again, experience of State Development Corporation? After the State Development Corporation experience you would like to hide a lot of things. Is that it? Of course, you will say "insinuation." But in the absence of explanation we would insinuate, Sir, because in Committee Stage it was Fasal 1, Fasal 2, to the last. We had no chance to say anything. There are other provisions which we feel should be mitigated; provisions that should be made easier and lighter for our people. And if we find subsequently that these provisions

are too light come back to this House, Sir. These are the kind of provisions that this House will entertain—amendment such as the penalties that you are imposing. A simple act will open a person to persecution under this Ordinance. What sort of act will entitle a person to persecution. 'I read 59: Any person who—

- (1) wilfully or negligently misuses or wastes or causes or permits to be mis-used or wasted any water passing through the pipes in or near his premises;

Sir, such a simple thing. And what are you going to fine him? \$500. Another one. Just see the kind of thing.

- (ii) having agreed for a service for domestic purposes only applies or causes or permits to be applied the water passing through the pipes in or near his premises to purposes other than domestic purposes;

A penalty of \$500. And that is not enough. The State Authority does not stop there. It wants to go further. "A fine of five hundred dollars and any service so altered may be replaced in the proper state by the Authority at such person's expenses and a certificate of the Chief Executive Engineer shall be conclusive evidence of the expenses incurred." They incur expenses which one has to pay; but they say that you have to pay—"When we say \$500, you pay \$500. When you say \$5,000 you pay \$5,000." The wording is so conclusive, Sir. Do we need such a clause, Sir? The State itself is strong enough to fight people. Why do you need to write in for yourself conclusive, irrefutable legal phrases in legislation? It is not the right thing to do.

Sir, there are other aspects of this Bill which we find rather repugnant; but quite frankly we don't like to go on. The point we have made initially still remains, and that is that in this Bill, the concept of which we support, we believe that we have an amalgamated, single Authority on water for the State. But we don't agree if legislation is passed this way; if the contents are like this; and if a lot of questions are not clarified. And these questions which we wish to have clarified are questions

which the Chief Minister has left blank in our minds. In his speech he says, "We are obligated to the Asian Development Bank." I would like the Honourable Chief Minister to tell us to what extent we are obligated to the Asian Development Bank. The people are entitled to know, because that phrase "We are obligated to the Asian Development Bank" means a lot, Sir. It is not that we are obligated to the tune of U.S. \$7.2 million. That is not all. For example, I would like to ask: Are we obligated to the extent that we have to increase water rates in this State? Can the Chief Minister answer that? Is that the meaning of that clause of his speech? Are we going to be dictated to by the Asian Development Bank Agreement that we have to increase water rates in this State? Then I say, 'No.' I think this House will not permit it. We will not permit increase in water rates. This State must not sustain any further increases, and any further increment in water rates.

The Chief Minister paints a lovely picture, and says our water is the cheapest in this country. First of all, I doubt the authenticity of that statement. I say I doubt. If he can clarify and dispel that doubt, quote us figures. But on the other hand the people of Penang are already paying water rates high in comparison to other places. And therefore, I for one, would like to stress that as far as possible water rates in this State must not be increased. You can lower them if you are so inclined. But don't increase these water rates.

Another point I would like to stress is that although you have powers of acquisition these powers should be exercised properly, and without causing injustices to people. Whatever schemes you have, let us make sure the interests of the poor particularly—and the poor are those who are dispossessed, and who have to squat on land—are taken accordingly. Let us not use this existing power of acquisition to the extent that you cause injustice to the poorer section of this country. It is usually the poor who have to suffer most, because they have to live in the nooks and corners

of our country, live up the hills, and down the valleys where people originally may not be concerned with the land. But then subsequently you decide that "I shall build a dam in this area," and you tell them to get out. Just make sure that an Authority like that will duly and fully compensate the people for whatever losses they sustain. And let us make sure that there will be no people like those from Tanjong Tengah who go and tell the people, "Well, the Government is very nice to you. It takes over the land. It will compensate you. If it is the private sector they will not pay you a cent," which is nonsense. The private sector will compensate most. The Government is the one who takes advantage of the law.

