

7
Jilid II
Bil. 7



PERPUSTAKAAN
P S U K

Hari Khamis
15hb Jun, 1972

LAPORAN PERSIDANGAN OFFICIAL REPORT

DEWAN UNDANGAN NEGERI PULAU PINANG
YANG KETIGA
THIRD LEGISLATIVE ASSEMBLY PENANG

PENGGAL YANG KEDUA
Second Session

MESHUARAT YANG PERTAMA
First Meeting

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KANDONGAN-NYA

RANG UNDANG² PEHAK BERKUASA AYER, PULAU PINANG, 1972
BACHAAN KALI YANG KEDUA (Samb.) [426]
RANG UNDANG² DI-DALAM JAWATAN-KUASA [456]
USUL DI-BAWAH PERATORAN MESHUARAT 75 [465]

PULAU PINANG

DEWAN UNDANGAN NEGERI YANG KETIGA

Laporan Persidangan

PENGGAL YANG KEDUA

MESHUARAT YANG PERTAMA

Hari Khamis, 15hb 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 9.30 pagi.

DO'A

PENGUMUMAN TUAN SPEAKER

Tuan Speaker: Ahli² Yang Berhormat, dengan keizinan Ahli² Yang Berhormat, saya ingin mengganggu urusan Dewan ini sa-bentar untuk membuat suatu pengumuman. Hari ini, kita sangat berbangga dan bersukachita kerana Yang Berhormat Dato' Sri Haji Mohamad Ali Zaini bin Haji Mohamad Zain, Yang Di-Pertua, Dewan Undangan Negeri Perak dan Setia-usaha beliau Enche' Ahmad bin Mohd. Said berada bersama² kita di-Dewan ini. Yang Berhormat Dato' Sri Haji Mohamad Ali Zaini dan Enche' Ahmad telah memberi penghormatan yang besar kepada kita kerana sudi datang dari Ipoh untuk memerhatikan perjalanan urusan Dewan kita. Ingin saya mengambil peluang ini untuk mengucapkan selamat datang dan salam sejahtera kepada mereka berdua dan berharap semoga lawatan mereka ini akan memberi faedah bersama kepada kedua² Negeri. Saya juga berharap bahawa lawatan ini akan menghasilkan perhubungan yang lebih kerap dan rapat di-antara Ahli² Dewan kedua² Negeri dan dengan itu mengiratkan lagi tali persahabatan yang kini terdapat di-antara ra'ayat di-kedua² Negeri.

Sekian-lah terima kaseh.

(7) RANG UNDANG² PEHAK-BERKUASA AYER PULAU PINANG, 1972. BACHAAN KALI YANG KEDUA (SAMBONGAN).

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Tuan Yang Di-Pertua, saya sukachita mengambil bahagian di-dalam perbahasan Rang Undang² Pehak Berkuasa Ayer Negeri Pulau Pinang. Dengan izin Tuan Yang Di-Pertua, saya mohon berucap di-dalam Bahasa Inggeris.

Mr Speaker, Sir, the Honourable Member for Kelawei who is also a member of the learned profession lavishly attacked the errors in the Bill, and showed to the gallery how smart he was.

Ahli Kawasan Kelawe (Enche' Yeap Ghim Guan): Or how stupid you are.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, the Honourable Member had been given the opportunity to give his views yesterday; and we have been listening to him without interruption.

Ahli Kawasan Kelawe (Enche' Yeap Ghim Guan): We will listen to you today if you have any constructive criticism.

Tuan Speaker: Please don't interrupt.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): It is only stupid people, after they have made their speeches, who will interrupt when others speak.

Mr Speaker, Sir, the errors are printing errors which can be corrected by way of amendments when the Assembly sits in Committee. However, the Honourable Member for Kelawei, knowing fully of this, chose to move an amendment to the Motion to have it referred to a Select Committee. He further went on to say that there was no political motive in his action to amend the Motion. Mr Speaker, Sir, if we were to believe what he said I would (gangguan).

Ahli Kawasan Kelawe (Enche' Yeap Ghim Guan): Tuan Speaker, Standing Order 46 (xiii), dengan kebenaran berchakap dalam Bahasa Inggeris. It is not proper, it says, for improper motives to be imputed to the action of a Member. The Chief Minister sniffs. Why does he sniff? I am acting under Standing Orders. The Standing Orders say that when there are amendments to move, or where there are so many irregularities in your Bill, Sir, then I have a right to ask that this House convenes this Bill to a Committee. This is the procedure of the House. If he has contempt for the procedure of the House let him say so now. But let him not say that I am not conducting myself according to Standing Orders. If he does not know how to read Standing Orders then don't come here and lecture us on Standing Orders.

Tuan Speaker: Ahli Yang Berhormat, saya harap sambong sa-mula.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, we know about Standing Orders.

The Honourable Member for Kelawei said that I was trying to impute improper motives on him, which is not true. As you know, Sir, not only the whole of yesterday, but the last few days the Honourable Member, though he knows all the Standing Orders, has been imputing improper motives, insinuating. And we have been taking it as gentlemen. Mr Speaker, Sir, if you were to believe what he said, I would wish to ask him a simple question, that is: Why could not he wait to propose amendments during the Committee Stage if it were not for political reasons?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, since he has asked me a question let me reply.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Is this on a point of Standing Order?

Tuan Speaker: Please sit down.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): He has asked me a question. Please let me reply.

Tuan Speaker: Ahli Yang Berhormat dari Kelawei, sila dudok.

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

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, while the Member for Kelawei was speaking on the Bill yesterday he posed so many questions. We did not stand up to reply. So it is now our turn to reply and ask questions.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dia minta saya clarify tetapi dia (gangguan).

Tuan Speaker: Ahli Yang Berhormat, nanti Ahli Yang Berhormat ada masa boleh reply. Nanti, Ahli Yang Berhormat.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ada dalam Standing Orders orang boleh clarify.

Tuan Speaker: Sila dudok.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, this is how the Honourable Member respects the Standing Orders.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You don't respect the Standing Orders.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): But we know the extent you respect the Standing Orders yourself.

So the question is this, Mr Speaker, Sir. He could have easily proposed amendments during the Committee Stage. He did not choose to do so because it is for political reasons. We know.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran—Standing Order 46 (xiii). Imputing improper motives, Sir. I will have this House know I have moved amendments to the Pensions and Gratuities Bill; and every single amendment, although one amendment the Chief Minister said had some merits—the amendment in respect of the Speaker himself—was rejected. What other proof is there that there is stupidity in moving amendments.

Ketua Menteri: Tuan Speaker, dengan kebenaran untuk keterangan. Just to clarify.

This is taking us back to another Bill which had already been passed. And I don't think the Honourable Member for Kelawei is helping the passage of this Bill because, firstly, in the course of his own speech he had indicated—and I have got his words—vindictive political motives. Those are the terms he used. And so I think the Honourable Member for Sungei Pinang can take up his point.

The second matter with regard to what I stated, which I want to clarify, on the question of the Pensions and Gratuities Bill was that I did not say

that he did not want to trouble to make the amendments. But in actual fact under Standing Order 85 this is a matter which can be dealt with satisfactorily by the Legal Adviser because it is not a really serious matter at all. So I mean it is true that I did say that he needn't deal with it in Committee. But I also did say that it could be amended by the Legal Adviser. And I think it is only fair that this clarification be made, instead of allowing the Member for Kelawei just to pick off a little part of my point and try to twist it about.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, clarification further on the Chief Minister's clarification. I am referring to the amendment (*gangguan*).

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, I am not giving way.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): that the Speaker be included in the privilege to enjoy pension after 4 years' service. Don't distort the facts.

Tuan Speaker: Ahli Yang Berhormat, sila dudok.

Ahli dari Sungei Pinang, teruskan.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, I don't know. Whenever I stand to speak the Honourable Member for Kelawei seems very uncomfortable.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): We are not uncomfortable. We stand up and speak more often, which you can.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Then sit down and listen.

Tuan Speaker: Ahli Yang Berhormat, sudah berapa kali saya sudah bagi amaran.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, we are aware of the Standing Orders.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): The more you listen the more you will learn from us. Don't try to show off.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Not from you.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, immediately after his amended Motion was defeated he started to point out the printing errors, and accused the Government for not being careful. And he imputed improper motives on the part of the Chief Minister for perpetrating these errors. He also suggested that the Government benches do not have the calibre to do right things. And he said 16 Members on this side did not study the Bill. And he was insinuating, just to show that all of us here are not smart enough to rebutt him at the proper time and at the proper place.

Mr Speaker, Sir, I am not surprised by the views of the Honourable Member for Kelawei who has become so desperate and politically ambitious in his endeavour to project his image as a viable leader of the people. His main objective in this House is not to help this house to pass legislation without any unnecessary delay and obstruction. But he has to speak on every subject. And the same old thing just to show to the people that he speaks mostly every day and every minute. The people at large, Mr Speaker, Sir, know that the Member for Kelawei, in trying to make an impact in his wisdom, has only proven that he is stupid.

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

I want him to retract that word "stupid".

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, I am not giving way unless it is on a point of order.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Is this a word that this House accepts, Sir? You allow him to use words like this?

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Tarek balek.

Tuan Speaker: Ahli Yang Berhormat, tarek balek "stupid".

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, during the course of (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker sudah ada keputusan. Dia tidak terima. Tarek balek.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, will you allow me to clarify the position?

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

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): You see, the Honourable Member for Kelawei must have forgotten. It is in the record. He said the Government is stupid; it is a stupid Government.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You can play back the records.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): I challenge you to say you did not use that word.

Tuan Speaker: Ahli Yang Berhormat, jangan ganggu.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker keputusan tidak terima. Mana Dewan ini boleh jalan kalau Tuan Speaker punya keputusan tidak terima.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Tuan Speaker, he used the word "stupid", and you allowed it.

Tuan Speaker: Ahli Yang Berhormat, tarek balek chakapkan itu—"stupid".

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, I bow to your ruling provided that that same ruling applied to the Honourable Member for Kelawei.

Tuan Speaker: Ya.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): I have to withdraw.

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

Tuan Speaker: Dia sudah withdraw.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Bagus.

Tuan Speaker: Ahli Yang Berhormat puas hati-kah?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Puas hati. (*Ketawa*).

Tuan Speaker: Pagi ini sejok.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sejok pun boleh. Ta' sejok pun boleh. Apa macham pun boleh.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): He subscribed objections on the concept of the Bill; but in his usual manner had to lavishly magnify moles into mountains just to claim political credit. We on this side of the House, Mr Speaker, Sir, would have given him credit for being vigilant and wise if he had only chosen to move the amendments to the printing errors in the Bill when the House sat in the Committee Stage. The manner he chose to act only proved that he was neither vigilant nor wise. I feel that his conduct as the Leader of the Opposition was discreditable to himself, to this House, and to the whole State. One who has a name for being a member of the learned profession ought not to demean himself.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Tuan Speaker, berkenaan Standing Order 46 (xiii), dengan izin. A Member does not impute improper motives to any other Member; does not make a personal

charge against any other Member; does not use offensive expressions; does not indulge in personalities. Saya ingat Ahli dari Sungei Pinang sudah Tahu all these Standing Orders. Perkataan "profession"—particularly profession—itu offensive; tidak bagus. Saya harap Tuan Speaker boleh bagi ruling.

Tuan Speaker: Baik-lah. saya tidak benarkan.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, the Honourable Member for Ayer Itam quoted Standing Order 46, and inferred that I was using offensive language, imputing proper motives. But he must not lose sight of the fact that when Members on the other side did so he did not bother to stand up or even advise them not to use such language, or to go against Standing Orders.

Ketua Menteri: Double standards.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Kalau mahu keterangan saya boleh beri keterangan kapada Ahli dari Sungei Pinang. Kalau mahu. Kalau ta'mahu ta'payah. Standing Order ada.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Bukan ta'mahu. Mahu. Saya layman.

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

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Lay about on you. (Ketawa).

Mr Speaker, Sir, whether this opinion of mine deserved or not, at any rate the State and the people of Penang know that the Honourable Member for Kelawei is not superior. Even those of the Opposition who think themselves to be superior in wisdom and courage, and any other virtues, demean themselves in this way. How shameful is their conduct, Mr Speaker, Sir. People who know nothing but think that they know are more dangerous than those who neither know nor think that they know.

The first thing on the Bill: Have the Members of the Opposition convinced this House that the principles of the Bill

are wrong? No, they cannot, Mr Speaker, Sir. Yet, because their inward-looking mentality in politics demands that they oppose the Bill they oppose. In the last few days, Mr Speaker, Sir, this was the attitude of the Opposition when the House was debating various Bills.

Their objective was to delay the passage of the Bills. I would term, Mr Speaker, Sir, this attitude of theirs is an abuse of the democratic process. If the Honourable Member for Kelawei denies, then why should not he bring amendments to the Water Authority Bill during Committee stage? Why should he choose to refer it to a Select Committee (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan izin, under Standing Orders, clarification.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): It is to delay the passage of the Bill. He dare not (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Good, we are learning something.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Is it a point of order?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, Sir, ask him. Sir, this Member has given way and has gone back. Are you afraid?

Tuan Speaker: Ahli Yang Berhormat satu orang chakap. Jangan sampai dua.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Standing Order 46 (13).

Sir, my motives are being improperly imputed. I have said already that I gave the Government a chance to go to Select Committee because the errors are fantastic and too many for us to go through the tediousness of each individual Amendment. But if the Honourable Member says they are so frivolous, I challenge him today—tell your colleague, the Chief Minister, not to amend today, pass this Bill as it is. I challenge you.

Tuan Speaker: Saya rule out, sila sambongkan.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, we do not say that the errors pointed out by the Honourable Member for Kelawei (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Printing errors, you say.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Yes, printing errors.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Order 85— printing errors you don't have to amend them.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Yes I now 85, but you said 82.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You don't have to amend them.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Mr Speaker, Sir, that is why sometimes it is very difficult to answer people who are not prepared to listen; very difficult to reason with people who are not prepared to stand to reason. People who think, Mr Speaker, that the quantity of their speech, talking for hours, will qualify them for promotions, are dreaming, Mr Speaker, Sir.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You can get a J.M.N.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): We can understand if we dream while we are at sleep, but I have seen the Honourable Member for Kelawei dreaming with his eyes open. Mind you, Sir, in the daylight.

They think that they can easily get away with their eloquently worded phrases of attacks on the Government. If they think so, well, they are badly mistaken. Mr Speaker, Sir, we are aware of the political tactics inside and outside this House.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Di-atas Standing Order 46 (13) (b)—making personal charge against any Member. (d) indulging in personalities.

Sir, dengan izin, we will accept as the Honourable the Chief Minister says "the cut and thrust of debate" you can make here and there with finesse; I say, being subtle, but the Member for Sungei Pinang is unable even to go on the debate proper and unable to say what are the points I raised, the mistakes, which is a mistake, is not a mistake, which is not a printing mistake, which is a grammatical mistake, what are the mistakes he agrees, what he doesn't agree. He just says "Oh, these people are bringing this up because they have this motive, that motive". That's all he can say.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Is the Member for Kelawei making another speech?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dit-atas Standing Order. He has been going on for the last twenty minutes like this, Sir.

Tuan Speaker: Sila dudok.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): I repeat, Mr Speaker, Sir, that we are aware of the political tactics inside and outside this House calculated to confuse the people. Their main aim is to confuse the people on the actions of the Government. It is for pure political credit. But they are dreaming that they can confuse the people. They cannot confuse the people. People are also humanbeings—they know what the Government is doing.

Tuan Speaker: Ahli Yang Berhormat, sila balek kapada perkara ini.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Yes, Mr Speaker, Sir. The Water Authority Bill is connected with the interest of the people. So I said in bringing up this Bill the people know what the Government is doing. That's what I said. They cannot be confused by the Opposition.

The Member was very eloquent in his oration to this House yesterday referring to the words "shall" and "hendak". What are the actual translations of the words "shall", "hendak"? And they

said English is the precise language, that's why it has been used in law. We have no doubt about it, Mr Speaker, Sir. But even the English language in the law can be twisted to the desires of certain lawyers. We know about it. The Honourable Member for Kelawei said that the official text is the Malay version of the Bill and he started pointing out in English "you know this is fantastic", "this has been misrepresented in the translation" and all sorts of things. Mr Speaker, Sir, it will be very difficult for this House to pass this Bill unless the Opposition Members are sincere; and if they can only understand the meaning of this Bill.

The Honourable Member for Kelawei must not think that the Honourable Members for Sungei Bakap and Ayer Itam do not know about the mistakes. They know about the mistakes and they know they are printing mistakes and that they could be amended. But, however, the credit must go to the leader of the Opposition.

So coming back to this Section 20 (2), Mr Speaker, I read the English version first, Sir. "No person shall be eligible for employment"—I won't criticise this because I am now concerned with the word "shall" and "hendak", because the Honourable Member for Kelawei says "wrong translation". "Hendak" means "shall" and people have put "boleh", "ta'boleh" and all this. I am referring to one I know—22 (2) "Tiada sa-siapa yang ada mempunyai sa-chara langsung atau sa-chara tidak langsung". Sir, in this paragraph the word "hendak" doesn't appear at all. But does he consider that this Malay sentence (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Do you know what the hell you are talking about? (ketawa).

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Can you sit and listen? I say don't try to show off. You said that "hendak" means "shall"—I am just pointing out to you the fact that not in all cases. The word "shall" (gangguan).

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

Tuan Speaker: Sila duduk, saya benarkan sambongan.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): If you are not prepared to sit here and listen, you can go outside.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Don't talk rubbish.

Tuan Speaker: Ahli Yang Berhormat dari Kelawei, berapa kali saya sudah bagi amaran.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): "Boleh" sama "hendak" serupa.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Ta serupa bersetuju, we know. If he demands that the word "shall" refers to the word "hendak" in Bahasa and it shall appear in all the paragraphs—here I quote an example 20 (2) in the English version the word "shall" is there, but in the Bahasa version it is not there. Does he mean to say that the translation is completely wrong because the word "hendak" is not there?

Mr Speaker, Sir, we know the attitude—they want to point out small (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Small, don't amend it then.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Translation errors and make it fantastic and they can take hours to talk on them, just to show how smart they are, but in actual fact, Mr Speaker, Sir, they are not that smart, we know.

Mr Speaker, Sir, this Bill itself is rather an attempt of the Government to do its best for the people (gangguan).

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

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): And we will do it according to the needs of the people; and we will see that the provisions of this Bill are implemented for the purpose for which it is going to be enacted by this House.

Therefore, Mr Speaker, Sir, the Member for Kelawei feels that the further I talk that he wouldn't be that comfortable (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): No, go on—we can tolerate nonsense.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): I would like to end my speech, thank you.

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Dato' Yang Di-Pertua, saya suka ambil bahagian sedikit atas Rang Undang² ini dan rasa saya tujuan Rang Undang² Akta ini bagus segala tetapi saya suka kata sa-patah dua atas sedikit perkara dan saya minta izin chakap dalam Bahasa Inggeris.

Mr Speaker, Sir, as I said just now, although the objects of the Bill before us are good, I think it may be necessary because to my mind it may be necessary to have a separate authority, separate from the State; because today the State has become impersonal in the sense that although it consists of members who are directly elected by the people, they have become impersonal to the needs of the people.

You can see, Mr Speaker, Sir, from the answers that have been given to written questions and so forth that in some instances applications have been made to the State and I do not see why applications made for water supply must be referred to the Executive Council for decisions. Now this thing has in fact delayed the process; it has not increased the efficiency of the State Government—because where previously the State Engineer used to approve applications for water supply direct now some of these for some reason or other have to come to the Executive Council. And you know Mr Speaker, it takes a long time for

papers to be put up and the Council to meet and to decide and approve. And in one answer it was flatly stated that no such application was received. Therefore that application from about 30 people from Transkrian—I am sure the Member for Nibong Tebal—Transkrian is in the Constituency of Nibong Tebal—will bear with me when I say this application for 30 over people was sent and it is somewhere in the file. And therefore when setting up this Authority, I hope this Authority will have the authority to approve and supply, give supplies directly without going through the State Executive Council.

There also, as I said before, I don't know how the P.W.D. has come to decide that they must have 8 ft wide reserve for a 4 inch main. 4 inch main, Mr Speaker, Sir, we have in this Enactment, in this Bill and also in the previous law where the Water Authority, the State Engineer, could lay mains on private land even without permission, of the landowners but here they need acquisition of the land of 8 feet wide reserve for a 4 inch main, which is ridiculous and no answer has been given for this.

You know, Mr Speaker, Sir, I also hope by the setting up of this authority, it would also become a real trading concern in the sense that its estimates will be proper and its work will reflect the actual requirements and not overestimate. As you would have seen, I can give two instances of over estimating by the PWD and that is in the case of the repair to the dam that was breached in 1969. They overestimated and in the final analysis they only spent half the amount. Similarly, in the provision of booster pumps to supply water to the area in the South where the estimate was about \$150,000.00 and the actual expenditure was only about \$75,000.00. Now what is the effect of this overestimating. It frightens the State Authority from undertaking projects because of the exorbitant cost. Why does the Public Works Department do it?

Now I am saying this, Mr Speaker, Sir, because it is the same fellows with a different name, the same persons will

be there under a different name; the same Engineers, the same staff will be there. Of course, there may be a Chairman, there may be this and that. But the persons who will be carrying on will be the same persons in a different name with different clothing and I hope that the Chairman whoever is appointed has the teeth to see to it that it is effectively run. And also we have instances of lack of supervision of meter readers and so forth. Mr Speaker, Sir, we know that wherever there is any reading even when tickets are issued in buses, there are people to check; there are inspectors ticket checkers, ticket inspectors, in the Railway and even in the NEB they have people. But in the PWD which has been carrying on so far, nobody is there to check and supervise the meter readers. And as the question last time proved, where the Chief Minister admitted, there was no supervision—one man was cheating the whole State and the people for six years and nobody found that out. Now this is not efficiency. This is inefficiency of the worst kind.

Now Mr Speaker, coming to Clause 7 (2), I think this is a very unfair clause. It says that "the authority may in its discretion refuse to give such supply" that is water supply "to any building which has been erected in contravention of any written law". So far, so good. "Or which is in a ruinous or dangerous condition". Mr Speaker, Sir, firstly "contravention of any written law". Again there are so many written laws. But if the local authority or the authority which is responsible for issues recognises the house, issues its number plate to the house, registers the house on its own, isn't that sufficient? That should be sufficient, but if a person were to build a house without any approval from any quarter and has not got any number plate even, then may be it is proper to refuse. But the second phrase is even worse "in a ruinous or dangerous condition". Mr Speaker, Sir, this provision reflects, may I say now, the mentality of the Government, or attitude of the Government to the people of this State. This is another form of blackmail, because there is

sufficient power under the other regulations than the Municipal Ordinance, The Town Boards Enactment, where if a particular building is in a dangerous or ruinous state, the authority responsible, the local authority, or even a magistrate for that matter, can order the removal of that building. And there, why do you want to have these powers to cut off the supply? You know how this has been misused, Mr Speaker. I know in some places where there are low-cost houses and so forth, if a person fails to pay the rent you go and cut off water supply. Is that the intention? You are here to supply water. If they pay for it, you give water, but not to cut off for some other reason. You don't want to use the other law, but you want to use this as a form to oppress, coerce, blackmail, people into doing the things that you do not want to do. I think this particular provision is repugnant and must be removed.

Now this Bill here, as in the past year, provides for the rates, and so forth. And the Chief Minister says that these rates might have to be revised. And as somebody pointed out yesterday the Authority must ensure that the expenditure meets with the income. Mr Speaker, Sir, we know that many Authorities are very happy in spending money, and particularly the P.W.D., half the responsibility of which is now going to the State Authority. And when they spend too much they raise the water rates; they raise the assessment. Now, that should not be so because water is a basic need of every human being, and because so many diseases are carried by water. We have cholera, and so forth; typhoid. And therefore a State should ensure that every corner of its area has got a water supply. But, Mr Speaker, in addition to this there is a general water rate that is charged on all houses that are within a thousand feet or so, or a quarter mile of a water main. Now, why is this charge made? There is always provision for water rates. But why is this general water rate charged on all houses? Mr Speaker Sir, there is an anomaly here. If you have water you are already paying for

the connection fees, and so forth, and so on. You pay a deposit; and you also pay for the water charges. But by virtue of the fact that you have water you still have to pay a general water rate. So, if you do not have your own supply of water, if you have to depend on stand-pipes, and have a well, and you use for the house, so using water even if you have a well, you are charged. But if I already have a supply in the house is it fair that you charge a general water rate? What is the purpose? As I said, Mr Speaker, because water is so essential, and because you yourself have heard, Mr Speaker, that in the last three years since the last elections no stand-pipes have been provided, at least in Province Wellesley South—in fact if we take the whole State there may be at the most two or three stand-pipes—because water is so essential to people, I would urge the Government, and particularly this Authority—I hope it will have the funds—to have more stand-pipes.

And lastly, Mr Speaker, we see that there is provision in the end for the authority to make its own rules, under Clause 71 or 72. But there is no provision for these rules to be laid on the table of this House. I think that it is usual to ensure that any rules made under a substantive law are laid on the table of the House, although there is provision for its publication. I do not know why. Perhaps there will be a good answer to that. Thank you. Terima kaseh.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Tuan Speaker, saya minta izin berchakap dalam Bahasa Inggeris. Tuan Speaker, this is one of the very important Bills coming to this House. And in principle I support it because we have to have a Water Authority to deal with water in our State. We all know that we may go without electricity. But certainly we cannot go without water in any house. In fact the Bill should have gone through within a few hours if not for all the mistakes made in the Bill. Just now the Honourable Member from Sungei Pinang stated all the printing

errors. The Honourable Member from Kelawei tried to be too clever, and tried to show off. But here we cite some examples—\$50 a day fine, and \$100 a day fine. You see the little mistake. Another example is “enter on the land”, and “cater on the land”. That makes a lot of difference. Tuan Speaker, I just try to illustrate. Just now allowed the Member from Sungei Pinang, so I should be given the chance to speak. Another thing is verbal notice and written notice. That makes a lot of difference. So these are not simple printing errors or little mistakes somebody pointed out to show off. No. This is very serious.

Tuan Speaker: Ahli Yang Berhormat ta'payah lagi bawa panjang kerana

Ahli Yang Berhormat dari Kelawei sudah bawa panjang. Ta'usah di-ulang balek.

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

Tuan Speaker: Kita sudah dengar perkara itu, saya tidak benarkan.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Tuan Speaker, I accept your ruling. Thank you very much.

Tuan Speaker, yesterday I made a little criticism that the Government machinery had been incompetent, inefficient and incapable of handling certain parts of Government business. I know the Honourable the Chief Minister will jump up and say I criticize the whole Government machinery. In fact I said “certain parts” yesterday. But today when we see all these mistakes coming up we know that there is some truth in what I say. It is not just inadequate. Well, that is why I hope the Honourable the Chief Minister will understand the views from the Opposition. We did clearly study some of the Bills; and we are not just coming here ulang² only, unlike the Government Members coming over to say “ya” and go home, and get their allowance.

The Bill has clauses and sub-clauses which add up to more than two hundred. This Bill together with the other 6 Bills and the 7 Motions were

given to us something like 10 days beforehand; and the Government expected us to swallow all these within 10 days. I think it is not really fair. But we are doing some work in looking into the Bills; and that is why we think that we can make certain comments on the Bill. And I hope that the Honourable the Chief Minister will not think that we are trying to obstruct the Bill, or trying to delay the Bill, or trying to be frivolous.

Tuan Speaker, the Bill is a long one. And frankly I must tell the House I don't have time as much time as the Honourable Member from Kelawei. But here I have a few comments to make. The first one is the water rate which is very, very briefly mentioned in Clause 5 (1) (iv) which says that the Authority's duty is to supply water at reasonable charges. And this morning a newspaper came out with the Honourable the Chief Minister saying that there will be an increase of water. But now these are reasonable charges. How reasonable? Can the Government indicate to the public how reasonable? Is it going to be the same as the old water rate, or is it going to be a 10% or 20% increase? Or is it going to be like quit rents, ranging from 50% to 1,000% increase. So, Tuan Speaker, I call on the Government to indicate a little more clearly how reasonable the charges are going to be. How much is going to be the increase? The public outside are all worried. How much is it to be increased? After the quit rent and the assessment they are very, very worried indeed.

The second item I would like to comment on here is Clause 28, regarding the Fund of the Authority. We have learnt in this House (gangguan)

Tuan Speaker: Ahli Yang Berhormat, Ahli Yang Berhormat kata "we". Ahli Yang Berhormat sa-orang sahaja.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Oh, I.

Tuan Speaker: Jangan kata "we", "we" lagi, Ahli Yang Berhormat.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): We, pehak Pembangkang, dia ingat.

Tuan Speaker: Tidak, dia Ahli Bebas.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dia pun pehak Pembangkang.

Tuan Speaker: Tidak, saya tidak bersetuju.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dia pun pehak Pembangkang.

Tuan Speaker: Saya tidak bersetuju. Sila dudok, itu ruling saya.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): I have in this House said that the funds of the Penang Development Corporation have been mis-handled. Certain money was paid out even before the proper Authority has approved it. And this is a well-known fact now in this House. Now, the Water Authority will have assets much, much bigger than those of the Penang Development Corporation. Therefore I am calling on the Government with all the earnest hope, with all sincerity, to see that the Water Authority handles its funds with extreme care. This is public money. And this is money that will be utilized to provide services for the public. Well, we the constituency people know about the obligation to the Asian Development Bank to set up this Water Authority. We can make mistakes in this House. We can say \$50 or \$100. We can say "enter" or "cater". But we must not have this kind of mistakes with international organizations like the Asian Development Bank. We cannot laugh it off with a majority. I therefore hope that the Honourable the Chief Minister will make sure that the Fund is properly handled; and that there is no such thing as "pay it off, and approve it later".

Tuan Speaker, the third item of my observation is regarding Accounts which is shown under Clause 30. In sub-clause (3) there is provision for the

Accounts to be audited; and in sub-clause (4) it requires that Statement of the Accounts, and Auditors' observations be laid on the table. But I regret to note that there is no limitation of time. You may delay. 1969 Accounts may be delayed to 1971. That should not be the case. There should be limitation of time. Well, if the Accounts end on 31st December every year they should be audited before March, and laid on the table before June—something like that.

Tuan Speaker, we read the Auditor-General's comments on the Penang Development Corporation. The Penang Development Corporation was established in November, 1969; and has received \$3.8 million in 1970 in the form of a grant. As at the date of its Report the 1970 Accounts were still under examination. We hope that the same will not happen here. When we come here in June we should be able to see the Accounts.

The next item coming into my observation list is regarding investment of assets, which is mentioned in Clause 33. As I mentioned before, the Water Authority would own assets several times bigger than those of the P.D.C. And therefore when coming to consider any type of investment I ask the Government not to be too hasty about that. Tuan Speaker, we have learnt a bitter lesson from this Penang Electronics. We sent somebody to America; a telegram came back telling us to go ahead with Penang Electronics; and then finally we find Ross International coming here. Instead of contracting American capitalists come to this country, our money—hundreds of thousands of dollars—going. So this type of thing should not be repeated. When we think of investing, I call on the Government to think very, very carefully before investing—not like the telegram here, and then go ahead.

Tuan Speaker, my next item is on the power to enter private land and State land. And especially regarding the State land, Tuan Speaker, under Clause 38 the Authority can enter into private land. And under Clause 39 (b) the Authority can enter into State land

under temporary occupation licence to perform work—work which may damage property. Although under Clause 44 there is compensation, I am not happy. Under Clause 44 (2) "Any interested person who is dissatisfied with the Collector's award may, within 14 days from the date of the Collector's award, appeal to the State Authority whose decision shall be final". Well, if they come all this way, appeal here, appeal there, appeal to the State Authority, and the State has already come together and says "No, final," they should be allowed to present their case in Court. I cite an instance in Butterworth where we are laying the water pipes from Muda River to here. During the course of work a lot of properties were damaged. A temple entrance was damaged; a cemetery was damaged; and a house was nearly pulled down. And what was the compensation? The victims were asked to go to Court and get their compensation. And in the case of that house nearly being pulled down the occupier was given a few bags of cement, some planks and some bricks, and told, "This is the compensation. Go ahead and repair your own house. Now all the cases are still pending. These poor victims—they are all poor people—can't afford to engage lawyers; and the cases are still pending over there. And this is a case in which I would like to ask the Government to be more sympathetic to the people there than to thrust work upon people's land; and especially those people who are occupying land under temporary occupation licence. Please try to be more sympathetic to them. Try to use reason, instead of getting them to Court, and getting them to appeal to the State Authority which says, "My decision is final." Tuan Speaker, I ask the Government to be more careful in this matter; especially now when the Government is preaching—and I agree fully with it—goodwill and harmony among the people. There must be adequate provision to safeguard the T.O.L. occupiers and private land-owners so that they may be compensated without having to go through all the difficulties.

Tuan Speaker, I support fully the suggestion just now put forward by the Honourable Member from Sungei Pinang for stand-pipes, which is briefly mentioned in Clause 58. I hope that Government will make every effort to look into the stand-pipe problems. In kampongs I believe—Ahli² Yang Berhormat dari Kepala Batas dan dari Muda will agree with me—that stand-pipes are very, very essential in their Constituencies; and I do hope that the Government will seriously look into the stand-pipe problems. Thank you very much.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Yang Di-Pertua, dengan izin saya minta berchakap dalam Bahasa Inggeris. Being the seconder for the Motion on the Penang Water Authority Bill, I would be failing in my duty if I do not refute the criticisms that have been plunged on this side of the House by the Honourable Members on the Opposition side. Yesterday afternoon we were given a gala premiere by a cynic who was trying to criticize the Government for the certain mistakes in the Water Authority Bill, in the English version as well as the Bahasa version. By no means were these mistakes made to hoodwink the general public. To say the least a cynic is one (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran berchakap dalam Bahasa Inggeris. Di-atas Peratoran 46, Tuan Speaker, dengan izin. I think that the Member for Glugor was not under drug sedation or hypertension or pep pills. But to accuse me of being—what was the word he used?—a cynic is indulging in personalities. We know the Chief Minister needs people to help him at this moment to waste the time of this House because he does not want to move an amendment in public view. But don't indulge in words in all probability that you don't really comprehend. As we can see from this Bill, you don't comprehend the words you used. So don't use personalities.

Tuan Speaker: Baik-lah, Ahli dari-pada Kelawei. Sila dudok.

Sambongkan.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Speaker, I am not pointing at him in particular. But I say a cynic is one who never sees the good quality in a man, and never fails to see a bad one. He is the human owl, vigilant in darkness and blind in light, mousing for vermin, and never (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, di-atas Peratoran 46. The speaker is only talking personalities. He hasn't got anything to contribute to this House.

If you wish to emit rubbish go to the lavatory; not here. (*ketawa*).

Tuan Speaker: Sila sambongkan.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Speaker, I am just trying to refute the allegations made on on this side of the House. This is my illustration method.

As I was saying, he is a human owl, vigilant in darkness and blind in light, mousing for vermin, and never seeking noble gain. A cynic puts all human actions into two classes: overtly bad and secretly bad.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Tuan Speaker, Peratoran 46 (xiii) (*gangguan*).

Tuan Speaker: Ahli Yang Berhormat, sila langsangkan di-atas Bil ini.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Tuan Speaker, just now I was (*gangguan*).

Tuan Speaker: Saya sudah bagi ruling. Sila langsangkan di-atas Bil itu.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Who is the author of that wonderful piece?

Ahli Kawasan Glugor (Enche' D. C. Stewart): The Honourable Member for Kelawei said that the Bill was tabled in the most contemptible manner and charged that it was not properly studied before it was presented to the House.

I say, please do not be insidious, and make believe that our Chief Minister is the perpetrator of these unavoidable mistakes.

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Unavoidable?

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

Ahli Kawasan Glugor (Enche' D. C. Stewart): No matter how much you may try to smear his reputation (*gangguan*).

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Trying to evade responsibility.

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

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): I thought the Chief Minister was responsible for everything.

Ahli Kawasan Glugor (Enche' D. C. Stewart): When I speak I expect silence. (*ketawa*).

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Are you a member of the Cabinet?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Silence of the State.

Ahli Kawasan Glugor (Enche' D. C. Stewart): No matter how much you try to smear the reputation (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, di-atas Peratoran 46—imputing improper motives. I am not trying to smear— Please sit down. I am on Standing Orders (*ketawa*)—the reputation of the Chief Minister. But I think that as the Chief Minister, and as the Head of this State, and the Government of this State, he is responsible for everything that takes place, particularly when he is the mover of this Motion to pass this Bill. I am not making any personal imputation. But he is responsible. And that is the principle upon which we must work. We cannot go and blame some civil servant somewhere because

we as the leaders do not do our work. We have to do our work too. The civil servants help us; but we do our work. The same here. We do our work to examine your legislation.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Speaker, quite correct. You are entitled to your opinion, as well as I am. (*ketawa*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Those are not yours.

Ahli Kawasan Glugor (Enche' D. C. Stewart): It's mine. That's why I am bringing it up.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Written by somebody else.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Well, I repeat again.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Please do not repeat again.

Ahli Kawasan Glugor (Enche' D. C. Stewart): No matter how much you may try to smear his reputation, or spread distrust among the people of Penang (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, di-atas Peratoran 46—"spread distrust". Imputing improper motives. Tuan Speaker, if he continues like this, without essence, I will be quite happy if he goes and says, "Such and such a mistake pointed out by the Member for Kelawei is not correct." It is perfectly all right. But not just to go on this verbal rubbish he is emitting. Please make a decision.

Tuan Speaker: Ahli Yang Berhormat, sila dudok.

Sila langsangkan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Please make a decision, Mr Speaker, Sir.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Speaker, what is meat for a man will be poison for another. (*ketawa*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Please follow the Standing Orders. Respect the ruling of the Chair.

Ahli Kawasan Glugor (Enche' D. C. Stewart): I am trying to refute all your charges. Please listen to me. Or do you want me to dig out the corks from your ears? (*ketawa*). And I have not finished speaking. Please have respect. If you don't respect me respect the Chair.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Respect the statutory declaration.

Ahli Kawasan Glugor (Enche' D. C. Stewart): No matter how much you may try to smear his reputation, or spread distrust among the people of Penang, we on this side of the House will always support him to the last man.

The Honourable Member for Kelawei accused we 16 Members of the Government side as adopting an ostrich manner by choosing to bury our heads (*gangguan*).

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Tuan Speaker, di-atas Peratoran 46: again it is imputing improper motives, saying we are doing some "hostage" or something.

Tuan Speaker: Ahli Yang Berhormat, sila dudok. Saya rule out. (*ketawa*).

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Speaker, I do not think the Member for Bagan Ajam understands English. This is exactly what the Member for Kelawei accused us of. The Member for Kelawei accused we 16 Members of the Government side as adopting an ostrich manner of choosing to bury our heads from reality. This is what I have got to say in retaliation.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): We will have a lot to say in retaliation also.

Ahli Kawasan Glugor (Enche' D. C. Stewart): There was once a picture drawn by an artist showing a pig.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, is this relevant to this debate?

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tuan Speaker, I said this is retaliation.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Di-atas Peratoran (*gangguan*).

Tuan Speaker: Ahli Yang Berhormat, dia bagi illustration sadikit. Saya pun biasa bagi illustration.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Oh, baik. Kita boleh bagi illustration dalam statutory declaration.

Ahli Kawasan Glugor (Enche' D. C. Stewart): This is in retaliation of what you accused us of.

There was a picture drawn by an artist showing a pig having his meals on one corner of the picture. On the other corner you find the trees, a bird, and a full, bright moon. At the bottom of this picture there was a slogan, "You give the title of the picture". You know what was the title?

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

Ahli Kawasan Glugor (Enche' D. C. Stewart): "A bird's-eye view of a pig's arse hole in moonlight."

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, di-atas Peratoran, I demand that (*gangguan*).

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Ini tak guna.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): . . . the Member withdraws that word.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Ini tak boleh jadi.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Withdraw it, Sir. It is a disgrace to this House that this word be uttered here.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Mesti mahu panggil Ahli Glugor tarek balek. Ini banyak kotor chakapan.

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

Ahli Kawasan Bagan Ajam (Enche' Ong Yi How): Apologize.

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Kotor-lah.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Banyak kotor.

Ahli Kawasan Glugor (Enche' D. C. Stewart): I withdraw that word.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): That is the calibre of leaders we have.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Malu-lah macham itu.

Ahli Kawasan Glugor (Enche' D. C. Stewart): Tahu sama tahu.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya ingin mengambil bahagian dalam perbincangan kita ia-itu berkenaan dengan Rang Undang² Pehak Berkuasa Ayer Pulau Pinang yang telah di-bawa oleh Yang Amat Berhormat pada petang kelmarin.

Saya bangun menyokong Rang Undang² ini ia-itu memikirkan masa-alah apa-kah yang ada di-dalam Undang² ini. Saya suka bertanya kepada Pehak Pembangkang, apa-kah kandungan atau pun apa-kah motif Rang Undang² ini di-bawa? Tidak lain tidak bukan ia-lah hendak mengadakan satu Perbadanan di-mana hendak mengawal keadaan yang berkuasa masa'al² yang hari ini kita dapati dalam Negeri kita ini.

Pehak Berkuasa Ayer yang ada sekarang ini terbahagi kepada dua. Satu bagi Majlis atau pun bagi Majlis Bandaraya di-kuasai oleh City Council. Dan Majlis² yang lain di-luar daripada kawasan Majlis Bandaraya ia-lah di-kelel² oleh J.K.R. Jadi dengan ada-nya Undang² ini dapat-lah kita satukan kekuasaan bekalan ayer macham keadaan yang ada sekarang ini kepada satu Badan di-mana perkara² atau masa'al² yang berlaku sekarang ini dapat di-betulkan.

Sa-bagai sa-orang Ahli daripada kawasan luar bandar dan saya perchaya juga ra'ayat dalam Negeri ini menunggu² di-atas Rang Undang² ini. Dan saya perchaya sekarang dengan ada-nya Rang Undang² ini ra'ayat dapat memberi terima kaseh kepada Kerajaan bahawa Kerajaan telah pun mengambil satu tindakan yang betul.

Saya, semenjak sa-malam atau kelmarin mengikuti perbuatan atau pun pandangan² yang di-keluarkan oleh Ahli² daripada Pehak Pembangkang di-atas samada burok atau baik-nya Rang Undang² ini. Jadi, saya rasa dalam perbincangan² yang kita ikuti saya tidak nampak sa-saorang Ahli daripada Pembangkang menunjukkan keburokan tentang Rang Undang² ini. Yang kita nampak hanya beberapa orang daripada Ahli² terutama sekali Ahli daripada Kawasan Kelawei menunjok masa'al² dari segi ejaan, dari segi penchetakan dan dari segi yang lain². Jadi saya rasa dalam masa'al² itu bagi Pehak Kerajaan kita menerima (gangguan).

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

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): segala tegoran² itu sebab kita pun paham dan kita sedar bahawa proses untuk membuat Undang² ini di-jalan beberapa tingkat. Boleh jadi perkara² yang kita bawa atau kita telah lulus oleh Kerajaan di-hantar ka-Jabatan Penchetakan dan di-sana berlaku kesilapan dan sa-bagai-nya. Jadi masa'al² saperti itu dapat kita betul. Dan saya perchaya mengikut Peratoran atau pun Peratoran Majlis kita—85, kita dapat membuat pindaan ia-itu Yang Berhormat Penasihat Undang² dapat membuat pindaan.