Another point I would like to stress again towards conclusion is that although we are trying to make this a sort of profit-making enterprise let us not look at profit alone. Let us also look from the angle of development and service to the people because the water is essential. Let us not hear just what we are hearing now in the case of J.K.R. Let us not hear that this project is uneconomical. Where it is too remote we are not going to supply the water. Of course, the Chief Minister himself is not going to do it. Try to take a feather and say, "Well, precisely, that is the kind of thing we are going to eradicate." Good. Let us supply where it is needed. But let us make sure again that the laws are supplied evenly and fairly for all, because, for example, Sir, I have had complaints brought to me. We must differentiate between the use of domestic supply and supply to the place which has some commercial usage. Sometimes this kind of thing can work an injustice. I give an example of an orchid grower in this State who has been applying for water for years, and cannot get it. He has been waiting and knowing he needs so much water that he has already dug a well; and it is well water, Sir, that he uses. And it is not salt water, but crystal-clear water from the well. And he has a pump to water his orchids every day. This is a small industry. And he uses this water to

pump and water his plants. And he uses a lot of water for this purpose. It is free. It comes from nature. He does not have to pay Government tax. At the same time he has applied for water for drinking. After years of perseverance and protests, the water finally comes. And when it comes the Water Authority, the P.W.D., insists that is for commercial purpose. Why? Because you have an orchid farm. Here is a case of an obstinate P.W.D. which insists this water cannot be for a domestic purpose. But, Sir, his family lives there, he must drink. And surely we are trying to encourage people to use clean water. This water which comes from the pump is the water which he could use. And yet what is the attitude of the P.W.D.? No, because yours is an orchid farm yours must be industrial water. It must be charged at commercial rates. Is that what we want to perpetuate? That is what I said this morning. We have all the laws. Sometimes we have good laws that are applied badly. And, like here, we have bad laws that cannot be applied in a good manner. So we hope that the honourable gentlemen of the Government will see in their way that we on this side are not very sure whether we will be proposing this amendment. We are not very sure because of the belligerent attitude of the Government as personified by the Honourable Chief Minister who does not set a good example for this House or for the State. We have the cut and thrust of debate. But after the cut and the thrust we must get to the essence. And the essence is that if it is not right, whether it is raised by the Opposition or by the Government, we must not accept it. Just as this morning we supported the Town Boards Amendment Bill because we feel it is right. Because we feel it is progressive we support it. But if some of us can rise above politics nevertheless there are others who cannot. And in the end, Sir, the hostages are the people of Penang under the Authority that will eventually be booted out of this State.

Dewan di-tangohkan pada jam 4.46 petang.

Dewan bersidang sa-mula pada jam 5.19 petang.

Ahli Kawasan Jelutong (Enche' Koay Boon Seng): Tuan Speaker, dengan izin berchakap dalam Bahasa Inggeris.

The Bill before us is an interesting one; and I hope that the Honourable the Chief Minister will give this House time to consider its provisions' and debate the merits and demerits of the far-reaching provisions. It goes without saying that such a Bill will radically change the administration and development of a very important aspect of our community and industrial development, namely water. We would ask the Government to consider and bear in mind that water, unlike other elements, is an essential commodity, and unlike having a car or an air-conditioner. It is essential to the community. We can have no options in requiring water. However, the Chief Minister has been evasive when pressed by the Member for Kelawei as to whether on this essential product—affecting the rich as well as the poor—the Government has any plan to increase the water rate.

We on this side of the House have time and again warned against increasing the cost of living, and water is an important commodity, will add to already inflationary trends in this State if it is also increased. The Bill in no way tells us of any plan either way. And it is unfortunate that the Chief Minister in the whole of his speech failed to touch on this important issue. It is not enough to use words of honey, and talk of various plans and measures under the Bill when you don't touch on one essential aspect. Will water rates go up in this State? The only clue we can gather is the reference to the Asian Development Bank and our obligations to them. But I venture to say that our obligations to the Bank cannot be paramount to our obligations to the people. And I hope that this reference is not an indication of tough measures to come. We invite the Chief Minister to spell out what our obligations to the Bank are.

We on this side will not support any measure that will and further hardship to the declining fortunes of the people of Penang. It has been said by the Member for Kelawei—and it can stand repetition—that even in a country like Australia which has a wide expanse of desert water rates are cheaper than at present in Penang. Therefore we hope that the Government will not justify increases in water rates in this State by blaming it on the necessity to improve facilities, and capitalisation.