Terutama sekali pada pagi ini Dato' Speaker, ia-itu semenjak kita mulakan persidangan kita, saya mengikuti telatah dan tingkah laku Ahli Yang Berhormat daripada Kawasan Kelawei. Saya tidak tahu bagaimana dan apa fasal pada hari ini beliau begitu tidak senang sekali dudok di-atas kerusi beliau pada pagi ini (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ada senang. Tidak usah takut, ada senang.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Ada-kah sahaja hendak di-tunjokkan kepada dua orang pelawat atau tetamu kita yang ada di-Pulau Pinang ini? Itu saya tidak tahu-lah. Beliau menunjok bahawa beliau-lah sa-orang yang jadi champion dalam Pulau Pinang ini. Saya rasa dilepas² tidak-lah begitu sangat perasaan beliau. Tetapi pada pagi ini berlainan sekali. Ada-kah ini satu pembawaan yang sahaja hendak menunjok bahawa beliau-lah sa-orang yang paling champion (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, di-atas Peratoran 46 (gangguan).

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): 46 apa?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): 46.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Peratoran apa itu?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): 46 (xiii). Dudok. 46 (xiii)—imputing improper motives to other Members. I am taking fact, Sir, in this debate. I have the right to stand up in accordance with Standing Orders But these are people who are not prepared to follow Standing Orders. And when I act on Standing Orders they impute improper motives. Is that the way? I need not say anything, Sir. The very fact that this kind of thing has happened today is testimony of what has happened on so many days till the people of Penang are so sick of it.

Tuan Speaker: Saya rule out.

(Tuan Speaker menyuruh Ahli Yang Berhormat dari Kawasan Bayan Lepas sambong sa-mula).

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Tengok-lah keadaan dan kelakuan, Dato' Speaker, bagaimana yang di-tunjokkan oleh Ahli daripada Kawasan Kelawei. Saya dudok dalam Dewan ini sejak daripada

tahun 1964 dan saya dapat mengikut keadaan dan telatah tiap² orang yang ada pada masa dahulu dan juga pada masa sekarang. Dan kita pun ada beberapa orang Ahli lagi terdiri daripada Ahli² Pembangkang. Tetapi saya rasa Ahli² daripada Parti Pembangkang yang lain sifat mereka itu tidak sabagaimana yang di-tunjok oleh Ahli daripada kawasan Kelawei.

Dato' Speaker, dalam masa perbahasan beliau kelmarin, saya suka mengucapkan tahniah kepada beliau yang telah menunjukkan satu sikap yang menghormati Bahasa Kebangsaan kita. Dan beliau sendiri telah mula berchakap dan belajar Bahasa Kebangsaan walau pun ada beberapa patah perkataan yang di-sebut tidak kena. Misal-nya satu daripada perkara dalam perbahasan beliau di-hari² yang lepas, beliau chuba membawa perchakapan chontoh ia-itu bidalan Melayu mengatakan "Kahwin Buta China". Saya rasa dalam masa'alah ini kalau-lah kita ambil erti-nya (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Perlahan². Kita boleh ajar. Perlahan².

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Tengok Tuan Speaker, macham mana keadaan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, di-atas Peratoran. This is a debate about another Bill. Is he bringing it in? Is it allowed?

Tuan Speaker: Ahli Yang Berhormat, Peratoran itu di-atas apa Ahli Yang Berhormat sebut kelmarin.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dalam Bill ini atau lain Rang? Rang lain sudah habis.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Saya, itu-lah satu daripada perkara yang saya seronok tengok keadaan tingkah laku Ahli daripada Kawasan Kelawei ini. Manakala beliau berchakap dan menudoh Pekah² yang ada di-sebelah sini, kita semua diam. Tetapi bila kita berchakap beliau

menjawab balek apa yang di-bawa oleh beliau sendiri macham "Chaching Kena Panas", macham "Kuching Jalang".

Dato' Speaker, saya suka juga menyentoh beberapa perkara yang telah di-bawa oleh Ahli² daripada Kawasan lain terutama Ahli daripada Kawasan Balik Pulau. Dalam masa ucapan beliau kelmarin, beliau ada menyentoh berkenaan dengan chukai minima yang di-kenakan pada masa sekarang kapada pengguna² ayer kita dalam kawasan² yang di-mana sekarang ini di-kuasa² oleh Pehak J.K.R. Saya rasa pandangan beliau itu akan dapat kita salorkan kapada Majlis atau pun kapada Perbadanan ini mana-kala Perbadanan ini di-tubuhkan nanti.

Sa-lain daripada itu satu perkara yang telah pun di-bawa oleh Ahli Kawasan Ayer Itam kelmarin ia-itu menyebut berkenaan dengan Fasal 9 dalam Rang Undang² ini, ia-itu masa-alah pemindahan asset², kuasa², hak², kepentingan², keistimewaan² serta hutang² daripada City Council kapada Perbadanan ini. Apa yang beliau rasa churiga mengikut apa yang kita mengikut daripada ucapan itu, bahawa segala asset² itu akan di-beli atau akan di-tukarkan kapada Pehak Berkuasa Ayer yang akan di-tubuhkan nanti dengan tidak mengikut harga pasaran yang ada. Jadi dengan sebab itu beliau rasa churiga ia-itu harta² yang ada dalam City Council itu akan di-nikmati oleh orang² yang di-luar Kawasan Bandaraya. Dan ini satu perkara saya rasa kechurigaan yang hanya memen-tingkan soal Daerah atau pun Kawasan di-mana beliau itu tinggal sahaja, dengan tidak memikirkan masa-alah penduduk yang ada dalam Negeri ini keseluruhan-nya.

Saya rasa Dato' Speaker, itu-lah yang saya suka sampaikan atau mengambil bahagian dalam perbahasan berkenaan dengan Rang Undang² Pehak Berkuasa Ayer Pulau Pinang ini. Dan saya ucapkan terima kasih kapada Dato' memberi peluang saya berchakap.

Ketua Menteri: Tuan Yang Di-Per-tua, saya ucap terima kasih kapada semua Ahli² yang mengambil bahagian

dalam perbahasan atas Rang Undang² ini. Sunggoh pun saya ucap terima kasih kapada rakan² saya Yang Berhormat Ahli² dari Bayan Lepas dan Kepala Batas sebab di-dalam ucapan² mereka ada menjawab perkara² yang berbangkit daripada dua atau tiga perkara yang di-timbulkan oleh Yang Berhormat Ahli dari Kawasan Balik Pulau. Sunggoh pun satu perkara yang di-bangkitkan oleh Yang Berhormat Ahli dari Kawasan Balik Pulau ia-lah bersangkut dengan kampung di-dalam kawasan Balik Pulau, kalau saya ingat kampung itu Kampung Titi Teras. Pada hari ini kawasan ini tidak ada bekalan ayer paip. Kerajaan ada meminta dengan Kerajaan Pusat, dengan J.K.R., buat-lah ranchangan ini dalam Ranchangan Malaysia Yang Kedua. Per-kara ini pun Kerajaan selalu ambil timbangan. Saya harap satu hari kita boleh buat apa yang belum selesai untuk penduduk² yang dudok di-dalam Kampung Titi Teras.

Ada dua atau tiga Ahli² yang sa-rupa itu yang membawa perkara paip², yang mustahak sekali ia-lah perkara Yang Berhormat Ahli dari Tasek Glugor berchakap untuk penduduk² di-kawasan beliau. Saya harap-lah sahaja Yang Berhormat Ahli dari Kawasan Tasek Glugor jangan-lah selalu bila dua atau tiga bulan beliau melawat kawasan beliau di-mana dapat dengar sa-siapa yang hendak minta paip² ayer bertulis dengan Kerajaan sampai satu rekod besar sekali, laporan² panjang, tetapi kalau perkara² ini tidak baik pereksa dahulu perkara ini—sunggoh Kerajaan boleh timbang dan jawab sa-terus-nya.

Mr Speaker, Sir, saya minta izin chakap dalam Bahasa Inggeris jawab berapa perkara² yang berbangkit daripada lain² Ahli Yang Berhormat di-dalam Dewan ini.

Mr Speaker, Sir, I would like to thank all Honourable Members for having participated in this debate on this very important Bill. I thank Honourable Members for Glugor and Sungei Pinang for speaking and bringing up their points and indeed all the other Members. But I think we

have to take it that the nature of the debates in this House must necessarily have these highlights and this shading.

Mr Speaker, Sir, when the debate started after I had moved the Motion, I felt that perhaps the House was settling down seriously to business and the Honourable Member for Ayer Itam brought up several points in regard to the Bill, which I think require serious comment and observation. Similarly, other Members of the House did take up the points in the Bill and in the course of the debate one had to sift between what were actual constructive contributions to the debate on the Bill from what was mere potash and the kind of frill and froth which arises from the cut and thrust of debate, whether motivated by vindictive political motives or otherwise. Of course, we naturally get treated to the usual display by the Honourable Member for Kelawei and got used to balancing his accounts of performance. And we have to take the good points from its bad points. But he did bring up I think, in the course of his speech lasting nearly 1 hour and 45 minutes, two or three points which are valid. The rest of the time, I think, was a case of hurling diatribes and bringing matters, which although relevant to the Bill, were not seriously matters which concerned this Bill. So, Mr Speaker, Sir, in order to try and sift out the points which we must deal with I think I shall deal with the froth.

I remember a time when I used to be awakened up in the morning in Lake Dal in Kashmir—somebody sailed about and shouted “fantastic”, “marvellous”, “gorgeous”, “stupendous”. So when the Honourable Member for Kelawei used the word “fantastic”, I thought he was in the same mood. But obviously, this is a totally different type of performance altogether. I also recall when I first began participating in debates in the Assemblies, I had great difficulty in standing up to speak in the House, because there is a quality in the Assembly, certain bore, which makes Members a little bit worried—little bit less sure of themselves—to stand up and

speak and therefore as we watch the development of Honourable Members in this House I think we have to permit them latitudes guided under your judgment of the Standing Orders, Mr Speaker. And I think it is only good and proper that we allow Members to have an opportunity to acquire the ease and comfort of speaking in what is after all a very important institution in the State.

The Honourable Member for Kelawei has got one of those wonderful characters which enables him to enjoin and debate at the drop of a pin, throw of a coin, but I think if I may urge the Honourable Member for Kelawei not to be too harsh on others. After all if we really wanted to invoke your assistance, Mr Speaker, by every now and then stopping him in the course of one hour and forty five minutes, there were many occasions where we could have brought up Standing Orders to interrupt him and so on; but there was no point, because I think by now we should all have assessed our different virtues and our different abilities, capabilities, and get down to business.

I must, under the circumstances, thank the Honourable Member for Kelawei for showing very much improvement, particularly even in this Sitting of this House. Because I certainly think it is much more constructive to listen to his way of presenting points, or bringing up points referring to typographical drafting errors in the Bill, rather than to go through this very much more frivolous procedure of going into a Select Committee or going into Committee stage to bring up amendment after amendment on issues. Now the Amendments I am sure that will be proposed later on will be contributory to the good of the Bill, unlike the Amendments we had in the very first Bill, which were purely obstructive. I think, from this point of view, the House accepts that the Honourable Member for Kelawei did contribute by bringing up: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 references on errors (ganguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): There are many more.

Ketua Menteri: in the presentation of the printing of the Bill. I remember when I was a very, very young Assembly man coming across this type of typographical errors and feeling that here I discovered: No. 1 the Government administration falling to bits—Government unable to present the proper cross-references in a Bill of this nature. Secondly, I was also in those days a little irritated—by nature I am not the kind of person to get angry over things of this nature—but a little bit irritated that perhaps the Government was trying to put something across the House; but in the process of time I did learn that the procedure of legislation of the passage of Bills allows some very careful sifting. Government in spite of all its care in going through the Bills in preparation can in actual fact allow for mistakes, and does on occasions. After all even Governments are human.

It will be far better for us to have a human, but not absolutely perfect, Government administration, than a completely inhuman machine-like administration.

The Government occasionally does make mistakes of this type and because there are this type of mistakes, the provision of Clause 85 and the provision for a Bill to be taken into Committee and Select Committee are necessary part and parcel of the procedure of making legislations so that the House can at these different stages go into the procedure of making a good legislation. But when I replied to the Honourable Member and he moved his Motion of Amendment, that in actual fact most of the things that he raised or referred to at that time amounted to only two points, and the Government had also indicated there were several other Amendments to be made. These Amendments in actual fact can all be treated, if we wanted to, under Standing Order 85 and be left to the legal draughtsman to sort out under the provision of Standing Order 85 because problems of basic principles do not prevail.

I apologise to Honourable Members of the House for having presented a Bill with as many mistakes, typographical errors, as in this particular Bill, specially an important Bill of this nature. But I had indicated also that this is a very long Bill, and I think Honourable Members will appreciate that this transition between getting legislation in English and legislation in Bahasa even causes greater difficulties in cross-reference and the total number of Amendments that will have to be made in actual fact are on cross-reference and appear many and we could save the time of the House if we left it to the Honourable Legal Adviser to deal with.

As a matter of fact, I was very happy when eventually when his temper settled down somewhat, the Honourable Member for Kelawei, after taking an hour and a half very nearly to get off his spleen, eventually settled down—probably with the expectation of having tea at 4.30 yesterday—to bring up the points of argument on the principles of the Bill. The very fact that Honourable Members of this House have been able to take up and debate the principles and merits of this Bill indicates in actual fact that the presentation of this Bill, even with admitted typographical errors was passable, in view of the fact that the Honourable Member for Kelawei has brought these matters up in so vehement a manner. And in the process of so doing he showed that he has one other added quality, namely that of being a very, very good proof-reader. And I hope that the Honourable Member for Kelawei will accept it that when Honourable Members of the Opposition show distinction, we on this side of the House also give them the accolade and the regulations for their calibre. He has been very good and he has certainly demonstrated this, as far as this Bill is concerned, because there were other Bills which slipped by; but as far as this Bill was concerned he has showed himself to be an extremely good proof-reader. But he himself, as I said, tends to spoil his case somewhat when he has a

good case by saying that these were glaring mistakes. Perhaps these were glaring errors; that's why he becomes a good proof-reader. But I will not detract from the fact that this is a virtue. He is a good proof-reader.

Dewan di-tangguhkan pada jam 11.09 pagi.

Dewan bersidang sa-mula pada jam 11.40 pagi.

Ketua Menteri: Tuan Yang Di-Per-tua, dengan izin.

I was congratulating the Honourable Member for Kelawei for being a very good proof-reader. Nevertheless we had thanked him for the points he referred to. And I had indicated that the Government had not been unaware of these mistakes. And, as I stated, during the course of my speech in reply to his proposed amendments I had indicated to him, however, that these amendments in actual fact can be made by the Honourable the Legal Adviser under Standing Order 85. However, in view of the fact that this is an important Bill, and in view of the fact that largely through the sparkling fireworks performance by the Honourable Member for Kelawei, when the House enters Committee Stage we shall be moving amendments—more than usual (Ahli Kawasan Kelawei tepok tangan-nya)—which otherwise can, as I said, be taken up by the Honourable Legal Adviser in the normal course of events under Standing Order 85. As I said, none of these typographical errors in actual fact involve principles. And I am happy to note that it has not prevented Honourable Members from seriously getting down to the business of debating this Bill. And I hope that the applause by the Honourable Member for Kelawei will indicate that we don't always deal with the Opposition as harshly as needs be. But he will also agree with me, however, that this certainly did not require the Bill going to Select Committee because it can be dealt with under the provisions of the Standing Orders.

Mr Speaker, Sir, I see now that the Honourable Member from Kelawei has forgotten what he himself enjoins other people to do, because by shaking his head I hope he does not demonstrate that he has got all screws loose up there.

Mr Speaker, Sir, as I said, one need not necessarily get into this angry mood for the benefit of the gallery. The important thing is what goes into the debate. We know the Honourable Member from Kelawei can sometimes show a very waspish temper, and can even go further than that when he had mentioned that there were 101, implying thousands and thousands, and an unlimited number of errors. And for that we became very angry, or pretended to be angry in the House. And I was happy when after his anger just now I saw him outside the House being friendly with the Honourable Member from Sungei Pinang I realised that this was only a performance in the House—showing anger. But I would loath to think that the Honourable Member for Kelawei is like a mink, with a temper like a mink which everybody knows is a rodent with a terrible kind of temper. And it kills for the pleasure of killing. And once it smells blood it cannot stop. So everybody is afraid of a mink getting loose, because when it gets loose it goes through the countryside killing everything it has in sight. That kind of killer instinct, however, in boxing provides us with boxing champions; and in this House provides some of us with the ability to speak with more ease than others might. There is no point in derogating others, or stopping others when they are trying also to learn the job of carrying on the business of an Assemblyman in this House.

Mr Speaker, Sir, I hope I haven't taken too much time of the House to deal with a matter which was brought up at great length for over an hour and a half by the Honourable Member for Kelawei, and he will also take it in good spirit. And when the time comes in the Committee Stage we shall deal with the points that he raised. And this certainly a much better way of

dealing with a Bill than what was previously done on another occasion. And I am glad now that he has an echo behind him who uses words that he has brought up without very much study.

Mr Speaker, Sir, although Honourable Members from the Opposition claim that they have studied the Bill in great detail, in actual fact the points that are raised that are relevant to the Bill in principle, and affecting the concept of the Bill are few. I am glad, however, that the Honourable Members of the House all agree either with the principles or with the concept of the Bill. And now that we have agreed to meet some of their requirements with regard to typographical errors I hope all of us will be able to safely launch this Bill into an Enactment for the benefit of the people of Penang. That this Bill has got far-reaching effects there will be no doubt because we will be creating an Authority to handle what every Member who has spoken up on this subject accept to be an essential aspect of life, namely to provide water.

I have only one point to comment on. We have to differentiate provision of water as against provision of treated water. Whereas the provision of water *per se* even for maintenance of life, though not necessarily for upholding the modern standards of health as we understand it, is a relatively cheap thing. You can dig a well; you can put in a pipe; you can take water from a river; you can collect water from rain, and so on. The provision of treated water, and particularly of piped water under a modern system of water supply is an extremely expensive business. And it is for this reason that we must clearly understand that what we seek to do through this Authority is in actual fact to provide the State of Penang, and all the people living within the State of Penang with modern, piped, treated water facilities. And this is a modern water system for all the people in Penang. I agree with Honourable Members when they raised sentiments that we should strive towards a time when everyone

in the State, and in the words of the Honourable Member from Tasek Glugor (*gangguan*).

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Every hut.

Ketua Menteri: tiap² pondok dan semua rumah mendapat ayer. I think that should be an objective. And probably the Water Authority when it is formed could well incorporate that as one of its mottos. But certainly those are objectives. We must realise, however, that this objective is not just one involving Government. This is an objective which cannot be realised if we just merely pass this Bill. A great deal more work has got to be done. And this work of establishing a modern water supply system for everyone in the State of Penang requires full co-operation by the people and the Authority and the Government. And I hope that in that spirit, when the time comes, this House as a whole will launch it off well, and put aside all the exacerbation of debate, and launch this scheme in its proper spirit.

Now, many Members have taken up the question of water rates. This is a point which has been raised by several Members. And I would like therefore immediately to give an exact answer to this question of water rates. The Honourable Member for Bagan Ajam in his own peculiar way chose to misconstrue what I said in my speech. What I actually said in my speech in Bahasa yesterday was:

"akan tetapi untuk menentukan bahawa projek bekalan ayer ini akan menjadi satu usaha yang jaya dari segi kewangan ada-lah perlu untuk meminda kadar bayaran² ayer yang ada sekarang didalam Negeri ini."

That's all. Now in English. One could best translate it:

"However, in order to ensure that the water supply project will be financially self-sustaining, it would be necessary to adjust the present Water Charges in the State at the present moment".

Mr Speaker, Sir, this is what I said, and please do not distort what I said, because this is a delicate subject. To say that I stated that Water Rates

should go up. Mr Speaker, Sir, I hope that the Water Authority, when it is formed, will function in a manner to ensure that the people will obtain water at the cheapest possible rate that the Authority can manage to give.

Mr Speaker, Sir, from that point of view we have to follow two general principles. Now several Members have raised this by asking the question—“What are the obligations that the State have entered into with the Asian Development Bank?”. Mr Speaker, Sir, the Section 2.08 of the Project Agreement, which was made with the Asian Development Bank on 28th August of 1968, reads as follows:

“The State shall cause charges and rates to be set and maintained for water supply within its jurisdiction which will, together with revenues from the sale of bulk water to the City for the purposes of water supply within the jurisdiction of the City, provide sufficient revenues—

- (1) To cover operating expenses, including taxes, if any, and interest; and to provide adequate maintenance and depreciation.
- (2) To meet repayments on long-term indebtedness

and (3) To finance normal year-to-year extension of the water supply system within this jurisdiction”.

Now that is the commitment that the State has with the Bank.

Mr Speaker, Sir, from the point of view of that ‘obligation’—we wish to accept that word seeing Honourable Members in the Opposition have used that word—I presume they will understand the arguments better if you use that word—we have to consider another aspect of the Water Authority when it is formed. Various Members of the Opposition have said this is a profit-making organisation. Now that is not entirely true, because the Water Authority should not be a profit-making enterprise—because it does not have to pay dividends to investors. However, because we have to make sufficient returns and conserve—and this is a point brought up by the Honourable Member for Ayer Itam—conserve and not balance. Conserve sufficient returns to service the loans. Our obligations is to service the loans

and to finance development and growth of the services. Therefore, it is to be, in the words of the Asian Development Bank terms and in the concept of the function of the Water Authority, “a self-sustaining enterprise”. That is, I think the main motivation. But what does that add up to? What it adds up to is that a time will come, probably in 20 years, may be less we hope, when the loan capital and loan charges having been repaid and the capitalisation for the scheme having been offset, then people of this State can look forward virtually to a time when the supply of water will be very, very cheap, if not indeed free. However, seeing that the objectives will be to take us away from the original type of projections made in the State when water Supply was introduced in this State, to achieve the state when we can actually supply every single building, every single house in the State with water, if the development and growth continues, may take some little time. However, the Honourable Members will realise from this objective of the Authority that we have some kind of comparison with points also variously raised by Members about minimum charges of \$2.50 and of rates and of the provision of standpipes. Because these were the objectives and this was the manner whereby in the past under Colonial administration the Government attempted to obtain capitalisation to service water supply in the State by the enforcement of water rate and also by provision of a water pipe. Those were the objectives how the former administration sought to raise capitalisation in order to service people, particularly in the rural areas. Whereas this objective now of the Muda scheme and now of the establishment of the Water Authority takes us right into the future in the gracious Speech of His Excellency ‘takes us well past the 1980s.’ And if the people as a whole co-operate well and involve themselves with this scheme then Penang can really have a water supply system, not only we, but everyone in Malaysia, can be proud of as being perhaps the best system in the world.

The Honourable Member for Jelutong brought in water charges in Australia. I know nothing about water charges in Australia. The Members raised the question that they doubted that our water rates were low. Now I think myself it is only a debating point with some political motive to try and belittle the efforts of Government, but without knowing what the Australian charges are—I cannot go to Australia—but I certainly know what the charges are in the rest of the country, Malaysia. Now water charges for domestic purposes in Selangor vary from \$1/- per thousand gallons to a minimum charge of \$2/- per month and Negeri Sembilan .80c.; in Perak, first 4,000 gallons \$2/- over 4,000 gallons \$1.10; Malacca \$1.20 per thousand gallons; Trengganu first 3,000 gallons \$1.50, over 3,000 gallons at \$1/- per 1,000 gallons. So you will see the lowest comparable charge we have is that prevailing in Negeri Sembilan which is .80c. per 1,000 gallons. The charges in Penang State is .60c. per 1,000 gallons. So, Mr Speaker, Sir, I only bring this in in detail so that Honourable Members of the Opposition should not try to establish an unnecessary political rapport at this stage to confuse the people on the intentions of this State Water Authority. As a matter of fact, as I said, even after the Bill is passed and the State Water Authority is established, the Authority itself will have to function in close co-operation with the people and the people in our State must be involved with the fundamental objectives of this Authority. And we can look forward to the time when future generations, when our children, can enjoy water rates which are substantially lower than those which are prevailing at the present time.

There is, however, a lack of practicality. Now when I read this I hope Honourable Members will not immediately jump up and say "Here you are, the Honourable the Chief Minister is an expert twister of facts. Having said one, now he frightens us with another". Mr Speaker, Sir, in 1967 the State Government of Penang brought

in Binnie & Partners as Consultants on the question of water supply in the State. And Binnie & Partners did project in 1967 that in order to service the loan charges both capitalwise as well as interestwise, which the Government may require, it may be necessary to consider a scale of rates taking us from 1968 to the year 2000 and this scale of rates is a projection study—domestic from 60c. going upwards to \$1.10. However, Mr. Speaker, Sir, that is a projection study made in 1967 under the circumstances prevailing then with the facts and figures available to the Consultants.

Mr Speaker, Sir, this does not contradict what I had said earlier that we hope in actual fact with the establishment of this Authority and the functioning of this Authority, careful utilisation of the new water system in the State may perhaps give us a chance to even off and even tale off the rate of Water Charges within the next 20 years. I say this because of one very important fact that was not taken into account in the Consultants' Report and that is the rate of industrialisation which at that time had not even been launched. Now the degree of industrialisation of factory requirements in the State has been really enormous and will seriously alter the financial projection that will be made. And I hope that the State Water Authority, when it is formed, will take this into account and review the projections made in 1967 against the light of new factors prevailing in the State.

In a simple manner, in a nut shell, what is the position? The position is that if we can sell water to a larger number of consumers quicker than was originally projected, then we can write off our loans—and this, in actual fact, meets the requirements of trying to bring in water to every person where possible because it is a service and this requires that instead of using standpipes we should bring water to everyone if they can meet the charges of connections and so on, or if the charges can be made attractive enough, but the (gangguan).

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Tuan Yang Di-Pertua, saya minta penjelasan sedikit. Kelmarin saya bertanya dan merayu supaya Kerajaan tidak akan menaikkan harga ayer lebih daripada 60 sen oleh kerana ra'ayat menanggung beban sekarang.

Ketua Menteri: I will take the point immediately. Actually it was answered. I said that the State Government has no intention of increasing charges and I also hope, now that the Authority is formed, that the Authority will carry on what the State Government has been doing and not increase Water Charges. And I said that I have some confidence that the projection studies made by Binnie & Partners will have to be reviewed and I have every confidence that the State Water Authority will try to sell more water more rapidly to the people and thereby try to increase its services and by increasing its services review its loan charges more quickly and therefore maintain and, if possible, even reduce the Water Charges. That, I think, is the matter in simple terms—is how the commitment is balanced off. That is where I say the rate payers or people in the State come into operation—because we have to get away from the idea that water supply is something free. However, we should accept the idea that if we in this generation carry on this responsibility of establishing a modern system, the next generation will have a very much lighter burden to bear.

I have every reason to think that the financial projection studies in 1967 could be reviewed substantially, because I do know for example a factory like Malayawata or a factory like Indian Textiles consumes enormous amounts of water everyday. It is because of this large consumption rate by industry, which was not anticipated by the report of the Consultants, that we have every reason to anticipate that because of the consumer uptake of supply of water we can balance off the Water Charges. Now perhaps it might be going too fast. But that is the mechanics of balancing

off the charges against the loan commitments. And I have every reason to believe that the State Authority will carry out this review of the report by Binnie & Partners, and put forward rates which are lower than originally projected. For example, the State Government at the present moment, through the Development Corporation, is negotiating with a group of Companies. And one of the Companies, if the negotiations mature—unless the Honourable Members from the Opposition frighten them away by telling them to go home, and showing preferences against them, and so on—alone would in actual fact take up half the total amount of water that is consumed by the State of Penang in respect to Province Wellesley.

Now, this means in actual fact that the time phasing of the Muda Water Scheme can be accelerated. And that is why we said the thrust forward in economic provision has increased enormously, and the balancing of our commitments can be established much sooner than anticipated.

Mr Speaker, Sir, the Honourable Member from Ayer Itam referred to Clause 10 (4) on the question of assets of the City Council of George Town. And I suggested to the Honourable Member from Ayer Itam and to Honourable Members in this House that in actual fact the Bill has taken into cognizance the question of the assets of the City Council of George Town. However, the Honourable Member from Ayer Itam did raise, I think, a fundamental point—probably the most fundamental point in the course of this debate—namely, that these assets should be calculated at current market value, and not on book value.

Mr Speaker, Sir, for many years this argument had been going on. The people in the rural districts of Penang, and the people living outside the City Council of Penang have been saying, "Why must the people in the City be charged less water rate when in actual fact the water is taken from the hills and the catchments areas in the rural areas and in other parts of the State?" Mr Speaker Sir, without going into the pros

and cons of this kind of debate, as to who owns water, and I think Honourable Members on opposite side who are members of the learned profession have got many, many records of battles and quarrels over water supply and water catchment, and so on, which have involved individual groups, corporations, states and even countries at war. And fortunately for us I think we can resolve these matters here in this House.

Now, the City Council of Penang in actual fact will also be taking water from the Muda Scheme, and therefore will also benefit from the new provisions made under the law. And in order to cut short an argument that could go on philosophically on the question of rights and so on, to try and split hairs over issues which have taken hundreds and thousands of years—people still hold different opinion—the decision to calculate the assets of the City Council at book value was taken on the principle that water is one of the natural resources of the State. And as such the Honourable Members from the Opposition will, I think, agree with me and support me when I say that on the principle of equality all the people living in the State should equally enjoy what are the natural resources of a State. And under the circumstance we feel that by taking this decision it will set aside an old problem, and put us into a position where we will take a fundamental step to demonstrate our determination to redress economic imbalance. And the one thing that State Authority will be able to do will be to equalize the water charges throughout the State so that every single citizen in the State will share exactly the same burden, and bear the same cost. Now, that I think Honourable Members of Opposition, particularly those who claim or aspire to be involved in socialist principles will certainly support. I am surprised to hear the Honourable Member from Ayer Itam taking this as a major issue, and as a socialist to talk in terms of capitalist. Mr Speaker Sir, this is I think a fundamental issue. It is still a debatable one. It will always remain a matter of opinion. The House will have to take

a decision. And we consider that we must take this decision in order to ensure that the natural resources of the State could benefit equally all the citizens of the State; and also to move forward in order to redress economic imbalances.

Mr Speaker, Sir, the Honourable Member from Kelawei goes on, of course, to develop his theme. He raised this question of right hand and left hand. That I don't think is necessary for me to dispose of. The constitutional provisions under Schedule 9 clearly determine the relationship of the State with the local authorities. Then he goes on to Clause 30 which was also taken up by several other Members—why shouldn't it be audited only by the Auditor-General? Mr Speaker, Sir, I had indicated in the course of moving this Motion that for some time the Water Authority will be a clear mixture of organisations. It will be a mixture of the Water Department of the J.K.R., and the Water Department of the City Council; and hence the Bill in actual fact provides a certain dichotomy which is not as elegant as one would wish it to be. And I'm certain that not many years from now, in the light of practical experience, and after the Authority has settled down to its own work, we may require a further substantive review of the Bill as a whole in order to equalize the provisions of control of servants, and so on.

Now, with regard to this question of the Auditor-General, this recognizes the fact that because the main provision of funds for capital development of the Water Supply Scheme involves loans from the Federal Government as well as the Asian Development Bank, which is a separate authority, whereas we can anticipate that the Federal Government may have no objection to the Auditor-General being the only auditor we have to provide some degree of latitude in this particular instance, in case any subsequent matters are brought up by our bankers; and hence this provision, which as I said, may not be as elegantly tidy as it should be.

Mr Speaker, Sir, the Honourable Member from Ayer Itam also refers to Clause 26. And here for once he switches back in the vein. Whereas he had previously accused Government for always being too strict and inflexible, he says here that we should not be too strict, and we should not be too tied up because Clause 26 refers to balancing of revenue accounts. He said that we should not be tied up too strictly, and thereby cause undue burden to the people in the State, and that the Authority should use discretion to spread the burden over the years, and there should not be any strong emphasis in balancing accounts. Mr Speaker Sir, the provision in Clause 26 is to conserve the funds, and not balance the fund. However, it is a recognized principle of a supply Authority, which the Water Authority will be, to charge for services provided. It is usually the case where public utilities are not self-supporting and not self-generating that because of conflicting demands insufficient funds are made available for growth, and the Authority suffers a decline in its ability to meet changing demands. For that reason it is necessary to provide this Clause to allow the Authority to conserve these funds in order to comply with one of the terms of agreement which I have earlier read to Honourable Members of the House, namely, to meet repayments in long-term indebtedness. Of course, the concept is to repay the loan commitments over a long period of years; and we have to demonstrate our sincerity and our capability to meet this kind of situation. Hence the provision of Clause 26.

The Honourable Member from Ayer Itam referred also to Clause 62 (2), and said that it was undesirable to have such powers. Mr Speaker, Sir, it is not unusual for legal provision to be made where Authorities of this nature have to safeguard its property, and also its assets and liabilities. And under Clause 62 (2), on the question of burden of proof, I think it is not an unusual provision for a statutory body to have. And I think it is only a matter of opinion. Everybody has said that the Water

Authority is an important authority, and it should be able to function on its own, and not all the time refer to Government. And as such I think it is not improper to allow it to have this Clause.

Lastly, the Honourable Member from Ayer Itam refers to Clause 71 (2) which was taken up by his colleague the Honourable Member from Sungei Bakap, on the power to make Rules. Whereas the Honourable Member from Ayer Itam says that it is not necessary to give this power, the Honourable Member from Sungei Bakap says that these Rules should be referred back to the House. Mr Speaker, Sir, the general principle in application here is that there is no point in giving power of making Rules unless at the same time you give power to enforce these Rules. And Clause 71 (2) which Honourable Member from Ayer Itam referred to only gives the Water Authority the power to enforce such Rules as it may deem fit to establish.

Now, Mr Speaker, the Honourable Member from Kelawei referred to Clause 21, and considered that this was an unfair provision allowing different treatment for those officers drawing salaries less than five hundred dollars. Mr Speaker, Sir, here is an example of dichotomy which I refer to because officers in the City Council come under this type of ruling; and we anticipate that there will be officers who come under this ruling; and hence this provision is being included in the Bill.

The Honourable Member from Kelawei also referred to Clause 35 which in his view was objectionable because the power to make loans should be controlled. And here he again switches back and urges us this time to conform with Government. Mr Speaker, Sir, we shall conform if you think appropriate; and we shall at the same time give it a conformity when we think it is appropriate. And here again this is an example where because we anticipate that the absorption of members from the Water Department of the City Council will be involved they have to, in this particular

case, not conform with the Government, but conform some—what with the provisions existing in the City Council at the present time.

Then the Honourable Member from Kelawei referred to Clause 42 (1). I think by that time he had got himself very angry; and we can excuse him with reference to this and the question of obligation to secrecy. And here the dichotomy is balanced not with the City Council but with the Government. So the obligation of secrecy which the Bill provides here in this case is precisely the kind of conformity which the Honourable Member from Kelawei wanted us to adopt and verify. And here we have conformed with Government.

The Honourable Member from Kelawei also referred to Clause 30 which I have already replied to. And I think the most important point the referred to yesterday was Clause 66. This is the penalty Clause. And in terms of this clause in the Bill it is in actual fact very decisive. The term used by the Honourable Member from Kelawei is that the words written into the Bill make it conclusive and irrebuttable. Mr Speaker, Sir, as everybody says the Water Authority is important; so it is very necessary for us to give to the Water Authority all powers to provide for the protection of its property; and very important for it to be able to ensure that all the conduits, reservoirs, cisterns, pumps, and so on—I won't read on as the Honourable Member from Kelawei has spent time reading it through, are safeguarded. It must have this power to prevent in actual fact any harm or injury being made to the property of the Water Authority. And this is not a personal injury to one person or another person, because if somebody went and broke up a main-pipe system or a conduit to a main establishment then a sector of the public can very well suffer from that action. If somebody decided to blow up a dam then the whole community will suffer. Under the circumstances the right to protect its property, and to prevent any injury taking place to this property, must be

given to this Water Authority. And therefore this is a necessary provision; and although conclusive and irrebuttable makes it possible for the Water Authority to carry out its functions. The Honourable Member from Kelawei in trying to emphasize this point referred to orchid growers; and even said that this is part of my hobby, and all that kind of thing.

Dewan di-tangguhkan pada jam 12.30 tengah-hari.

Dewan bersidang sa-mula pada jam 2.30 petang.

Ketua Menteri: Tuan Yang di-Per-tua, dengan izin berchakap dalam Bahasa Inggeris.

At the time we adjourned I was referring to the point raised by the Honourable Member for Kelawei about the question of orchid-growers in Province Wellesley where there was difficulty in getting water charged commercially on an industrial rate. I wish the Honourable Member gives specific reference to this case, Sir. The Government can look into the matter. As far as I am informed the J.K.R. records show that there are seven consumers who are being charged on industrial rate, and nine partly industrial and partly domestic. However, I do not know whether or not this applies to the particular person. If the Honourable Member brings a point particularly on this case we will investigate into the matter and try to give him a reply.

Mr Speaker, Sir, the Honourable Member for Sungei Bakap in saying that the objects of the Bill are good indicated that the State is now becoming impervious to the needs of the people; and indicated that whereby previously administration of water supply in Province Wellesley went directly to the State Engineer, and did not have to go to the State Authority, there was less delay. But, Mr. Speaker, Sir, we appreciate the fact in referring to this instance he has also clarified the situation when the administration of the water supply in Province supply was only carried out by J.K.R. for the past six years. The Meter Readers had not been sufficiently careful in checking

meters. So we cannot have it both ways. Whatever it is, what has been happening in the last two months has been that during the period the State Government has been looking into the desirability of establishing a Water Authority. Obviously the State Government became more involved in the various detailed administration aspects which were handled previously by the J.K.R. alone. Personally I do not think that there was any undue delay, although the example of the Trans-Krian consumers and their applications was brought up by the Honourable Member for Sungei Bakap. But there are no more major issues, as supposed to be in actual fact by the Honourable Member—Tasek Glugor, Balik Pulau and elsewhere.

Mr. Speaker, the State is not impervious to the needs of the people. As a matter of fact the State is very conscious of the needs of the people. And with the passage of this Bill and the establishment of the State Authority, one of the essential needs of the people will be handed back to the people, and administered by an Authority to which the people can directly refer. That is why earlier on this morning I said that for the proper development of a good water-supply scheme in the State the Government and the people and the new Water Authority must co-operate well; and the people must be involved in the development of water supply for future generations.

Mr. Speaker, Sir, the Honourable Member for Sungei Bakap referred to clause 7 (2) and said that this was unfair because the Authority is given the power to refuse to give such supply to any building which is in ruinous or dangerous condition. And with his usual enthusiasm he indicated that this was another method of the blackmailing, cursing the public to something which was not meant or implied by the Bill at all. This provision is to our mind perfectly fair, and also reasonable. For example, if pipes were to be brought into a building which was in a ruinous condition, and the building

was to tumble down, the whole of the consequences ensuing from this. So in order to protect the Authority from having to refer this kind of cases—the integration and otherwise—the clause has been put in. And I think the Honourable Member for Sungei Bakap was unnecessarily stressing the point to prove what he termed was unfair. There was no unfairness intended. This is only a practical measure. And as he himself pointed out, the Water Authority has the power to effect control over the issue of what he would call house number-plates—the placing of buildings actually under the assessment. If they are all withdrawing from their assessment—if they come under this file—and have to be condemned, that is a separate issue, and should properly be taken up by an Authority other than the Local Authority. The provision of clause 7 (2) is only to safeguard and protect the functions of the Water Authority that are proposed.

Mr Speaker, Sir, the Honourable Member had raised the question: What is the purpose of the general water rates? Those are the exact words he used. And I think I had answered that earlier on. And he also refer to clause 71 (2) which I have also replied to in general in replying to the Honourable Member for Ayer Itam. So there is not much point to take on in this issue that was brought out. However, the Honourable Member for Sungei Bakap asked the question. And here again perhaps Honourable Members get carried away during the time when we are speaking—even experienced Members. And he said that there was a ridiculous provision for a 8-foot-wide reserve for a 4 inch main. That was a technical and professional engineer's opinion. He said that it is necessary to provide for an 8-foot-wide reserve because there must be access for workers of the Water Authority to carry out repairs, maintenance and improvement. These are required to provide, particularly, sufficient space for the transportation of workers; for example transportation of bicycles, motor-cars or land-rovers to carry out the materials to effect this

repair. And it is necessary in any case to acquire the property because once the property comes under the control of the Water Authority that problem of carrying out repairs to private properties is avoided. That is the technical opinion which is generally accepted. The Honourable Member for Sungei Bakap says it is ridiculous. And the State Government will have to defer from him. I think the Government would prefer to rely on the advice of the professional technical experts on this matter rather than on his opinion.

Mr Speaker, Sir, the Honourable Member for Bagan Ajam supports the Bill in principle. He took the occasion to beat somebody else's drum, with some encouragement from the Honourable Member for Kelawei. But in general the points he raised on rates had been dealt with. He raised an interesting issue on one aspect: With regard to the Auditor-General, there should be provision of limitation on time on the production of the Report. That I think is an interesting observation, but one which the Bill does not invalid nor proscribe. The clause which he really went to town on was clause 33, under the question of the assets of the Authority. And he took the occasion to urge the Government to make sure that this investment of the Authority be done with the best purpose; and in so doing referred to the Penang Development Corporation and Penang Electronics. Mr Speaker, I assure the other Honourable Members of the House that the State Authority on every instance will assure that assets of the State Authority will be channelled to the proper direction. However, as the clause says, the assets of the Authority are to be invested by the Authority; and the State Authority only approves the manner whereby it is invested. And the State Authority will exercise the proportion in this matter. As I said in the reply elsewhere there is sufficient justification for us to accept that the Electronics industry is now successfully established in the State. Whether the Honourable Member for Bagan Ajam will like it or

not, it is nevertheless a fact that this industry is now firmly established in our State.

Mr Speaker, the Honourable Member referred to clause 38, but did not enlarge upon this reference to it. He probably came upon it largely because his attention was brought to it by the Honourable Member for Kelawei who has discovered the typographical error of 'cater' instead of 'enter'. The Honourable Member also referred to clause 44 (2), and said he was happy that appeal should be sent to the State Authority, and not to Court. And he asked that in dealing with compensation and so on, particularly with people on T.O.L. land, greater sympathy should be shown. I am certain that the State Authority, in carrying out its projects, will bear all this in mind. But with regard to the provisions of the Bill the view of the Government that appeal should be to the State Authority, which is the enabling Authority establishing the State Water Authority, is appropriate. Apart from that, Mr Speaker, I don't think that there were any other points that were raised which have not been dealt with.

Mr Speaker, Sir, in closing I would like to urge the Honourable Member once again to give this Bill a good launching-off. And I hope that in Committee Stage, when we move amendments to the Bill, showing that some of the amendments in actual fact are not different from those brought out from Honourable Members, they will give their support and let the House, get down to the business of shaping this Bill and setting up the Water Authority in a proper manner.