Tuan Speaker, we in the D.A.P. have said and would stress that we support the idea of a Water Authority in principle. But we cannot, as the present Bill stands, support its provisions to a large degree. We hope the Chief Minister will not attempt to distort our views, and evade the issues by saying that we oppose for the sake of opposing. This Bill, like the Bill on the Library, should be a non-partisan effort and there are no political capital nor does the D.A.P. intend to obtain political from it. If the Members of the Government would spend as much time as we of the D.A.P. do to study this Bill we would have a more constructive Bill than that before us today. It is a matter of regret that a Bill of such importance to the people, which apparently on the surface looks cut and dried and tasteless, and which so to speak, "HOLDS SO MUCH WATER" has been presented with so much misconception and lack of consideration, as demonstrated by the Members of the Government. We hope that when we adjourn into Committee the Government Members will be able, in the spirit of service to the House and to the people, support the suggestions and amendments raised by us, and not take a partisan view to things. Therefore, although we in the D.A.P. support the concept of the Authority, we are against the unthinking and inadequate provisions presented to this House. It is therefore a matter of regret that the Government Members in their obstinacy refused to accept our move to

refer this matter to a Select Committee for further study, which is normally not obtained from the Government benches. Thank you.

Ahli Kawasan Kepala Batas (Tuan Haji Ahmad bin Haji Abdullah): Dato' Yang Di-Pertua, saya terpaksa bangun berchakap di-dalam membahaskan Rang Undang² ini. Kita tentu sudah dengar apa yang telah di-terangkan (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Mr Speaker, may I request that the microphone be put closer to the Member for Kepala Batas because of the fluctuating speech of his we can't catch everything.

Ahli Kawasan Kepala Batas (Tuan Haji Ahmad bin Haji Abdullah): Dato' Yang Di-Pertua, dalam membahaskan Rang ini dan kita telah dapati memang ada salah-silap-nya yang telah berlaku. Mana manusia yang tidak salah dan mana manusia tidak silap?—memang. (ketawa). Sa-besar² Rang sa-kali pun, yang menggubal-nya buat betul yang menolong kadang² salah. Salah-silap itu memang boleh dapati tetapi bukan-lah salah-silap yang kita dapati itu buat kata Pepatah Melayu: "Kalau-lah kudis itu kechil tak usah di-chungkil bawa kepada chabok". Sa-patut-nya, Tuan Yang Di-Pertua, apa yang saya dapati dalam Rang Bekalan Ayer ini kalau di-kaji kedudukan-nya ada-lah memuaskan. Yang di-takuti satu sahaja, Dato' Yang Di-Pertua, kalau kesalahan dalam Rang Undang² ini di-buat membawa kepada kezaliman kepada ra'ayat itu pun Dewan ini boleh di-betulkan.

Kita semua ia-lah Ahli Dewan Undangan Negeri Pulau Pinang, tentu kita tahu. Sa-bagai Ahli Dewan Undangan, maka sebab itu tiap² Rang tidak boleh di-jalankan, sa-belum di-bawa, di-bahas dengan cermat dan teliti, bahu-lah undang² itu akan berkuasa. Sebab itu Parlimen sendiri ada Yang Di-Pertua Dewan. Apa yang di-binchangkan dalam Dewan Ra'ayat di-bawa pula Rang itu kepada Dewan

Negara sebab Dewan Negara itu penapis. Dewan Negara penapis dan meluluskan dan Dewan Ra'ayat itu samata² Dewan peranchang. Kalau di-dapati salah dan silap Rang itu, perkara patut di-masok, tak di-masokkan, ketinggalan perkara, yang mustahak, maka Dewan Negara sendiri boleh menahankan, hantar balek; perkara² ini tidak betul, betul balek—guna-nya supaya tiap² Rang Undang² itu tidak akan menjadi kezaliman kepada ra'ayat.

Saya dapati dalam Rang ini sama ada perkara pengambilan tanah, perkara² kedudukan ayer, chara² perkara² ini boleh membazir, tidak kena tempat-nya di-gunakan ayer itu, boleh di-katakan sesuai. Sa-bagai sa-orang yang terdidek di-dalam pengajaran Islam yang kadang² saya dapati ada orang kita yang salah-faham menyatakan bahawa dalam Islam ada-lah undang² untuk ibadat sahaja. Itu tidak betul. Sa-barang² yang di-beri semua ada kepada-nya. Saya semak sekarang chuba perhati dalam perkara 36(3). Kadang² di-guna dalam chara fahaman politik sebab kau dudok di-situ faham parti itu, aku dudok di-sini fahaman parti di-sini.