I would like to conclude once again that when I referred to the question of the charges the Honourable Members on the opposite side of the House seemed to be sceptical. When I mentioned it is anticipated by the Consultants of the Financial Report that by 1982 the water charges could possibly rise to \$1 per thousand gallons according to the domestic consumption. As I said earlier, this is a financial

projection made in 1967. And since then the industrial development in the State gives some measure of confidence that when the review is undertaken this figure which the Consultants then projected in 1967 may be satisfactorily reviewed, and there will be no increase. However, I think the Honourable Members of this House must begin to assume that responsibility in initiating services which will be of benefit to the people of the State, and understand that this service did not come about free; and that we have, as a State and as citizens, as a whole of the State, to work together in order to ensure that the service that we wish to introduce—namely in this particular case a better, modern system of water supply to everyone—is one which requires the support of everyone in the State. The projection studies go right up to the year 2,000 which I had already mentioned. And we realise that even under normal circumstances if we calculated investments of capital, particularly on capital works in terms of an annual increase of eight to ten per cent we would come to a figure which is \$1.00 a thousand gallons for domestic consumption, which is comparatively even lower than the rates existing today in other States. And this will take place some years hence from now. So you will see that overall situation, as I have stated when moving the Bill, is sound, and that this is an authority with commitments which can meet the requirements of the people. Mr Speaker, I hope that it is with this spirit that the Honourable Members of the House will set aside all acrimony, and get down to setting off the State Water Authority for the benefit of the people in the best possible spirit. Thank you.

Soalan di-kemukakan dan di-per-setujui.

Rang Undang² di-bachakan bagi kali yang kedua.

RANG UNDANG² DI DALAM JAWATANKUASA

Dewan bersidang sabagai Jawatankuasa. Fasal 1 menjadi sa-bahagian daripada Rang Undang².

Fasal 2:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran berchakap dalam Bahasa Inggeris. Mr Speaker, Sir, I move an amendment to Clause 2—that the figure '26' appearing in the Bahasa edition, which is the authorised edition, should now be amended to '25' because as it stands it has no meaning. '26' does not refer to any fund being set out under the Bill, and only refers to balancing of accounts.

Ketua Menteri: Yes, you can introduce it.

Tuan Speaker: Pindaan kapada Fasal 2 di-bawah Bahasa Melayu, barisan 4, di-batalkan perkataan '26' dimasukkan perkataan '25'.

Ketua Menteri: Tuan Yang di-Per-tua, untuk tidak payah memakan masa, Kerajaan di-sabelah sini terima dengan pindaan ini tetapi di-dalam Fasal 2 di-dalam Bahasa Inggeris (gangguan)

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, saya ingat kita jalan satu², bukan terus semua, satu² jalan. Ini timbang dahulu baru lain pula. Kita ada satu chadangan berkenaan dengan ini, itu kita boleh buat lain, kalau terima atau tidak terima.

Tuan Speaker: Ada sokong?

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Saya sokong.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, kita ada lagi satu pindaan yang mesti di-buat. Lagi satu dalam Bahasa Inggeris batalkan perkataan "Board" dan masuk, saya ingat perkataan "Authority". Saya ingat ini Ketua Menteri pun ber-setuju. Masukkan perkataan "Authority", barisan 6.

Ketua Menteri: Tuan Yang Di-Per-tua, saya pun sudah ada bagi notis kapada Tuan Yang Di-Pertua atas beberapa pindaan yang kita buat. Sunggoh pun Ahli Yang Berhormat dari Kelawei nampak-nya mahu dudok

di-kerusi di-sini, tetapi saya fikir itu kita tidak buang masa, dalam Bahasa Inggeris, Tuan Speaker, Kerajaan tidak terima pindaan dari Ahli Yang Berhormat Kawasan Kelawei sebab dalam Rang Undang² dalam Bahasa Kebangsaan tidak ada apa² menunjukkan dengan pehak berkuasa oleh sebab itu tidak payah-lah tambah perkataan "Authority". Tetapi, dalam Bahasa Inggeris sahaja, delete the words—potongkan perkataan "of the Board" in the definition of the word "fund". Sebab itu sekarang di-bacha "fund" means "the fund"; cut out the words "of The Board" established under Section 25. Sebab itu sila-lah ikuti Rang Undang² supaya bila saya jawab dahulu ini-lah cross reference yang sungguh Yang Berhormat Penasihat Undang² boleh buat tetapi kalau Dewan ini hendak bersidang berkenaan ini kita boleh buat, kalau mahu buat pun kita buat dengan baik² sekali (ganguan)

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, ini bukan sahaja apa yang boleh di-buat di-bawah 85. Kalau itu, saya ingat kita tidak usah-lah buang masa di-sini bagi Penasihat buat semua ini. Dengan izin, I don't think that this is a question of a mere Order 85 matter. If it were so I would seriously ask the Chief Minister if he was really serious, and he would continue with this line of argument. It is untenable. Then I suggest that we do not waste our time. The Chief Minister has an appointment at this afternoon. Don't waste our time then. Let the Legal Adviser do it, if he can under Section 85. If it were not so then it must be amended. If it were not so too, why did the Chief Minister submit amendments also to the English version previously? Of course, in this case, he has only got five amendments. He has also submitted English amendments, so let us not waste time. He has got it tabled. This is the amendment he is proposing; so let us not waste time playing footsie-footsie. The fact is that it has to be amended, so let's amend it. If he wants to cut out the words, and doesn't wish to refer to 'Authority',

I agree. Have it so amended. Let us not waste time and talk some more about 85. If it applies, withdraw your amendments, and do so under 85. Let us pass. If not let's stop wasting time and claiming that we can do so under 85.

Ketua Menteri: Tuan Yang Di-Per-tua, dengan izin berchakap dalam Bahasa Inggeris. I am not claiming anything, Tuan Speaker. I am advised that it is legally so; that all these amendments are being proposed. Even this particular amendment can be dealt with under 85. And if the House so feels we are quite prepared to leave it to the Honourable Legal Advisor by virtue of the fact that the Honourable Member from Kelawei has taken this matter up very strenuously. We thought that here at least we could work somewhat. And I think we have shown that the spirit is there. When you moved the amendment with regard to a minor amendment to '26' we accepted that. Now on this other amendment and you see the cross reference that is required sebab meng-ikut Rang Undang² di-dalam Bahasa Kebangsaan ia berbunyi "Kumpulan wang" erti-nya kumpulan wang yang di-tubuhkan di-bawah sekshen—sekarang sudah pinda—"25".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Kalau itu saya bersetuju, tidak usah-lah chakap macham itu, saya bersetuju itu sahaja.

Ketua Menteri: Sebab dalam Bahasa Inggeris ada-lah "fund" means "the Fund of the Board established"—sebab dalam Bahasa Kebangsaan tidak ada apa² tujuan dengan 'Lembaga' atau 'Pihak Berkuasa'. Ini-lah sebab-nya semua, kira berikut cross reference sungguh pun Penasihat Undang² boleh buat.

Fasal 2 (terta'alok kepada pembetulan-nya) dan Fasal 3 menjadi sahagian daripada Rang Undang².

Fasal 4:

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

go a bit slow on this because I credit the Government to be able to bring the amendments that we have brought to their notice. But I don't necessarily think that they have got all. So I think it is better to go a bit slower, instead of going like a train. I just want to have some clarification on this Clause 4.

You see here the Legal Advisor is on this Authority. We would like to press the Honourable Chief Minister to give us some clarification as why the Legal Advisor is on this Authority when he has been taken off the Penang Development Corporation and other like Authorities. And particularly more so, we would like to emphasize here that if we are going to have the Legal Advisor, there or any legal advisor, the important thing is not that we have legal advisors, but that we take their advice. That is important. So we hope that, in the light of what has taken place in this Assembly, the advice of the Legal Advisor or whatever legal advisor we have is taken. Whatever advisors we have, Sir, whether legal or otherwise, as people who are supposed to advise the Government on matters, their advice should be taken and weighed properly. It is no point having advisors and then not taking their advice. We have specialists who are experienced giving advice to the Government; and the Government ignores their advice—people who know a lot. So the important principle here is that the advice of an advisor, whether legal or otherwise, should be taken seriously, and not just pushed aside, basically to conform with Government ideas. So that is what I would like to say. I would like the Honourable Chief Minister to tell us, in view of the contradiction between his particular Bill and this proviso and the State Development Corporation: Will a situation arise because this Authority also has powers to acquire land? Will a situation arise in a subsequent issue when the Attorney-General will direct us to take the Legal Advisor off, please? I ask this because this is an authority which is separate from the Government. And the Chief Minister has said

that it is an independent Authority. So will there again be this conflict? Will he tell us? Are we wise in going on with the Clause as it stands? Let the Chief Minister clarify on this.

Ketua Menteri: Tuan Yang Di-Per-tua, saya minta izin berchakap dalam Bahasa Inggeris. Mr Speaker, Sir, this is an example of what I, myself—66 of the Standing Orders—referred to. We needn't go back again on the issues that can be discussed in the House in the Second Reading. However, in view of the fact the Honourable Member obviously has got certain things wrong, for example, what I said with regard to the Penang Development Corporation, it was because of land acquisition that the Legal Advisor having to advise both the State Government and the Development Corporation, might find it invidious. That was not so. It was not only with regard to, I think, Clause 7 of the previous Bills but on all general matters. But the reasons for not having the State Legal Advisor in his ex-officio capacity in the Development Corporation have all been stated in the debate on the previous Bill. One of the points that was perhaps not clear to Members is that the Chairman of the Development Corporation happens to be the Chief Minister; and so the State Legal Advisor's position was different. But the views were brought up by the Attorney-General for us in discussion with other Development Corporations; and we considered that this would be accepted. Here obviously the implication we have to follow in the argument in its proper sequence, and the logic in proper sequence, is that the Chairman is not likely to be the Chief Minister; or vice versa that the Chief Minister is not likely to be the Chairman of this Authority.

Fasal 4 menjadi sa-bahagian daripada Rang Undang².

Fasal 5:

Ketua Menteri: Tuan Yang Di-Per-tua, oleh sebab Yang Berhormat Ahli dari Kelawei tadi ada beruchap, saya minta izin berchakap dalam Bahasa Inggeris. The Honourable Member

from Kelawei said that the State Government does not really take the advice of the Legal Advisor. I would be very grateful if the Honourable Legal Advisor will tell this House whether in fact all these amendments can be taken under 85 of the Standing Orders. And if so, then let's proceed with the Bill.

Penasihat Undang²: Tuan Speaker saya mohon izin berchakap dalam Bahasa Inggeris. Mr Speaker, Sir, Standing Order 85 is quite clear, giving powers to the State Legal Advisor to "correct grammatical and typographical mistakes in the Enactment, or cross-references, or punctuation or marginal notes, and, for any such purpose, may verbal additions, omissions and alterations". Now, Mr Speaker, Sir, with regard to the words "and" or "or", commas, and whether it is cross-reference of sections, or there is no accurate translation of English and Malay, these come within the purview of Standing Order 85 and can easily be corrected.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Yes, the question that was put by the Chief Minister was that he is suggesting that all the amendments can be done under 85. That is what I want to know. Will you, as Legal Adviser of this State, say that every single amendment that he is suggesting can be done under 85? He claims. Will you say all? I agree that punctuation, "and", "or" may. But he says all. Those are the words he used.

Penasihat Undang²: Tuan Speaker, saya mohon izin berchakap dalam Bahasa Inggeris.

When there is an omission in the English or the Malay version, and there is no accurate cross-reference, or omission in the written version of either Enactment, it could be done under 85.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): What if there are contradictions—"shall" is "may"; can you do that under 85 also? If one version says "shall" and the other version says "may", can you do that under 85?

Penasihat Undang²: Where it appears, Mr Speaker, Sir, if it is the intention that it be "shall" then it will have to be "shall". Here again there is a correction to be made.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): But can you make corrections in the authorised version? If the English version contradicts the authorised version, and at the same time the authorised version in Malay contradicts the English version, can you make the alteration where the English version says \$50.00 and the Malay says \$100.00? Have you the right to do that?

Penasihat Undang²: Mr Speaker, Sir, in this case the authorised version is the Malay version; so the English version will have to follow the Malay version. And in that connection we can correct it.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): So what is the English translation for? Can you tell us?

Penasihat Undang²: It is just a translation of the Malay version, that is all.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): All right. Another point. If in your Malay version you leave out or add in something that you did not have in the English version, which one should be followed?

Penasihat Undang²: Well in this respect we have to follow the Malay version.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Then I suggest that you had better look at the whole Bill again. The Chief Minister says he reads the English version, so I wonder whether he knows what is in the Malay version. In that case, Sir, then we shall not waste time. If that is the attitude taken by the Government let them run from Fasal 1 right up to the last one, and not waste our time. If this is the attitude the Chief Minister wants to take with the affairs of this State, let us go from Fasal 1 to 72. Do not amend anything; and do so under this 85; and see that happens one day.

Ketua Menteri: Tuan Yang Di-Per-tua, Fasal 5 (2) (i) dalam Bahasa, gantikan perkataan "dengan" dengan perkataan "di" yang terdapat di-barisan 4 dan dalam Fasal 5 (2) (iii) gantikan dalam barisan 2 perkataan "mengasing" dengan perkataan "memasang" dan tambah dalam barisan 4 perkataan "dan" sa-lepas tanda koma bertitek.

Fasal 5 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 6;

Ketua Menteri: Tuan Yang Di-Per-tua, Fasal 6 (ii) dalam Bahasa gantikan perkataan "minuman" dengan perkataan "minima" dan tambah di-dalam barisan 3 perkataan "dan" sa-lepas tanda koma bertitek. Dan di-dalam Bahasa Inggeris, to delete the words "referred to" appearing in line 1, and substitute therefor the word "provided".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran berchakap dalam Bahasa Inggeris. Tuan Speaker, on this Fasal 6 itself the Chief Minister says that he has got this projection about charges that was made in 1967 by Binnie and Partners. I hope it is not Binnie and Mint. A lot of things have taken place between 1967 and now. And I want to add, Sir, when debating this one here, that not all factories used water, to begin with. Don't get agitated and (gangguan).

Tuan Speaker: Ahli Yang Berhormat dari Kelawei, ini tidak relevant berkenaan dengan ini.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Yes, relevant dengan ini. Power to require contribution from public authorities and to levy minimum charges for water. Even what the Chief Minister refers to us. Sir, is an increment of nearly 100%. He is promising us 100% increment in water rates. But that was a projection in 1967, Sir. But what about the period since 1967?

Ketua Menteri: Tuan Yang Di-Per-tua, berikut Peratoran 66 (2), perkara ini kita sudah bahath panjang lebar. Sekarang di-dalam Jawatankuasa.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, an amendment must not be inconsistent with any previous decision of the Committee. You can, Sir. He is asking us to take it seriously when he just quotes any Standing Order. He likes to bluff. I am not suggesting an amendment. I am commenting on this clause, Sir. In view of the inflationary tendency that has arisen since 1967 in valuation and market economy, and the rise in the price of gold and all that, surely he is not suggesting that his \$1.10 will still remain \$1.10. The \$1.10 stated now is not the \$1.10 stated in 1967. Therefore I think that even what he says will increase by 100% will increase by more than 100% by the time we come to the period that he is mentioning. And will he clarify that as the State Authority the Government will make sure that a 100% increase in water charges will not come about in Penang. Can he assure this House that it will not come about? From 60 cents, which you claim, to \$1.10 it is nearly 100%. Can he clarify and assure this House?

Ketua Menteri: Tuan Yang Di-Per-tua, mengikut Peratoran 61, kita sudah bahath perkara² ini. Sekarang dalam Jawatankuasa ini, ada-lah pindaan yang satu detail yang kita mesti jalan. Bukan dalam sini lagi bahath perkara² yang Tuan Yang Di-Per-tua sendiri pun bertanya, merayu dengan semua Ahli². Dengan saya tidak usah-lah pakai perkataan "bodoh" yang dalam 66 (2) itu. Saya terima tetapi Ahli Yang Berhormat dari Kelawei nampak sungguh "bongok".

Tuan Speaker: Saya harap sekarang di-jalankan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, saya minta izin. I refer, Sir, the House to Standing Order 70 which clearly states, "The principle of the measure shall not be discussed in Committee of the whole Assembly but only its details." We are

discussing the details now. We are coming to this detail of charges; so I am talking about it. We discussed the principle whether this Bill is good or bad. Now we are discussing each individual detail—whether this provision is good or bad. We discussed the Bill formerly. Now it is the provisions, one by one. Don't curtail the debate on this, Sir. We have already gone through the principles in this House before. You know that has been done; and this is Order 70. Let us not mislead the House, no matter how anxious we are to do as we like.

Ketua Menteri: Tuan Yang Di-Per-tua, sekarang kita berbincang mengikut Peratoran 70, tidak sekali berbincang di-dalam Jawatankuasa seluruh Dewan. Tetapi hanya butir²-nya sahaja.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ya. Butir-butir—detail.

Tuan Speaker: Itu saya rule out.

Fasal 6 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 7:

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Tuan Yang Di-Per-tua, sa-bagai saya beruchap tadi saya suka menhadang satu pindaan berbunyi macham ini: Fasal 7 (2) baris 3, memotong semua perkataan lepas perkataan “undang² bertulis” dan dalam Bahasa Inggeris in clause 7 (2) in line 3, delete all words after the word “any written law”.

Saya suka bawa pindaan ini Dato' Speaker, kerana saya rasa ada undang² lain yang ada juga perkara ini. Kalau rumah² ini runto, ada bahaya bagi penduduk² dalam rumah itn, dan dengan izin. Therefore if the House, nobody would like to live in a house that is dangerous or is in a very poor condition unless the cause of circumstances as, we know people have lived in lavatories also.

Ketua Menteri: Tuan Yang Di-Per-tua, dengan mengikut Peratoran 66 (2) ini, Tuan Speaker, saya fikir perkara ini sudah bahath baru² ini dalam Dewan.

Ini pun sudah lulus. Bahath perkara ini, apa lagi ada payah di-bawah perkara² ini.

Tuan Speaker: Saya (gangguan)

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Tuan Yang Di-Per-tua, belum Tuan Yang Di-Per-tua beri keputusan (gangguan).

Tuan Speaker: Saya tidak benarkan pindaan ini.

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Tuan Yang Di-Per-tua itu pun tidak patut. Pindaan ini dalam amendment ada. Tuan Yang Di-Per-tua, saya minta izin-lah. Mohon izin kepada tuan tolong-lah tengok Peratoran 67 ini. Kalau tuan ingat ini frivolous baru tuan boleh, dalam fikiran tuan, ini tidak boleh terima. Kalau tuan terima saya boleh chadang pindaan itu. Kalau Tuan Speaker tidak mahu terima boleh juga. Kalau tuan ingat ini frivolous tuan tolak. Itu saya terima.

Tuan Speaker: Saya tidak terima.

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Tolak, baik. Terima kaseh.

Fasal 7 menjadi sa-bahagian daripada Rang Undang².

Fasal 8:

Ketua Menteri: Tuan Yang Di-Per-tua, Fasal 8 (1) ini dalam Bahasa Inggeris—minta berchakap dalam Bahasa Inggeris: To insert the words “to the Authority” after the word “directions” in line 2. And in Clause 8 (2), lines 3 and 4, delete the words “as it may from time to time require”, and substitute therefore the words “as required by the State Authority”.

Fasal 8 (terta'alok kepada pembe-tulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 9:

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

Ketua Menteri. Saya ingat orang yang berdiri dahulu boleh chakap. Bukan siapa chakap saja. Tuan Speaker, bukan macham ini.

Tuan Speaker: Nanti sa-kejap. Ahli Yang Berhormat, sila dudok. Sa-belum kata apa² lagi bagi Setia Usaha bangkit.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Fasal ini jalan saperti keretapi. Mana kita boleh tunggu.

Tuan Speaker: Ahli Yang Berhormat sila dudok.

Ketua Menteri: Tuan Speaker, Sir, (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dato' Speaker, macham ini main² saja. Bukan bola sepak.

Ketua Menteri: pindaan (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ini, malu-lah semua ini.

Ketua Menteri: dalam Bahasa (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dan ini berchakap adil atau tidak adil-kah. Kita ada do'a—chakap keadilan.

Ketua Menteri: potong di-dalam barisan 2 perkataan² "lain² harta aleh dan harta tak-aleh", dan gantikan-nya dengan perkataan² "harta² lain yang aleh atau tak-aleh".

Fasal 9 (terta'alok kapada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 10:

Ketua Menteri: Tuan Yang Di-Pertua, dalam Fasal 10, barisan 8 dalam Bahasa, potong perkataan² "yang lanjut" yang terdapat di-penghabisan Sekshen 10 (1), dan gantikan dengan perkataan² "yang sa-lanjut-nya". Dan di-dalam Fasal 10 (2) potong perkataan "dan" di-dalam barisan 2 yang terdapat di-antara "aleh" dan "harta", dan gantikan dengan perkataan 'atau'.

Tuan Yang Di-Pertua, di-dalam Fasal 10 (3) barisan pertama, gantikan perkataan "perbicharaan" yang terdapat di-barisan 1 dengan perkataan "pembicharaan"—bukan "pe" tetapi "pem". Ini satu grammatical error. Dan potong perkataan² di-barisan 2 "maseh berjalan", dan gantikan dengan perkataan² "belum selesai".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ada lagi?

Ketua Menteri: Tuan Yang Di-Pertua, potong titek yang terdapat sa-lepas sahaja perkataan "kuatkuasa-nya" di-barisan 3.

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

I think the Honourable Chief Minister really must not waste the time of the House, Sir. He says he is making typographical amendments. He says he can do it under 85. Alright, do it. But he wants to do it now. O.K. Let's do it, Sir, but let's do it properly. Let us do all of it. You have not done all of it, Sir. He has gone through 10; and then he has left so many things out. That is why I said, "go back to the Select Committee". You do not want. You want to play footsy-footsy. Sir, just look at No. 10 (4). I brought it up the other day. Is it "buku² aset" or "buku aset"??