Ada perkara² yang di-sebutkan di-sini pehak berkuasa boleh pada bila² masa sa-belum tamat tempoh yang di-tetapkan di-dalam notis tersebut jika ia fikirkan bahawa kerja tersebut akan mengganggu tugas² pehak berkuasa—akan mengganggu. Misal-nya, satu tempat mahu ayer macam mana telah² berlaku kawasan ini hendak ayer, paip mesti lalu dalam tanah² sekian, akan sampai kepada tempat-nya. Kadang² tegah dalam perkara chara fahaman politik sebab hendak ayer dalam tanah aku, tidak benar. Itu sudah menyalahkan sa-chara perike-manusiaan, telah menyalahkan kalau orang Islam telah melanggar tata sharak. Sa-chara ketuhanan pun sudah salah. Sebab itu tidak di-benarkan kepada tiap² siapa juga kalau hendak menahan, hendak menegah ayer, rumput dan api kerana kegunaan-nya amat besar.

Saya dapati di-sini boleh di-katakan itu pun dengan chara yang ada layanan pula yang di-beri kepada pehak² empunya hak. Oleh itu, Dato' Yang Di-Pertua, kesalahan² yang di-dapati apa yang telah di-terangkan kesilapan² di-dalam perkara, misal-nya, yang saya kata dalam seksyen 44 bahawa menyebabkan di-sini seksyen 40, pada hal ada berlainan sedikit 41. Ini boleh di-ubah, tak apa-lah buang '0' buboh '1'. Di-dalam seksyen lain boleh di-tukar, kalau ada silap² sedikit sa-banyak boleh di-betul. Tetapi kalau di-dapati sedikit sa-banyak hendak di-tolakkan di-situ, ini tidak patut sebab kita di-hantar ka-dalam Dewan ini untuk membincang, membahas, satu² Rang Undang² supaya kita semak betul² jangan ada Rang itu membawa kepada tindakan² zalim kepada ra'ayat. Itu tidak di-kehendaki. Dalam pada itu pun, masing² berhak berchakap kalau di-dapati perkara itu benar terpaksa kita kena menerima kerana kita-lah tempat harapan ra'ayat seluroh-nya. Baik dan burok di-tangan kita. Kalau keluar Rang Undang² yang berkuasa sa-chara tidak sesuai maka terima ra'ayat² itu—sa-chara yang tidak sesuai yang akibat-nya kita juga akan menerima mala petaka itu. Sebab itu-lah kita sa-bagai Ahli Dewan dalam Dewan yang bertuah. Dewan Undangan Negeri Pulau Pinang ini, saya berchakap dari hati ka-hati sungguh pun pada masa sekarang kedudukan saya ini di-dalam Kerajaan Champoran. saya sudah kata champor tidak champor itu tidak menjadi soal, tetapi kita-lah tempat harapan untuk membetulkan kesalahan² dan kesilapan² sedikit sa-banyak yang ada dalam Rang Undang² ini supaya Rang Undang² berjalan dengan baik.

Dato' Yang Di-Pertua, bila saya perhati dalam perkara² membawa kepada membazir ayer² di-gunakan kepada tidak patut tempat di-guna, maka dalam Rang ini juga telah di-terangkan dan tindakan² di-ambil ka-atas orang² yang melanggar sa-chara kedudukan dalam bekalan ayer itu. Ini adalah kena pada tempat-nya. Undang² ini kalau lembut sangat pun tidak