That is a typographical error. Singular or plural? Please look at it. Will you please not correct this typographically or otherwise? If you are correcting typographical errors now, do it properly. Buku² aset: please look at the similar provision for the City Council, and what you have got down there. Now you have got 'buku² aset'. Please do it properly. There are others, Sir. This is not the only one. In this clause itself there are others. I ask the Chief Minister to please correct them. Either don't do it, or do it properly. There is another one here in 10 (2). You haven't done it yet.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Please move it.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): I can't move it at the rate they are moving—like a train. I can't do it.

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): It is to be rejected.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, I think this is very serious. We are not here to play the fool. I hope the Chief Minister would look at it. Sir, we refer to sub-clause 10 (2). Please look at it—section kechil (2). Look at the English version; then please look at your similar provision for the City Council. That is why I say we should go back to Select Committee, and not waste the time of the House. The Chief Minister wants to do that for his political prestige. Now, look at 10 under the English version. It says “under subsection (1)”; and the Bahasa version put it “under section (2)”. Now which one is it?

Sir, if you want to make the amendments please let us make all the amendments, or don't make the amendments. But don't do some, and leave the rest behind. And then you are going like a train. We can't help you. This is not a way to play the fool with the affairs of the State. Sir, there are other mistakes here that cannot be brought up.

Tuan Speaker: Ahli Yang Berhormat, saya minta tarek balek chakapan 'fool' itu.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): I didn't say the word 'fool'.

Tuan Speaker: Sila tarek balek chakapan itu.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Alright—“fool”. I take back the word ‘fool’. But don't behave in a manner that gives the public the impression that you are not an ‘intellect’. My God! Sir, there are other mistakes. Don't just go rushing around like a mad-hatter. There are mistakes which you haven't looked into. The Government is so proud that they haven't bothered to consult us. And they are so proud that they have not even allowed us the full opportunity

to bring everything out. And now I assure the Honourable the Chief Minister that there are other mistakes here. Even the wording, Sir, of legal verses must be the same. And they are not the same. I can easily explain this thing; but that will take quite some time. And I believe that we must not waste our time here. If the Members will bear with me—it is so difficult to look at all these things when they are trying to rush all these things through—take even a definition of use of a word. Let us say you are referring to the words—“harta² aleh”. Then in your clause 13 you are using the words “harta² itu yang aleh”. Now we must decide, Sir, in the framing of our legislation, whether we wish to use the words “harta² itu yang aleh”, or we wish to use the words “harta² aleh”. But we can't use one form in one clause, and another form in another. That is not the correct way to do things. I think it's not right. And that is not the only one. There is another one here—“dan terletakhak”. You use the word “dan di-letak hak”. Now let us use the same word in a legal terminology way. Let's not alterate the words around. That will cause trouble in years to come in interpretation and the rest of it in court. That's why I say you must look at the thing properly. That is not the only one. Again, there are others. The Chief Minister has got through one or two; and he is quite satisfied, and says we can go on. This one: “atau alasan tindakan”. Why do you have it in the other form—“atau tindakan”? In one form it says, “atau alasan tindakan”, and in another form it says “atau tindakan”. You must make up your mind, Sir, which words you want to use. We are drafting the law of the land; therefore we must be precise with our words. That's why I asked that this thing go back to the Select Committee; not because we are trying to make a political stunt. But there you are, these are the problems here. Are we going to pass it like that? And as I said, there will be others to come. I leave it to the good sense of the Honourable the Chief Minister. I am not going to waste my time even,

if this is the way. But there are inherent mistakes here. This is not the way to go on with the Bill. We must use identical legal phraseology. We cannot use one sort of phraseology in one clause, and use another sort in another clause where both the clauses are *pari passu*. We cannot do things like that. And I urge the Chief Minister to throw aside Party consideration, and try to let us do something out of this. It is most unfortunate. It is a mistake. It has been done. But let us correct it. Let us at least face up to our mistake; but not like this. I strongly urge the Chief Minister to let his good sense prevail. Let us throw all other considerations aside. My Malay is not that good. But even then there are other errors which I have already pointed out. You would have gone on with Fasal 11 if I had not stopped you; and then you would have passed this one with sub-section (2) here when it is sub-section (1). We must not do things like that.

Ketua Menteri: Tuan Speaker, saya belum habis berchakap tetapi saya nampak Yang Berhormat Ahli dari Kawasan Kelawei telah bangun di-dalam Bahasa sunggoh pun perkara yang di-bawa oleh Yang Berhormat Ahli dari Kelawei Fasal 10 kecil (2) ini Sekshen (1) atau (2) in-lah sunggoh Penaschat Undang² pun boleh tukar tetapi dalam Bahasa Inggeris: To delete the word 'and' in line 2 of 10 (1); and in line 7 to delete the word 'vest' and substitute the word 'vested'.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, sahaja untuk menerangkan kalau itu pun kita mahu tahu-lah dahulu saya chadang apa² pindaan Tuan Speaker sudah chakap saya mesti ada tulis dalam Bahasa Inggeris tulis dalam Bahasa Malaysia ikut National Language Act tetapi sekarang apa pun tidak. Mana ini? Ini keadilan! Kita ada do'a, kita chakap keadilan. Ini keadilan-kah? Saya bukan chakap saya sekarang mahu Ketua Menteri bagi kita bertulis atau apa tetapi saya chakap atas satu peratoran untuk satu orang lain orang pun mesti sa-rupa bukan sahaja Ketua Menteri boleh satu macham punya undang²,

lain orang lain undang². Saya kelmarin sudah chakap undang² mesti patoh semua orang bukan satu orang sahaja. Dia bukan King.

Ketua Menteri: Tuan Yang Di-Per-tua, mengikut Peratoran pindaan² semua pun saya sudah beritahu.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Mana bagi tengok, dia patut sa-bagai Kerajaan ini mesti dibentangkan di-atas meja bagi kita orang. Apa fasal tidak bagi ini? Dahulu ada, ini tidak. Kita tak usah tahu-kah apa yang di-buat? Apa ini buat main ini, bukan ini macham kita, Dewan Undangan Negeri, bukan sekolah² atau apa² ini bukan padang².

Fasal 10 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 11:

Ketua Menteri: Tuan Yang Di-Per-tua, undang² dalam Bahasa Inggeris dengan izin: Add the word 'and' between the words 'fully' and 'effectually' in the last line of the page.

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

I presume that's all they are going to amend.

May I ask the Honourable Chief Minister, Sir, through: Is there any other amendment he wants to make to 11. Sir, can you ask him, "Are you going to make any further amendments?"

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): That should save us a lot of time.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Save us a lot of time.

Sir, I just want to bring it out—whether they want to accept it or not is another thing—because this is not, as I said, the draft Constitution of the Gerakan. You can do what you like inside there. But here is a Bill of the country, Sir—law. We are legislating for one million people.

Let us read here: 'bertindak bagi pehak Kerajaan Negeri', it says. But in the one that you are using for similar *pari passu*, as I said—it says 'bertindak bagi Majlis Bandaraya'. Now you have used the word 'pehak', you know—'pehak Kerajaan Negeri.' For the Majlis one you have left out the word 'pehak'. So there is some meaning there? You are making it optional, or what? Please let us know, because in Kerajaan you used 'pehak', but in Majlis you don't use 'pehak.' Sir, my Malay is not that good; but I still think that in terms of drafting we should stick to one phraseology. If we use 'pehak Kerajaan Negeri,' let us 'pehak Majlis Bandaraya'. Let us not do things like this. That's just what I brought up. At the rate this train is going I have no opportunity to move the amendments; but I am drawing the attention of Chief Minister. He can take it or leave it.

Ketua Menteri: Tuan Yang Di-Pertua, dengan izin. Sebab itu may I chakap dalam Bahasa Inggeris?

It is because of these cross-references and the powers that go with this that the Honourable the Legal Adviser can handle it. If the House so wishes we may leave it. Otherwise, as I indicated, we will have to make these amendments which are extremely in detail, and very tedious for the House.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): The point, Sir, I am merely making is: If you are making the amendments, please make the amendments. But don't make it here; and then go and make it somewhere else again. If you are making the amendments, please make all the amendments.

USUL DI-BAWAH PERATORAN MESHUARAT 75

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Mr Speaker, dengan izin saya bangun berkenaan dengan Standing Order 75. Dengan izin, today we have received amendments running to 8 pages. The Honourable the Chief Minister says these are just incidental amendments which can be done under

Standing Order 85. Nevertheless we have witnessed here quite a great deal of contradictions. According to the Chief Minister these are the only amendments. According to the Honourable Memeber for Kelawei—he says—there are more amendments to be put. And I agree with the Chief Minister that it is tedious to go through all the amendments in the Committee Stage. And I think that a Select Committee will serve the purpose. So I would like to move under Standing Order 75 that the Bill be referred to a Select Committee. Section 75 says that a Bill may be referred to a Select Committee or other Committee at any stage including while it is under consideration in Committee”—that is, when we are in a Committee of the whole Assembly. And the reference to the Select or other Committees may be in respect of the Bill as a whole, or on any specific clause. And I would like to suggest that the Select Committee meet straight away, consisting of a few persons; and we can come back with the Bill fully amended; and we will save the time of the House to adjourn for an hour. I think the Select Committee should be able to go through this within an hour. So I would like to suggest that a Select Committee comprising of the Legal Adviser, the Honourable Chief Minister, the Honourable Member for Kelawei, the Honourable Member for Sungei Bakap as well as the Honourable Member for Tasek Glugor be in the Select Committee.

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): Saya sokong, Tuan Yang Di-Pertua.

Ketua Menteri: Tuan Yang Di-Pertua, saya minta izin berucap dalam Bahasa Inggeris.

We are really now seeing the delaying tactics. I am not trying to force the matter. As I said, the whole Bill as it stands has been taken; and this detailed amendments which are actually cross-references in Bahasa Inggeris and typographical errors can be handled by the Legal Adviser. But by virtue of the fact that the Honourable Member for Kelawei caused all the pressure when we now bring up these amendments, and

the Honourable Member for Ayer Itam has now moved that we refer to a Select Committee when we are handling it now, Mr Speaker, Sir, I do not see any merit in the proposal to refer to a Select Committee because if we need to spend an hour here in the Committee stage let us do so.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Mr Speaker, Sir, I am afraid we may not be able to spend an hour here and complete it. But we can spend an hour in the Select Committee and complete it because the Select Committee will comprise a few people, and there is no formality of standing up and saying "Dengan izin" to say this and say that. And things can be done perhaps over a cup of tea during tea time; and it will be completed in no time. And if the Chief Minister feels that he must have a majority he can suggest a few men from the Government benches. We are quite prepared to accept it. My objective in proposing this Select Committee is to see to it that the stalemate we are in now can be solved. It is not taking any advantage or delaying; on the contrary. You have seen what happened here in the last hour—an exhibition of the delay. And I am not going to put the blame on anybody. And it shows very clearly that we are not able to make any headway—even little amendments here and there. And I think that at a Meeting behind closed doors, in your Chamber—within an hour, I think—the whole of the amendments can be agreed upon. So I urge the Honourable the Chief Minister to agree to this proposal—a very reasonable proposal.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran: Although I moved originally for a Select Committee, and it is moved at this stage again, I support it—for no other reason than that it would be the only way to solve this situation because I firmly cannot see how, with all the assistance that the Legal Adviser can give the Chief Minister now, actual wordings are to be put on before submitting to you, and this conflicting terminology can be set straight at now.

It cannot be done. And I feel that people must learn how to write the word "pride". It is a matter of making a study. Let us do it. Irrelevance has no room in this thing. In fact, in these clauses there are so many mistakes. Let us sort it out. And in the privacy of a tea room we can help each other by indicating where all the mistakes are. And let's finish it all. I would say, Sir, further, that notwithstanding the Select Committee, if the Chief Minister even had the decency of approaching us and finding out from us, we would have told him. Out of sheer arrogance no attempt has been made to see us. This is the attitude that wastes everybody's time.

Sir, I am doing my job as an elected Member for the people of Penang to point out to you that you have made mistakes in your Bill. And once I have brought it to your attention, if by your sheer majority you choose not to correct it it is up to you. I cannot do anything better than that. But don't come and use words like "delaying" and all that. We have had enough of it. We are not delaying, Sir. If at all, Sir, you are delaying us. We would like to get this Bill over as soon as possible. We have got other things to do; but we have an obligation, Sir, to this House, to you, and to the people to see that this Bill is passed properly. We don't want to go out into the streets and say, "Well, you know, we allowed this damn thing to get through without trying to do something about it". But then don't criticise us and say that we are wasting time, and all that. We are not wasting time, Sir. We are trying to help you; and you are not prepared to accept our assistance. That is all there is.

Ketua Menteri: Tuan Yang Di-Per-tua, this is precisely where we are wasting time. Now, Honourable Members had even asked for copies, which we have kindly given to them. And you can see that the proposed amendments are not that many. We have already gone quite far in the amendments. But if the Honourable Member insists on debating all round instead of getting right down to the job of doing it that is too bad.

Now, the Honourable Member for Ayer Itam has suggested that it can be done over a cup of tea. In this matter, in actual fact, I am carrying out the amendments on advice. I am advised that in actual fact there are several instances where there are actual cross-reference mistakes which can be done by the L. A. But in view of the fact that we have got to proceed with this let us go ahead with it. Now, if the Honourable Member from Kelawei, in the course of this debate in this House, feels that there are other details that he wished to raise then he should raise them—and I have indicated that we are only too happy to hear them—instead of saying that he is doing a better kind of job, and all that kind of thing.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, I say that where we can suggest and bring out the problems we will bring them out. But I can honestly say that what we have brought out is not all there is. I am sure, Sir, that you are not going to take my word for it only that there are others. Don't get up and be spiteful about this issue. I am not an expert on this. But there are mistakes here which you have not brought out yet, Sir. That is why I am pointing out that if you allow other Members to come in on this consideration then we could properly look into it. And on top of that the Chief Minister boasts and says "Oh, we have given you the amendments". How long do you take to consider these amendments? How much time have you given the people who have to do it? How much time have you given us to look at it, and see whether what we are proposing are inside here? Do I have time to look through and see whether the amendments I am thinking of are already here? You have just given it to me only after I have asked for it; and not before I asked for it, which should have been the procedure. Let us throw everything aside, and be reasonable. I say, let us go into Select Committee.

Ketua Menteri: Tuan Yang Di-Per-tua, if the Honourable Member knows that this has been dealt with clause by clause, and if at any one clause he has

got any suggestion to make he is at his liberty to do so, then where is it that we have prevented him from bringing up these points? As a matter of fact, even on the very first issue he made a very obvious one of changing "26" to "25"; Mr Speaker, here we are trying to do a job, instead of trying to say who should have the privilege of doing the job. I can quite honestly say that I am not claiming any credit for these proposals. And my advice is that these amendments are the proper amendments to be made. And when you go through this list of amendments which were brought up largely by the histrionics of the Honourable Member from Kelawei, in actual fact they all conform to the provision of Standing Order 85. That is the position. The Honourable Legal Adviser has so stated it.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan izin ada lain khas.

Tuan Speaker: Ahli Yang Berhormat, sila dudok saya hendak berchakap. Ahli Yang Berhormat, nampak-nya kalau macham ini punya perbinchangan, satu hari pun tidak boleh habis. Jadi itu perkara kecil² saya pulangkan kepada Penasihat Undang² membetulkan-nya. Oleh itu Dewan bersidang semula.

Ahli Kawasan Ayer Itam (Enche' Tan Phock Kin): Tuan Speaker, sudah lalai. Saya ada satu Motion. Motion saya mengikut Standing Order belum berbinchang lagi. Kalau Tuan Speaker sudah ambil keputusan itu, chadangan kita tidak laku lagi.

Tuan Speaker: Sila jalankan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): I would like to raise a point which the Chief Minister himself would be interested in, Sir. Now, Sir, the Chief Minister was just saying "Oh, they can raise a point if and when they like when the time comes". But the clause went by so fast—Clause No. 3 in which I believe there are mistakes: "memulang", "menggadai" which should not appear; the English clause which has gone by.

Tuan Speaker: Ahli Yang Berhormat, sila duduk.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): This has gone by because I had no time to stop it. If this is the way you are going to conduct this House, Sir, I am very sad for the people of Penang.

Tuan Speaker: Sekarang di-atas Usul yang di-bawa oleh Yang Berhormat dari Ayer Itam.

Soalan di-kemukakan dan Usul tidak di-persetujui.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, saya minta division.

YA

Enche' V. Veerappen
Enche' Tan Phock Kin
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' Tan Ghim Hwa
Enche' Wong Choong Woh
Enche' S. P. Chelliah
Enche' Ismail bin Hashim
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

TIDAK HADZIR

Enche' Abdul Rahman bin Haji Yunus
Enche' Mustapha bin Hussain
Enche' Ooh Chooi Cheng
Enche' Ooi Ah Bee
Tuan Haji Abdul Kadir bin Haji Hassan

Tuan Speaker: Mengikut keputusan di-atas Usul ini ia-lah: Ya-6, tidak-12, Tidak hadir-5. Tidak lebeh banyak. Usul ini tidak di-persetujui.

Fasal 11: (Sambongan)

Ketua Menteri: Tuan Yang Di-Per-tua, Fasal 11 dalam Bahasa Inggeris, saya sudah bagi satu pindaan.

Fasal 11 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Here again, Sir, the question of terminology—whether we are going to allow this terminology to conflict with the terminology that has arisen under the same proviso; a definition which is similar *pari passu* in Clause 9. And I would further add that there is again in this case, further than Clause 9, other amendments to be made.

Now, I would like to ask the Chief Minister, if the Chief Minister would please listen, to please tell us which amendment he is going to make before this thing is rushed through, because I am afraid, Sir, that at the rate you are going, like a train, we would not be able to amend it for you. There are substantial errors here. Will the Chief Minister tell us whether these errors are being corrected? Otherwise he has just to move a few other amendments which, in his words, are not highly relevant. I would like to know because there is a very fundamental amendment to be made here.

Fasal 12:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, bukan ini macham, ada banyak yang mesti di-pindah lagi. Will the Chief Minister move an amendment? Is he moving an amendment under Clause 12? If not, then I will move it. There are amendments to move.

Ketua Menteri: Tuan Yang Di-Per-tua, dengan izin. In view of the fact that the Honourable Member from Kelawei has brought up the point in which he asked me to consider and listen to him carefully in all seriousness, there are

altogether here in Bahasa 26 amendments, all of which we are proposing because, as I said myself, all of them are very straightforward; and the English ones, of course, are consequential. So the list that was sent on appears quite comprehensive. Now, I am not trying in any way to interfere with the rights of the Honourable Member from Kelawei. In my speech I had already indicated that this is the version which has been considered. And the Honourable Legal Advisor informs me that if the Honourable Member for Kelawei has in actual fact suggestions to make in consequence of these amendments which are now being proposed—to limit what little points have been raised by him; and, in so doing, points which were anticipated—the Honourable Legal Advisor would be happy to take these points from him.

With regard to the actual Clause 12 di-dalam Bahasa di-dalam Rang Undang², (Fasal 12 barisan 44) potongkan perkataan “semua” yang terdapat di-barisan pertama di-dalam Tafsiran “tanggungan² ayer Majlis Bandaraya”. Dan lagi satu pindaan: masukkan angka “2” sa-lepas perkataan “kepentingan” yang terdapat di-barisan 6 dalam Tafsiran “tanggungan² ayer Majlis Bandaraya”, dan masukkan perkataan² “serta hutang², tanggungan²” sa-lepas perkataan “keistimewaan²”.

Fasal 12 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 13:

Ketua Menteri: Tuan Yang Di-Pertua, dalam Fasal 13 (3) potongkan perkataan “dan” di-mana sahaja terdapat di-antara perkataan “aleh” dan “tak-aleh”, dan gantikan-nya dengan perkataan “atau”. Dalam 13 (4) masukkan perkataan “langkah” sa-lepas sahaja perkataan “Sa-barang”, dan masukkan perkataan “alasan” sa-lepas sahaja perkataan “atau” yang terdapat di-dalam barisan 1. Dan potongkan perkataan “sapertimana yang akan dilakukan” yang terdapat di-barisan 8, dan gantikan dengan perkataan “sabagaimana ia-nya boleh di-lakukan”. Dan,

Tuan Yang Di-Pertua, dalam Fasal 13 (5) tambah angka “2” kepada perkataan “buku”, berbunyi “buku²”, di-barisan 4.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Bukan itu sahaja, lagi ada. Fasal itu macham-lah tentang. Saya ingat mesti tambah. Pemindahan² angka “2” itu akhir-nya. Bagi tahu betul atau tak betul angka “2” pemindahan²-nya. Angka “2” mesti taroh dalam. Betul? Tuan Speaker boleh tanya Ketua Menteri, betul atau tak betul? Terima atau tak terima? Tengok itu dahulu untuk Kerajaan clause sa-rupa—pindahan².

Penasihat Undang²: I can amend.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): You can amend, I know. The other one he amended also. Let us do it properly. That is why I said don't bluff the public. We either do it here, or we don't. He is doing it now.

This angka “2” dia sudah kata sudah masuk. Sekarang saya minta lagi satu angka “2” mesti masuk-lah kalau mahu buat. Angka “2” dia kata dalam buku². Sekarang saya chakap pemindahan² mesti taroh-lah. Betul?

Penasihat Undang²: I take note of that.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sir, I move it here. Dengan izin, I move that the word “pindahan” should be charged to “pindahan²-nya”. That is my proposal. Sir, will you please put it to the Committee?

Fasal 13 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 14:

Ketua Menteri: Tuan Yang Di-Pertua, di-dalam Rang Undang² Bahasa dalam Fasal 14, masukkan perkataan “pehak” sa-lepas sahaja perkataan “bagi” yang terdapat di-barisan 10. Sekarang bachakan “bagi pehak Majlis Bandaraya”.

Fasal 14 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 15:

Ketua Menteri: Tuan Yang Di-Per-tua, sunggoh pun ini satu pindaan Yang Berhormat dari Kawasan Kelawei tunjok kapada Dewan ini, saya harap-lah beliau boleh terima. Potong per-kataan “di” yang terdapat sa-lepas saja perkataan “di-tukarkan” di-ba-risan 3 dan gantikan dengan perkataan “ka”.

Fasal 15 (terta'alok kapada pem-betulan-nya) menjadi sa-bahagian dari-pada Rang Undang².

Dewan di-tanggohkan pada jam 4.12 petang.

Dewan bersidang sa-mula pada jam 4.28 petang.

Fasal 16:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka membawa pindaan dalam Rang Undang² dalam Bahasa Inggeris ia-itu di-dapati ada kesalahan kechil berkenaan dengan 16 (2) bunyi-nya ba-gini: insert the figure “1969” between the words “Fund” and “Rules” appear-ing in line 2.

Fasal 16 (terta'alok kapada pem-betulan-nya) menjadi sa-bahagian dari-pada Undang².

Fasal 17:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² dalam Bahasa Inggeris ada kedapatan sadikit ke-salahan taip dalam Fasal 17 (1) bunyi-nya bagini: delete the words “of the Authority” appearing immediately after the word “servants” in line 6.

Fasal 17 (terta'alok kapada pem-betulan-nya) menjadi sa-bahagian dari-pada Rang Undang².

Fasal 18:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² dalam Bahasa Inggeris ada kedapatan kesilapan kechil, saya bagi pehak Kerajaan berchadang supaya pindaan di-buat ia-itu 18 (iv)

delete the words “or the State Autho-rity may from time to time determine” appearing after the words “Authority” in line 2.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, belum habis lagi. Satu pindaan dalam Bahasa Kebangsaan Fasal 18. Dalam Bahasa Inggeris ada bertulis “programmes, schemes or projects” so, saya sekarang menchadang dalam Bahasa Kebang-saan lepas perkataan² “program, sekim atau projek” angka 2 ini—“program², sekim² atau projek²”.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, kita terima.

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

Fasal 18 (terta'alok kapada pembetu-lan-nya) dan Fasal 19 menjadi sa-baha-gian daripada Rang Undang².

Fasal 20:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, Fasal 20 dalam Rang Undang² dalam Bahasa Inggeris ada kedapatan sadikit kesilapan ia-itu 20 (3) dan juga 20 (4), delete the word “of” appearing between the words “share” and “interest”, and substitute therefore the word “or”.

Fasal 20 (terta'alok kapada pembetu-lan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 21:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka menchadangkan pindaan dalam Rang Undang² dalam Bahasa Kebangsaan ia-itu Fasal 21 (1). Pindaan-nya berbunyi, potong perkataan “mengeluarkan” yang terdapat di-marginal note, dan gantikan dengan perkataan “menyelesaikan”.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker dengan kebenaran, bukan sahaja itu, lagi ada dalam 21. Lagi ada dalam 21 mahu pinda Tuan Speaker, saya mahu tahu.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Inggeris, Dato' Speaker (gangguan).

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

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dalam Bahasa tidak ada.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tidak ada tambahan? Hendak ada tambahan atau tidak? Ini jangan main dan ini mesti beri tahu.

Ahli Kawasan Sungei Pinang (Enche' S. P. Chelliah): Bukan ta'ada tambahlah.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Jangan main², bukan awak pandai sangat.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya minta ma'af ada lagi satu.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Kalau ada buat, jangan buat macham ini. Buat apa kita jalan saperti keretapi. Ini sudah silap, habis susah, pelan².

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Tuan Speaker, sabener-nya pindaan kita chadang dua tetapi saya jawab satu dan saya minta ma'af-lah, satu lagi tidak di-bacha.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Itu orang baik.

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

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Orang yang tidak mahu minta ma'af selalu betul.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): 21 (2) dalam Bahasa Kebangsaan tambah perkataan "kuasa" sa-lepas sahaja perkataan "kechuali" yang terdapat di-barisan 9.

Dan dalam Rang Undang² Bahasa Inggeris ada terdapat kesalahan kechil ia-itu dalam para 21 (2). Delete the word "reducing" appearing at the end of line 2, and substitute therefor the words "reducing in rank".

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Dato' Speaker, saya fikir perkataan itu tidak sesuai. "Reduce in rank" itu ada kena mengena dengan angkatan² senjata. Saya fikir "demotion" lebih baik. Perkataan "demotion" saya fikir lagi baik. "Reduce in rank" itu ada berkenaan dengan Polis atau Tentera. Mereka itu ada "reduce in rank".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, kita tidak tahu apa Kerajaan mahu dalam ini fasal. Dengan izin, Sir, I don't know what the Government is trying to do. I know they are trying; but sometimes they don't know which one they are opting for—to make the English version compatible with the Bahasa version. In the Bahasa version it says "menurun pangkat"—reduced in rank; but in the English version it says "reducing or granting leave". So, was the clause intending that the officer has the right to reduce leave or grant leave? Or are you saying that now you are reducing the rank? So, does it make sense first of all? As the Member for Tasek Glugor has pointed out, "rank" refers to a military establishment. But here it would appear logical that you are reducing or granting leave. So could the amendment actually be "memotong chuti"? So let us make sure, Sir, before we jump into this.

Ketua Menteri: Tuan Yang Di-Per-tua, pindaan dalam Bahasa Inggeris sunggoh pun satu pindaan yang mengikut Rang Undang² di-dalam Bahasa Kebangsaan, jika kita baca Rang Undang² dalam Bahasa Kebangsaan ia-lah menurun pangkat the terminology demotion atau reduce in rank. Saya ingat tidak berapa banyak reduce in rank bukan sahaja di-pakai di-dalam Army atau Armed Forces akan tetapi di-dalam Constitution untok pegawai² perkataan "reducing in rank" pun sesuai. Saya ingat jika kita hendak berlawan perkara² kita mesti ada-kan satu draftsman sebab dapat perka-raan "reducing in rank" pun sesuai.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran: That is the explanation

given by the Hon'ble Chief Minister. But we in this House are not very satisfied because if the Hon'ble Members read that clause they will find that there is a provision in the same clause which says, "yang di-buat di-bawah seksyen 22, kuasa bagi menaikkan pangkat"; and in English, of course, it is translated as "the power of promoting". I think the power of promoting would also mean demoting. So, why do you wish to repeat this power of promoting twice? Why do you wish to repeat it? If you have the intention, the power to promote will, I presume, give you the power to demote. So why the power to promote and reducing rank again? You have already used the word "promoting" already "menaikkan pangkat"—so why are you putting this thing inside—"menurun pangkat"? Let us be sure what we are legislating for. Is it reducing and granting leave, as in the English version, or is it really, as you say, reducing rank? Once you have already legislated at an earlier stage—bagi menaikkan pangkat—the power to promote would also include the power to demote.

Penasihat Undang²: Tuan Speaker minta izin berchakap dalam Bahasa Inggeris. It is true that it is ancillary—the power to promote. There is also a power to reduce. But it does not mean, in my view, that it is wrong to legislate to have both in order to make it clear that the intention is to promote and to reduce.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan izin. If that was so, I would think that the correct way to put it in would have been, "bagi menaikkan atau menurunkan pangkat". That would be in the right place. Any reasonable person would have thought so. But I don't know whether this is so. I leave it with the Chief Minister what he wants to do with this clause—whether he wants to change it into "reducing rank". Thereby, I presume, you do away with the right to reduce leave. But there again, granting leave; whether you must add it in then. Reducing and granting leave;

promoting and demoting: you should put it in. I am sorry to say that I don't agree with this manner of legislating.

Ketua Menteri: Tuan Yang Di-Pertua, sungguh pun saya mesti terima, saya tidak beberapa pandai dalam Bahasa Kebangsaan. Jika mengikut Rang Undang² perkataan menurun pangkat tidak boleh bersangkut dengan membenarkan chuti, tetapi di-dalam pindaan ini sahaja mengikut Rang Undang² dalam Bahasa Kebangsaan, saya nampak mengikut Penasihat Undang² reduce in rank ada-lah sesuai.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya rasa dalam masa'alah Malay, Bahasa Kebangsaan, ada kedua² sekali di-mana kehendak Pembangkang. Saya suka baca balek—21 (2):

"Terta'alok kepada mana² peratoran yang di-buat di-bawah seksyen 22 kuasa bagi menaikkan pangkat, menggantung, membuang kerja, mendenda dan menurun pangkat"

Ada kedua²-nya.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Ya, benar.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): ". atau membenarkan chuti"

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Saya bersetuju, Dato' Yang di-Pertua, tetapi itu tidak sesuai—tidak sedap. Barangkali Badan Ayer kita kalau ada Sarjan di-sana, kalau hendak turun pangkat ka-Kopral kita turun pangkat "reduce in rank" tetapi saya fikir "demotion" lagi sedap. The meaning is the same; but if you use demote" you promote; hire, fire—synonym.

Ketua Menteri: Tuan Yang di-Pertua, ini sedap tidak sedap bukan satu perkara kecil yang kita mahu, untuk pegawai² Kerajaan ada reduce in rank bukan sahaja mahu turun pangkat Sarjan atau Kopral.

Fasal 21 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 22:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, fasal 22 ada sedikit pindaan yang akan di-buat ia-itu dalam Rang Undang² Bahasa Kebangsaan, ia-itu 22 (2) (i)—gantikan perkataan “sekim simpanan wang” dengan perkataan “kumpulan wang simpanan”. Dan dalam Bahasa Inggeris, delete the words “and services” appearing in the marginal note, and substitute therefor the words “of service”. Dan dalam 22 (2) (a) delete the word “fund”, and substitute therefor the word “scheme”; dan dalam 22 (2) re-number paragraphs (a) and (b) as (i) and (ii) kecil.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Chakap-lah Roman. Jangan kata one and two—mana kita boleh baca.

Fasal 22 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 23:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, fasal 23 dalam Rang Undang² Bahasa Inggeris delete (.) after the word “Protection”.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Itu boleh buat.

Ketua Menteri: Semua pun boleh buat.

Fasal 23 (terta'alok kepada pembetulan-nya) dan Fasal 24 menjadi sa-bahagian daripada Rang Undang².

Fasal 25:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, fasal 25 ada sedikit pindaan dalam Rang Undang² Bahasa Kebangsaan ia-itu 25 (2) (e):

- (1) masukkan perkataan “pendapatan” sa-lepas sahaja perkataan “keuntungan”.
- (2) Gantikan perkataan “harga” dengan perkataan “harta”.

Bagitu juga dalam Bahasa Inggeris 25 (2) (e) insert the word “the” immediately before the word “Legislative”.

Fasal 25 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 26:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Inggeris ada kedapatan sedikit kesilapan. Jadi saya meniadakan supaya pindaan di-buat ia-itu berbunyi: delete the words “taking one year with another” and substitute the words “from year to year”.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, saya ingat lagi baik lain kali kalau mahu meniadakan pindaan, beritahu barisan supaya senang di-chari. Bukan senang chari² sahaja. Bagi tahu baris apa?

Fasal 26 (terta'alok kepada pembetulan-nya) dan Fasal 27 menjadi sa-bahagian daripada Rang Undang².

Fasal 28:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, Fasal 28 (f) dalam Rang Undang² Bahasa Kebangsaan potong perkataan “dan” yang terdapat di-hujung seksyen itu. Hujung sekali. Masukkan perenggan baru “(g)” seperti berikut: “Bayaran royalti atas ayer mentah yang di-ambil daripada puncha² atau puncha² yang di-tentukan”, dan gantikan perenggan “(g)” sa-bagai “(h)”. Dato' Speaker, bagitu juga dalam Rang Undang² dalam Bahasa Inggeris yang kedapatan sedikit kesilapan. 28 (e)—delete the figure “6”, and substitute therefor the figure “5” after the word section.

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

Fasal 28 (terta'alok kepada pembetulan-nya) dan Fasal 29 menjadi sa-bahagian daripada Rang Undang².

Fasal 30:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Inggeris ada kedapatan sedikit kesilapan. Saya suka meniadakan supaya pindaan di-buat dalam Clause 30 (1). Delete the "(;)" and substitute therefor "(.)".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Itu L.A. boleh buat.

Fasal 30 menjadi sa-bahagian daripada Rang Undang².

Fasal 31:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tengok baik². Kalau sudah pass undang² ini susah.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Inggeris ada kedapatan sedikit kesilapan ia-itu dalam Clause 31 (2). Saya suka meniadakan supaya di-buat pindaan dengan berbunyi: substitute the word "authorised" for the word "authority" appearing in line 3.

Fasal 31 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 32:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka meniadakan sedikit pindaan oleh sebab kedapatan kesilapan dalam Rang Undang² dalam Bahasa Kebangsaan ia-itu Fasal 32 (2) dengan memotong tanda "-" di-perkataan² "di-benchar" yang terdapat di-barisan 3.

Fasal 32 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 33:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran berchakap dalam Bahasa Inggeris. There is an amendment to 33. 33 in English says the assets of the authority, saya minta masuk satu pindaan dalam Bahasa Kebangsaan.

Aset Pehak-Berkuasa, mesti aset². Angka "2" di-taroh. Terima atau tak terima? Ahli Bayan Lepas terima?

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

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

Ahli Kawasan Sungei Bakap (Enche' V. Veerappen): At least you are a reasonable man. (*Ketawa*).

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Don't try to bribe.

Fasal 33 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 34:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, tak ada. Semua kita mahu chakap ya, ya, ya. Fasal itu saya chakap Kerajaan tak buat kerja—Kerajaan-nya.

Baris 1. "Pehak Berkuasa boleh mengambil bekerja dan membayar agen²". Dalam Inggeris di-tulis "The Authority may employ and pay agents and technical advisers". Kita mahu tahu apa itu? Dalam Bahasa chakap bekerja dan Inggeris agent. Siapa betul? Satu. Itu sahaja baris 1. Lagi ada.

Baris 2. "Bayaran agen" dalam Bahasa Kebangsaan dan "penasehat² teknik termasuk Peguambela". Dalam Bahasa Inggeris "agents". Saya ingat mesti masuk satu angka "2". Tapi bukan ini agen, bukan agen² sahaja. Lagi ada. Ini pun tak banyak ada tertulis. Banyak berat, tapi ini lagi berat.

Dalam Bahasa Inggeris include advocate services and ini pun tak ada plural. Dalam Bahasa Kebangsaan saya ingat Peguam²-bela dan Peguam²-chara bukan "Peguambela". Itu pun mesti di-pinda. Lagi dalam Bahasa Inggeris kita ada ini, "advocates and solicitors, bankers, stock brokers, surveyors or valuers". Dalam Bahasa Inggeris kita chakap "stockbroker" sahaja. "Stockbroker" tak serupa "broker". Broker yang biasa broker. Stockbroker lain tetapi dalam Bahasa Kebangsaan kita

ada "beroker". Barisan 3 itu mahu masuk atau pun keluar? Dalam Bahasa Inggeris silap atau Bahasa Kebangsaan silap-kah?

Dalam Bahasa Kebangsaan ada beroker. Dalam Inggeris tak ada broker. Brokers share dengan broker tak serupa. Satu broker Share Market. Satu jual-beli tanah. Ini macham² ada dalam satu Parti. Broker banyak macham. Apa pindaan mahu buat sekarang? Jangan jalan saperti keretapi. Mana boleh?

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Sekarang kita berjalan saperti kereta lembu. (*Ketawa*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Perlahan-lahan boleh nampak. Itu tak boleh, dan lagi ada lain. Sebab ini saya boleh chakap. Barangkali saya tak tahu tapi itu fikiran saya. Apa kita chadang ini? Luluskan supaya jadi undang² Negeri. Kita buat, bukan semua bagi Penasehat. Lagi ada. Itu sedikit. Itu pun dulu. "Juru Ukur" mesti jadi "Juru² Ukur" dan lain "penilai" mesti jadi penilai². Angka "2" mesti ada, dan ini pun tak habis.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Pindaan² yang dibuat daripada Ahli Kawasan Kelawei di-terima.

Fasal 34 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 35:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka menchadangkan pindaan kepada Rang Undang² dalam Bahasa Kebangsaan ia-itu Fasal 35. Masukkan perkataan "atau pendahuluan" sa-lepas perkataan "pinjaman" di-barisan 7.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Habis itu ada lagi?

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

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Sadikit pun. Kalau mahu buat baik²-lah. Tak usah sedikit sana, sedikit sini tak buat. Pinjaman², saya ingat barisan itu bukan pinjaman. Pinjaman² betul. Betul?

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

Fasal 35 (terta'alok kepada pembetulan-nya) dan Fasal 36 menjadi sa-bahagian daripada Rang Undang².

Fasal 37:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Kebangsaan kedapatan sedikit kesilapan ia-itu dalam Fasal 37 (2) dengan memasukkan perkataan "bertulis" sa-lepas sahaja perkataan "undang²" dalam baris 1.

Fasal 37 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 38:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Clause 38 dalam Rang Undang² Bahasa Inggeris No. 1, substitute the marginal note by the words "Power to enter upon and inspect Lands".

No. 2 substitute the word "enter" for the word "cater" appearing in line 8 of Clause 38 (1).

Fasal 38 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 39:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² dalam Bahasa Inggeris ada kedapatan sedikit kesilapan dalam Clause 39 dan saya menchadangkan pindaan. Delete the words "for purposes of installation" appearing in the marginal note.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Itu Penasihat boleh buat.

Fasal 39 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 40:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): 40 kita tak boleh lari begitu chepat.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): English or Malay?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Bahasa. Bagitu chepat orang sudah lupa. Itu pun saya tadi sudah chakap kesilapan dalam tetapi orang sudah lupa. Fasal itu orang chakap sahaja, 60 sahaja. Dalam history Dewan kita pun belum kena susah macham ini. Dan ini pun sangat besar. Ketua Menteri tak boleh chakap. Itu Penasehat boleh buat.

40 (3) barisan 2, saya ingat ini sudah silap. (a) bagi tanah-milek kepada tuan punya atau penghuni yang berdaftar. Dalam Inggeris itu erti-nya registered owner or occupier. Dalam Bahasa Inggeris bukan macham ini. Kapada tuan punya itu erti owner atau penghuni yang berdaftar or registered occupier. Tak ada, saya ingat perkataan macham ini. Registered occupier, saya ingat Bahasa Inggeris betul. Occupier or registered owner.

Kalau itu kita mesti ubah. Kita sekarang mesti tulis kapada penghuni atau tuan punya yang di-daftarkan (registered owner). Ini mesti buat. Saya chadang ini. Lagi satu semua Ahli Kerajaan pun sudah lupa, saya sudah chakap dulu. Dalam "(4)" ini bukan kechil punya. Habis orang masuk pun bagi dia tak apa. Penasehat boleh buat semua. Dia chakap boleh buat tapi kita sekarang mesti buat. 40 dalam Bahasa Inggeris baris 4 pun Bahasa Inggeris saya bacha: "Such objections shall be made in writing to the Collector of Land Revenue" tetapi dalam Bahasa kita tak ada pengetahuan tersebut boleh di-buat sa-chara bertulis kapada Pemungut Hasil Tanah. Boleh di-buat tapi bukan "shall be made". Kita ingat barangkali mahu guna perkataan "hendak". Betul?

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Mesti.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Hendak, mesti, apa itu? Sekarang saya mahu tahu mahu taroh "hendak" atau "mesti"? Tapi bukan macham ini sekarang. Sekarang awak taroh baru boleh. Inggeris chakap "shall be made". "May", bukan "shall".

Sekarang apa macham? Sudah lupa. Itu pun sudah tak tengok. Kerajaan sekarang mesti beri tahu. Chadangan saya hendak di-buat sa-chara bertulis.

Penasihat Undang²: "Hendak-lah".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): "Hendak-lah", baik. Kerana saya tak berapa pandai berbahasa. "Hendak-lah" okay.

Fasal 40 (terta'alok kapada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 41:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, sedikit sahaja dalam Bahasa Inggeris.

I think this is a slight amendment which, or course, Penasihat can do, But even then he cannot do it now—"Nothing in section 38, 39"—not with the section in the Bahasa version, because in the Bahasa version you have it "sekshen". You better stick to it—"sections 38, 39" I myself can clear this mess up. Boleh chadang?

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

Fasal 41 (terta'alok kapada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 42:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): On this point I would like some clarification from the Honourable the Chief Minister who is now taking a rest, and letting his whip take over.

Sir, this provision he finds we have stated in principle. We have already objected. Now we come to detail. We feel that it is not right to have this clause inside to curtail free expression. Sir, I would refer the Honourable the Chief Minister to the Constitution of our country. Article 10—Freedom of speech, assembly and association: (a) every citizen has the right to freedom of speech and expression. Sir, it is an inalienable right given us by the Constitution—freedom of speech and expression. The word is not "speech"

alone, but "expression". That means to give vent to our views and our feelings about the matter. That is the meaning of "expression"—to express ourselves. Now this Clause 42 I say contravenes the Constitution, Article 10, because it says "Except for the purpose of this Enactment:—"—Sir, the Constitution does not say so—"or of any criminal proceedings under this Enactment, no member, 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". Sir, I feel this provision is contrary to the Constitution—Article 10—freedom of expression. Your only right, Sir, perhaps to curtail to some degree this right of freedom of speech and expression is your Official Secrets Act which can only apply in the interests provided thereunder. But to bring this right and this curtailment of the Constitution right inside this provision is not fair, and not right, and against the Constitution. And this provision is unconstitutional. And I feel that this House should not pass a provision that goes against the Constitution, and also at the same time curtails the fundamental rights against the Rukunegara. The Rukunegara requires that we abide by the Constitution. And this is not the intention of this clause. I feel, Sir, that the Honourable Chief Minister in bringing this clause has a lot to explain to this State as to why this clause should be here. As I said, we are aware that there is an Official Secrets Act. But why should it apply here in this manner? And this clause quite obviously contravenes Article 10 of the Constitution.