boleh, kalau keras sangat pun tidak boleh. Mengikut apa yang saya fikir keadilan dan kekuatan atau pun kekuasaan undang² ada-lah kembar yang tidak boleh di-pisah, hendak tegak keadilan tidak dengan chara tidak membuat satu undang² yang menguat-kuasakan neschaya akan menjadi lemah dan kerja² itu tidak boleh berjalan dengan sempurna. Kalau pula undang² yang telah kita buat ini keras, tidak ada keadilan bahkan tindakan² yang membawa kepada kezaliman. Akhir-nya, apa akan jadi? Sudah tentu Negara akan hanchor. Jadi bererti keadilan dengan tidak ada kuat-kuasa menjadi lemah, kuat-kuasa dengan tidak ada keadilan akan menjadi zalim. Maka kita-lah tempat-nya sa-barang Rang Undang² yang di-kemukakan kadalam Dewan ini, kita-lah mesti bertanggung-jawab. Kalau Rang Undang² ini sudah keluar, misal-nya kita tidak halusi; kita tidak mahu bersama² membetulkan; kita tidak mahu bersama² berpakat, membahar; Rang bila keluar—erti-nya ini keluar daripada Dewan Undangan Negeri Pulau Pinang, yang telah meluluskan termasuk-lah siapa juga sama ada dia dudok di-DAP., dudok di-KEMAS, BEBAS, UMNO, GERAKAN, walau siapa juga, kita semua Ahli Dewan belaka. Itu sudah saya kata, parti letak ka-tengah, Rang letak di-tepi. bila masuk dalam Rang Undang² ini bukan hang DAP, aku KEMAS, hang bagitu. aku UMNO. Aku katakan tidak ada. Itu letak sabalah. Itu alat untuk mengalami sahaja. Dalam Dewan ini tidak boleh di-bahaskan perkara² sa-macham itu. Ada-lah menjadi salah daripada atoran², umum seluruh ra'ayat semua-nya, mengikut apa yang saya faham.

Dato' Yang Di-Pertua, saya menyokong Rang Undang² ini. Kalau tidak dapat di-selesaikan dalam penerimaan, boleh dapat di-beri peluang lagi supaya kita semak dan kita tangguh meshuarat ini pada besok hari dapat kita semak bersama² dan membetulkan kepada agenda membetulkan Rang ini. Masa'alai ayer ini sangat besar. Perkara yang boleh membuat kepada kesusahan kepada seluruh ra'ayat.

Keadaan kedudukan sekarang ini kadang² balek rumah panas, ayer dalam kolah tidak ada. Buka paip ayer tidak keluar—perkara mustahak. Saya harap mudah'an manakala siap Rang ini bekalan berjalan dengan rapi, dengan baik keseluruhannya kita akan dapat kesenangan belaka. Di-tempat² mana² yang tidak ada ayer dapat disampaikan tetapi kalau bekalan ini tidak chukup, macham mana hendak sampai—kesalahan di-masa² yang lalu. Kadang² di-pinta hendak memasukkan ayer di-satu² tempat tengok dalam application, dalam surat permohonan sampai 40 atau 50 sains. Kita perchaya keadaan tempat itu tidak boleh diterima—tinggal 3 buah atau 4 buah rumah. Pada hal kalau di-hantarkan untuk sampai 50 atau 60 rumah yang mengguna 3 atau 4 buah rumah sahaja. Ini membawa kepada orang ramai sendiri membazirkan, merosakkan atau menjahanamkan perbelanjaan. Kalau takdirilah kita hantar menchukupi dengan segala besar paip, bila orang banyak berkehendak kepada ayer kita hendak beri kepada orang lain dengan saloran yang tidak chukup di-sini buka di-sana macham orang kenching sahaja. Di-sini buka di-sana mampus, di-sini buka di-sana mampus. Jadi mesti ada dengan sekatan²-nya. Maka perbekalan ayer yang mana di-beri itu dengan sa-penoh²-nya terhadap tiap² ra'ayat yang ada dalam Negeri ini—di-adakan peratoran² sa-siapa yang berkehendak ayer hendak-lah mengikut peratoran yang betul supaya orang² yang berkehendak kepada ayer itu dapat menggunakan dengan sa-chukup²-nya dengan perbekalan yang di-beri kepada-nya.

Dato' Yang Di-Pertua, masa'alai di dalam pengambilan tanah juga jelas saya katakan. Saya dapati memang tiap² penggunaan kepada 'am terpaksa di-ambil walau sa-kali dengan kuat-kuasa undang². Kalau saya hendak dalam Islam terlampau luas, lagi² luas daripada ini.

Tempat² mandi dan membasoh awam, stand-pipe² tepi jalan, kadang² kita dapati tidak memuaskan. Jadi Rang undang² ini di-buat untuk memberi bekalan² ayer itu dengan sempurna kepada penduduk-nya. Kapada

rumah macham ini peratoran-nya; kapada perniagaan macham ini peratoran-nya; kapada orang yang hendak basoh kereta macham ini peratoran-nya. Tetapi kalau misai-lah, bukan misai-misai (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Pun boleh (*gangguan*).

Ahli Kawasan Kepala Batas (Tuan Haji Ahmad bin Haji Abdullah): Chontoh-nya dalam Melayu (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Pun boleh, perlahan²-lah, perlahan²-lah hari boleh datang.

Ahli Kawasan Kepala Batas (Tuan Haji Ahmad bin Haji Abdullah): 'Misai' chakap pekan. Boleh-lah kita kata 'misai²'. (*ketawa*).

Nanti orang faham misai ini (tunjuk kapada misai-nya) bukan-misai erti chontoh. Saya harap mudah²an Pehak Pembangkang sedikit demi sedikit, bagitu juga pehak Kerajaan juga sedikit demi sedikit menggunakan Bahasa Kebangsaan itu dengan baik supaya dapat kita membetulan walau bagaimana sa-kali pun. Kelmarin ada Rang Undang² mengenai Perpustakaan jangan di-beri orang sahaja belajar Bahasa Kebangsaan maka kita tidak mahu belajar pula—kita kena.

Dato' Yang Di-Pertua, saya dapati kadang² stand-pipe di-tepi jalan, dahulu masa kami, Perikatan, berasa hendak chabut sebab stand-pipe tepi jalan pertama merosakkan jalan. Itu pun tidak mengapa. Kadang² tidak sesuai kalau-lah Pelanchong² lalu di-masa waktu mandi-manda. Kadang² kita dapati orang² perempuan mandi dengan kain ketang kedada tepi itu ada-lah sangat aib. Kadang² dia siap getah. Apa guna pasang paip—mandi kerbau chuchi.—Macham mana perkara telah berlaku? Kadang² stand-pipe itu di-letak di-tepi jalan. Saya biasa dalam kawasan saya ada satu hari saya lalu kawasan saya dahulu tengok "Hai! Ayer apa banyak sangat ini,". Rupa-nya kepala paip itu kawan kepak kepala. (*ketawa*). Ayer di-beri

untuk bekalan—mengapa di-kepak²? Ini ada-lah satu khianat yang tidak patut di-buat kerana di-beri untuk kegunaan.

Macham mana telah jadi² di-buat Talipon hedak berhubung dalam masa hajat. Kadang² kita pergi barang itu rosak. Jadi kalau-lah bagi ra'ayat sahaja; hendak bagi Kerajaan sahaja menegak keadilan; hendak bagi Kerajaan sahaja melayan; hendak bagi Kerajaan mengawali kalau orang ramai tidak mahu mengawali; kalau orang ramai tidak mahu kerjasama; kalau orang ramai tidak mahu menolong, membaiki, menjaga walau bagai-mana sa-kali pun di-beri pehak Kerajaan ini tidak akan kesemuanya itu akan berjalan dengan baik. Sebab itu sa-chara keadilan untuk memberi perkara yang lain mustahak ayer ini bukan perkara kecil. Tidak ada lampu 5 hari 5 malam, dudok dalam kelam tidak apa lagi chara gagau² sedikit sa-banyak tidak apa atau pun meraba² pada benda ada di-sisi kita. Dudok tepi ayer boleh minum, boleh tahan. Tetapi kalau tidak ada ayer tahu-lah. Masok bersidang di-sini tidak berapa jam tanya: Teh ada-kah atau tidak? (*ketawa*). Di-siap di-luar itu kalau sudah ada di-minum.

Ini ayer, sa-hingga manusia pandai menutorkan: Chinta kapada tanah ayer kamu. Tanah tempat kedudukan ayer, ayer dudok dalam tanah—sama ada di-sungei atau pun di-laut. Saya berasa bangga, saya berasa puas hati, kami-lah orang Seberang Perai ini yang berasa puas hati sebab dua² sungei kita dalam Seberang Perai ini memberi kegunaan yang paling besar—Sungei Muda (satu); Sungei Kulim (satu). Ayer minum, ayer sawah kesemuanya tumbuh daripada dua² sungei yang terletak di-Seberang Perai, yang bekalan hendak masok ka-Negeri Pulau Pinang. Seberang Perai juga. Saya harap mudah²an bekalan² ini akan memberi dengan sa-chukup²-nya manakala saloran² itu siap pada masa akan datang.

Dato' Yang Di-Pertua, itu-lah ucha-pan saya sa-chara pendek. Saya pun berchakap sa-kejap² berhenti, sa-kejap² berhenti. Tidak seperti mana yang

lalu, macham machine-gun. (*ketawa*). Tetapi sekarang kalau berchakap chepat sadikit dia hendak 'jam'. (*ketawa*).

Saya harap Rang Undang² ini dapat kita bersama² menyemak, membahs, tolak-lah fahaman² itu semua-nya. Kita bersama² menghabiskan supaya Rang ini di-terima dan di-luluskan terus berkuasa berjalan supaya seluruh ra'ayat jelata akan mendapatkan dengan baik-nya. Itu-lah sahaja. Dato' Yang Di-Pertua, suara saya pun berasa hendak parau sadikit. Saya minta ma'af kalau apa ada salah-silap di-atas chakapan saya.

Terima kaseh, Dato'

Ahli Kawasan Balik Pulau (Enche' Abdul Rahman bin Haji Yunus): Tuan Speaker, suka saya mengambil kesempatan dalam perbinchangan Rang Undang² Bekalan Ayer di-Pulau Pinang. Masa'alah ayer saya mengemukakan kepada Ahli² dalam Dewan ini sebab ayer ada-lah perlu kepada tiap manusia. Babak yang pertama saya akan memohon daripada Yang Amat Berhormat Ketua Menteri sesudah Rang Bekalan Ayer dan pindaan-nya, harus Yang Amat Berhormat Ketua Menteri memberi satu jaminan mengatakan yang chukai² ayer tidak akan di-naikkan. Tuan Speaker, dengan pertukaran Pejabat Ayer itu saya rasa apa yang saya maksudkan ada-lah di-kawasan Balik Pulau. Di-kawasan Balik Pulau ada sebuah kampung yang bernama Kampong Titi Teras, lebeh kurang 32 buah rumah yang memohon bekalan ayer daripada pehak yang berkenaan. Sesudah dua tahun lebeh tetapi hingga hari ini tidak ada di-beri. Dengan pertukaran kuasa Pentadbiran Pejabat Ayer ini saya berharap pehak berkenaan melihat dengan permohonan ini.

Kedua, suka saya menerangkan di-Dewan ini tiap² paip yang di-pasang di-tepi jalan di-Daerah Balik Pulau seperti mana yang saya maksudkan diantara satu paip dengan satu paip ada-lah 660 kaki. Jadi tiap² penduduk dan

tiap² tuan punya tanah di-sekeliling 660 kaki di-wajibkan membayar chukai paip² di-tepi jalan raya. Saya rasa dengan perubahan² yang baru yang akan berlaku ini maka pehak Kerajaan dapat mengatasi atau pun memusnahkan bayaran ini. Bayaran chukai ayer di-luar bandar Tuan Speaker, ada-lah satu peratoran yang di-wajibkan kepada pengguna² ayer paip. Paling kurang pengguna² ayer paip mesti membayar \$2.50 tidak di-kira berapa banyak di-pakai, jangan lebeh daripada 4,000 gelen umpama-nya, sa-lebeh dari 4,000 gelen bererti mengikut pemakaian. Ada-lah lebeh baik membayar mengikut pemakaian. Pada tiap² 1,000 gelen di-kenakan 60 sen bayaran. Jadi kalau saya, misal-nya rumah saya pakai 2,000 gelen terpaksa saya membayar \$2.50. Kalau di-nilai pembayaran, mengikut penilaian 1,000 gelen 60 sen, bererti 2,000 gelen \$1.20 sen, tidak di-wajibkan 4,000 gelen ka-bawah mesti membayar \$2.50 yang mana ini menjadi satu masa'alah kepada penduduk² di-luar bandar. Setahu saya di-kampong² ayer ada-lah paling perlu pada tiap² manusia. Memandang keadaan hidup ra'ayat di-luar bandar yang serba kekurangan—mereka ingin menjimatkan wang, misal-nya ayer di-rumah mereka hanya untuk minuman dan masak-memasak. Kepentingan untuk mandi dan membasoh mereka pergi menggunakan ayer telaga atau sungai. Jadi kalau-lah pembayaran mengikut pemakaian tidak di-laksanakan ini satu masa'alah yang sangat di-kesalkan oleh penduduk² luar bandar.

Sekian.

Tuan Speaker: Ahli² Yang Berhormat, pada undi kita kelmarin, nampak-nya banyak Ahli² yang tidak berapa setuju mengadakan night session, oleh itu Dewan di-tanggohkan hingga 9.30 pagi esok.

Dewan di-tanggohkan pada jam 5.58 petang hingga 15hb Jun, 1972, jam 9.30 pagi.