Ketua Menteri: Tuan Yang Di-Per-tua, dengan izin. I hoped that when my colleague, the Honourable Member for Bayan Lepas, took over this straightforward procedure we wouldn't have any unnecessary discussion in detail. But the Honourable Member for Kelawei, as usual, reads one clause of the Federal Constitution. He refers to Article 10. But may I refer the Honourable Member to Article 10 (2) (b). Read a little bit further.

"(2) Parliament may by law impose—

- (a) on the rights conferred by paragraph (a) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence;
- (b) on the right conferred by paragraph (b) of Clause (1) such restrictions as it deems necessary"

Mr Speaker, Sir, this is Parliamentary law to provide for obligation of secrecy, with powers in many statutory bodies. And I think the Honourable Member is drawing a red herring.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan izin. Yes, the Ketua Menteri refers me as usual, with his red herring, to Article 10 (2). But it says here: "Parliament may by law impose". Parliament; not the Legislative Assembly. Are we in Parliament today? This is the Legislative Assembly. Further, even if Parliament has that right it must be—on what basis that this can be done—in the interest of the security of the Federation or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence. Are any of these set out here? I think we should not waste time reading the Constitution of this country. We can read (b) also. You say, "wasting time". Paragraph (b) of Clause (1): "on the right conferred by paragraph (b) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof or public order". Are we involved in security? I do not

know. This is a Water Enactment. What has that got to do with the security of this country? And he says, "Parliament may by law impose". He did not say "Legislative Assembly", Sir. So, will the Honourable Chief Minister please ask the Legal Adviser? We want an answer as why under this clause you are curtailing the right conferred by the Constitution—freedom of speech and free expression. Give us an explanation. You are curtailing this important right. I call it unconstitutional. Give us an explanation. If you can't, say so. If not, don't draw a red herring and tell us "read this", and try to bluff us and say "Parliament may by law impose"; not the State Assembly.

Penasihat Undang²: Mr Speaker, Sir, dengan kebenaran: The purpose of this section is to be sure that the officers are public servants for the purpose of this Enactment. And it is felt that a clause of this nature is not unconstitutional because it is necessary and reasonable in the interest of the State. Therefore in my view it is not unconstitutional.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan izin. First of all I think we are bound by the State provision of the Constitution. And this House has no right to curtail the provision of the Constitution. Are we going to amend the Constitution of the Federation in this House? Sir, the Constitution speaks of the security; not of the likes and dislikes. And further, I would like to add, yet the Constitution speaks of methods pertaining to security. And if you say security, fair enough. But then you have the Official Secrets Act. Use that; but not this way, Sir, Use the powers that are given to you under the Official Secrets Act. Bring it in; but don't expand on your powers illegally, unconstitutionally. And then on your power the Official Secrets Act can be brought in; and you will be limited by what Parliament prescribes. Parliament has prescribed a certain curtailment of free speech by way of the Official Secrets Act—fair.

But let us restrict ourselves to that, because you are quite wide here, Sir. The Legal Adviser says "officers". But I would further advise him to read the term here. It says "no member, officer or servant". And I have stressed this before. I think the Legal Adviser will accept that the tamby or office boy will also be caught by this. I do not think the Official Secrets Act will encompass a tamby even. So I think this clause is going too far. I feel that it is against the Constitution. And I feel that no explanation has been given satisfactorily by the Government. And it is my suggestion that this House should not pass this clause as it stands. If you wish to bring in the Official Secrets Act, bring it in by some worthy method; but not this kind of slang. I feel it is unconstitutional. If anybody violates this section I say he can fight this case in Court. There is no right given to this State Assembly to curtail the freedom of speech.

Penasihat Undang²: Tuan Speaker, dengan izin. Whether or not a particular provision of the law is constitutional or otherwise is a question for the Court to decide. And perhaps in this case it is yet to be determined, whether or not it is constitutional or otherwise. But in my view it is constitutional.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dengan izin. I think we should not adopt the attitude in this House "Let the Court decide". And I honestly impress on Honourable Members of the Government and all Members of this House that in the light of what I have read out—Article 10 of the Constitution of our country—under the Rukunegara we are supposed to respect it. The Chief Minister is one of those, in fact, who all the time appeals to the people to respect the Constitution. I think we respect it now. And let us not pass it. Let us not adopt the attitude: "Oh, let the Court decide". Yes, we can pass some more laws against the Constitution. It can be done; and let the Court decide. But that is not the attitude that should be adopted by a responsible legislature.

Ketua Menteri: Tuan Yang Di-Per-tua, saya minta izin berchakap dalam Bahasa Inggeris.

Quite frankly, Mr Speaker, Sir, in drafting legislation of this nature one has got to be guided by advice. And I think the Honourable Members of this House will not be too frightened by all the threats by the Honourable Member for Kelawei

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Advice; not threats.

Ketua Menteri: because, as everyone knows, we do not know the intricacies of abstract law. But I think everybody will understand this: that if any law or legislation that we in fact adhere to in this House is contrary to any provision of Federal law then that law automatically becomes invalid. Similarly, if any Enactment that we carry out here is ultra vires our Constitution it is also automatically invalid. But here we have advice. And this provision of Clause 42 is constitutional. And I think we should stick to our advice. It may be that the Honourable Member for Kelawei has got different views. And as the Honourable Legal Adviser very wisely put it, as I have illustrated the other day, when you have a conflict in law you have got to go to Court. But we have to act by advice. And, much as I think we would like always to hear the Honourable Member for Kelawei, sometimes I think advice in mild, soft tone carries more weight than advice which is given with so much heat and vigour. And we have to balance it one against the other. But I think it is perfectly proper to this House so to legislate as provided in Clause 42.

Tuan Speaker: Saya bersetuju dengan nasihat Yang Berhormat Penasihat Undang².

Fasal 42 dan Fasal 43 menjadi sa-bahagian daripada Rang Undang².

Fasal 44:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, Fasal 44 mesti di-pinda. Kita tidak boleh lari. Saya ingat dalam Bahasa Inggeris ada kesilapan.

Dengan izin, 44, English version, says "Section 41". The Bahasa version says "Section 40". I think the correct section would appear to be "Section 40". So I suggest "Section 40" be substituted for that in line 2 of the English version.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Di-terima.

Fasal 44 (terta'alok kepada pembetulan-nya), Fasal 45, Fasal 46 dan Fasal 47 menjadi sa-bahagian daripada Rang Undang².

Fasal 48:

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

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Tidak ada, dudok. (*Ketawa*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tidak, mana boleh jadi, kalau ada kesilapan fasal apa gelak, tidak usah gelak. Ini bukan main², kalau awak tidak buat kerja awak, kita mesti buat. Kita bertanggung jawab. Apa macham?

Tuan Speaker, Sir, let us read Clause 48 of our great Water Enactment introduced by the Honourable Chief Minister which will go in the records of legislative history as having the greatest number of amendments. More than 101 now. Actually the record has been passed. And that is, Sir, actually: "The Authority may supply water to companies or persons for washing vehicles, for trades, manufactures or business, for agriculture or horticulture, for building purposes or for any ornamental, mechanical, scientific and related purposes". Dalam Bahasa Kebangsaan kita ada sini line akhir "kejenteraan dan maksud² berkaitan". We have here in the English version "mechanical, scientific". I do not see the word "scientific" in the Bahasa version. Am I correct, or are my eyes deceiving me? Perhaps the Honourable Chief Minister has got better spectacles. The word "scientific" has been left out in the Bahasa version. So I suppose the word is "sains".

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

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Kejenteraan is mechanical. I have got the Istillah Undang² here if you are not satisfied. So I think the word there to be inserted after kejenteraan is "sains". Is that correct?

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

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): So, saya ingat, perlahan-lahan sadikit. Jangan lari.

Fasal 48 (terta'alok kepada pembetulan-nya) dan fasal 49 menjadi sa-bahagian Rang Undang².

Fasal 50:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka membawa pindaan dalam Rang Undang² dalam Bahasa Kebangsaan ia-itu Fasal 50 dalam barisan akhir gantikan marginal note dengan perkataan² "Kuasa memasoki rumah untuk pemereksaan dan sa-bagai-nya".

Fasal 50 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 51:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Inggeris kedapatan sadikit kesilapan ia-itu 51 (1) yang saya suka membawa pindaan, banyak pindaan. Substitute the word "fifteen" for the word "fourteen" in line 4. Dalam 51 (6) (b)—

Pindaan No. 1:

insert the words "in favour" between the words "claim" and "of";

Pindaan No. 2:

delete the words "of them under a decree in favour of such Government", and substitute therefor the words "State Government".

Fasal 51 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 52:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka menchadangkan pembetulan dalam Rang Undang² Bahasa Kebangsaan Fasal 52 ia-itu memasokkan perkataan² "Kerja Ayer di" dan sa-lepas sahaja perkataan "paip" dalam barisan 3.

Fasal 52 (terta'alok kepada Pembetulan-nya), Fasal 53 dan Fasal 54 menjadi sa-bahagian daripada Rang Undang².

Fasal 55:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka menchadangkan pembetulan dalam Rang Undang² Bahasa Kebangsaan ia-itu marginal note di-pinda dengan memasokkan angka "2" di-perkataan² "Meter", dan "Loji".

Fasal 55 (terta'alok kepada pembetulan-nya), Fasal 56, Fasal 57 dan Fasal 58 menjadi sa-bahagian daripada Rang Undang².

Fasal 59:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya suka menchadangkan pindaan dalam Fasal 59 dengan gantikan perkataan "atau" dengan perkataan "atas" yang terdapat di-barisan 3 dari bawah.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran, I think that is not all the amendment that you have to make, you know. While this is up to the Chief Minister and his friends, whether they choose one or the other bit of it, it cannot be as you like it. It is not Shakespeare, you know. In the Malay version, Sir, in Clause 59, after each sub-clause there is a word "atau", but in the English version you don't have any of this. After sub-clause 1 there is no "or", and after the second sub-clause there is no "or". Note you have an "or" in the third one, that is all. In the other two you don't have it. Let us make up your minds whether it is "and" or "or". There is a lot of difference; so let us not fool around here. You

haven't seen this one too. This small "atas" can be changed by the Legal Adviser. But there is a lot of difference between "atau" and "dan" in English—"and" and "or". So are you going to change? Which version is correct now—the English version without the "or", or the Bahasa version with the "or"? Which one is correct? I suggest we put "or" or "atau" for all of them.

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

Fasal 59 (terta'alok) kepada pembetulan-nya) dan Fasal 60 menjadi sa-bahagian daripada Rang Undang²

Fasal 61:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Fasal 69 terdapat sedikit kesalahan dan saya suka meniadakan supaya di-pinda marginal note dengan memotong perkataan "ayer" dan masukkan perkataan "dan membiarkan buka valve", dan 61 (c) potong perkataan "yang" barisan 1.

Fasal 61 (terta'alok) kepada pembetulan-nya) dan Fasal 62 menjadi sa-bahagian daripada Rang Undang².

Fasal 63:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² dalam Bahasa Kebangsaan Fasal 63 terdapat sedikit kesilapan. Saya chadangkan potong perkataan "jalan-nya" yang terdapat di-barisan 6 dan gantikan dengan perkataan "jagaan-nya".

Fasal 63 (terta'alok kepada pembetulan-nya), Fasal 64 dan Fasal 65 menjadi sa-bahagian daripada Rang Undang².

Fasal 66:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, 66 itu kita tidak boleh lulus. Fasal ini berkenaan dengan denda. Denda pun hal kita, tak boleh lulus bagini senang. Dalam Bahasa Kebangsaan kita dapat "sa-ratus ringgit bagi tiap² hari kesalahan." Dalam Bahasa Inggeris "not exceeding fifty dollars." Sir, I think

the principle here probably is one-tenth of the \$500 fine; so the one in Malay is not correct. It should be, in Malay, "sa-banyak lima puluh ringgit". I feel that the fine on this basis must be reflected per day at one-tenth of the fine not exceeding \$50 a day. I think \$50 a day is sufficiently heavy enough to impose on a person. It means 10 days will be \$500. We should amend it to \$50 to follow the English version, which must be the original intention presumably since the Bill was done in English draft. So let us not perpetrate the injustice of extending fines on the public which is because of the mistake they make; and let us take the English version at \$50. So I suggest, Sir, \$50—pindaan saya.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, saya bagi pehak rakan² saya tak dapat terima sebab saya ada satu pindaan yang lain.

Tuan Speaker, Boleh-lah Yang Berhormat Penasihat Undang² Negeri menerangkan berkenaan dengan ini.

Penasihat Undang²: Dato' Yang Dipertua, Yang Berhormat Ahli Kawasan Bayan Lepas telah menyatakan yang beliau hendak mengemukakan satu pindaan terhadap seksyen ini, jadi saya tidak tahu-lah apa-kah pindaan itu. Kalau pindaan yang di-chadangkan itu ada kena mengena dengan berapa banyak-kah denda yang hendak dikenakan itu maka terpulang-lah kepada Dewan ini memutuskan-nya.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, I think I put an amendment already; and I think it is reasonable because I think it is in the light of what we know. \$50 which is one-tenth of the original fine is fair. We are fining a person \$50 per day 10 days is \$500 already. It must have been the intention to put in \$50. \$50 per day is a lot of money already, Sir, to impose on a person. If it is \$100 per day it would be a \$1,000 fine for some of these minor offences. I feel that \$50 is sufficient, it is a daily-accruing fine, Sir, that is my point of view; and I suggest that we correct it and put it as \$50. That is my proposal.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Pehak sini tak terima pindaan. Dato' undi-lah supaya saya boleh dapat pindaan saya pula.

Tuan Speaker: Nampak-nya dalam Bahasa Kebangsaan ia-lah \$100, dalam Bahasa Inggeris \$50.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato', untuk penerangan, saya ada satu chadangan pindaan berhubung dengan perkara ini, tetapi oleh sebab rakan saya dari Kawasan Kelawei (*gangguan*).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, bukan macham ini, siapa chadang pindaan siapa boleh jalan. Itu sahaja bukan siapa ada kepentingan hendak chadang di-sini ada istimewa. Dalam hal ini siapa pun boleh chadang, saya sudah chadang dahulu—hak saya.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Oleh sebab ini, saya tidak boleh chadang. Kita kena putus perkara ini dahulu. Dalam satu masa tidak boleh ada dua chadangan.

Tuan Speaker: Ahli² Yang Berhormat, chadangan daripada Kawasan Kelawei ia-lah \$50.000.

Soalan di-kemukakan dan pindaan tidak di-persetujui

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Saya ingat "ya" lebeh banyak.

Tuan Speaker: "Tidak" lebeh banyak.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Saya minta division, Dato'.

YA

Enche' Yeap Ghim Guan
Enche' Khoo Soo Giap
Enche' Koay Boon Seng
Enche' Abdul Rahman bin Haji Yunus
Enche' Mustapha bin Hussain
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

Tuan Haji Ahmad bin Haji Abdullah

Enche' D. C. Stewart

Tuan Haji Mohamad Nor bin Haji Bakar

Enche' Khoo Teng Chye

Tuan Haji Abdul Kadir bin Haji Hassan

TIDAK HADZIR

Enche' V. Veerappen

Enche' Tan Phock Kin

Enche' Ooh Chooi Cheng

Enche' Tan Gim Hwa

Enche' Ooi Ah Bee

Enche' Teoh Kooi Sneah

Tuan Speaker: Mengikut keputusan undi ia-lah: "Ya"—6; "Tidak"—11; "Tidak Hadzir"—6. Pindaan tidak di-persetujui.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, oleh sebab terdapat sedikit kesilapan dalam Rang Undang² dalam Bahasa Inggeris maka saya menchadangkan membuat pindaan. Pertama—delete the words "not exceeding" wherever they appear and substitute therefor the word "of".

Kedua—delete the word "fifty", and substitute therefor the words "one hundred".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran berchakap dalam Bahasa Inggeris. Now that they have amended it this way—a fine of \$500—Tuan Speaker, it is nevertheless sad that the Legal Adviser is not here. But I would like an explanation to a fine of \$500.

The original provision was "not exceeding \$500." Now, what is the intention of this provision? The normal legal provision should leave sufficient room for the Court to decide on a fine; and therefore if you put it as "not exceeding \$500." that means the Magistrate can decide whether the fine should be \$500, \$250, \$1 or what. But now you put "of \$500." I wish the Legal Adviser were here. But my opinion of this clause would be to give more choice to the Magistrate. He must fine \$500. And I don't think this is the way. You give no choice to the Magistrate. Should you have a clause worded for a penal clause? You should put it as "not exceeding \$500," and leave it to the Magistrate and the Court to decide whether they want to fine \$500 or \$450 or \$50, or whatever it is. If you put it a fine of \$500 you give no option to the Court but to fine \$500. I think that is the right thing we should do. It is very rare. I have personally not come across it even—a provision of a fine which gives no option to a Court. We have to be very careful with this wording. I think it should be a fine not exceeding \$500.

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Dato' Speaker, saya bersetuju dengan apa yang dikatakan oleh Ahli dari Kelawei. Kerana jikalau kita gunakan perkataan "not exceeding" Majistret boleh menjalakan timbang rasa-nya oleh kerana dalam kesalahan mandi di-dalam mana² perayeran macham budak² kecil pergi Waterfall mandi dalam tempat ayer. Kalau hendak denda \$500 saya fikir tak patut. Kita beri perkataan "not exceeding", kita berikan kapada Majistret timbang rasa. Barangkali \$50 atau hendak fine \$30. Saya bersetuju dengan apa yang di-katakan oleh Ahli dari Kelawei.

Ketua Menteri: Tuan Yang Di-Per-tua, perkara ini sunggoh pun kita sudah bahath bila Rang Undang² ini di-bacha bagi kali yang kedua. Nam-pak-nya denda terlampau kuat tetapi lain² hal pun kita mesti timbang sebab ini bersangkutan dengan denda bagi me-rosakkan meter² kerja ayer dan lain².

Sebab itu pindaan sekarang yang di-bangkitkan oleh Yang Berhormat Ahli dari Bayan Lepas mengikut Rang Undang² di-dalam Bahasa dan bukan balek kapada Rang Undang² dalam Bahasa—mengikut Rang Undang² di-dalam Bahasa Inggeris.

Tuan Speaker, minta izin.

The Honourable Member for Kelawei had asked that we should be more lax here. The Honourable Member for Tasek Glugor has also put it up. He has discussed it actually in the Second Reading. The type of wilful injury that can be made to the work of the Water Authority varies enormously. But the idea of the penalty is to try and prevent people from doing this type of injury to the works of this Water Authority. For example, the Honourable Member for Kelawei brought up a legitimate point—that it is common practice that day to day the amount should be 1/10th of the total fine. Here, supposing somebody injures any conduit the amount of water that can be lost will be very enormous; or if somebody, as I said earlier in the course of summing up, decides to go and burst a dam. So it is not so much. We hope nobody will do it. It is not so much that there should be any latitude given. But the penalty for doing anything harmful is for the Water Authority to decide. That will prevent people from doing it. But personally I hope that the people of Penang will be involved so much in the taking care of our water system that they will not ever incur these penalties. But you cannot stop people who are not interested in our welfare from going to break it up. So under the circumstances the proposed penalty is a preventive penalty.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, dengan kebenaran: I do not follow the Honourable the Chief Minister. If I take his point it is still wrong. Why do I say that? Alright, if you say that you need a heavy fine as a deterrent against people committing this act you can put "\$1,000"; you can put "\$5,000". But you still must give the discretion to the

Court to decide in each individual case. Two offenders cannot be the same, as in the illustration given by the Member for Tasek Glugor. It could be one of a boy who doesn't realize what he is doing; the other one of a man who may be doing it deliberately. But here is a case where, let us say, a political sucker goes and does it. He gets a \$500 fine. A little boy doesn't know things—a boy of 8, let us say. He goes and does it. He gets a \$500 fine too. Now, where is the justice? We must leave this to the Court to decide in each individual case. Two persons can be guilty, but one in mitigating circumstances. So it is up to the Magistrate to act accordingly. That is what the Courts are there for. And it does not detract from this argument about whether we must have a deterrent. If you must have the deterrent let it be \$1,000. If it is a case of a political sucker then let the Magistrate fine him \$1,000. But in the case of the boy let him be fined \$50, if need be. But if we put it as it is there is no option given. No option at all. So I frankly cannot follow the logic of the argument of the Honourable the Chief Minister.

Ketua Menteri: Tuan Yang Di-Per-tua, saya minta izin. Jika Yang Berhormat dari Tasek Glugor baca Rang Undang² dalam Bahasa 66 (2) berbunyi "kesalahan dan apabila di-thabitkan"—dalam Bahasa Inggeris "on conviction". So here in actual fact the Magistrate when he comes to it will deal with the human part of it because it is quite true that clause 66 is carrying with it something very serious and something very minor. But if they are minor, and they are very innocent, there may be no conviction in the case.

Ahli Kawasan Tasek Glugor (Enche' Mustapha bin Hussain): Tuan Speaker, saya minta izin berchakap dalam Bahasa Inggeris kerana ini berkenaan dengan undang². Ada sedikit susah dalam Bahasa kerana saya tak berapa mahir dalam Bahasa.

Mr Speaker, Sir, I think if you look at the offence in (a), (b), (c) and (d): (a) is a very serious offence, I agree.

But as you come to (b) it becomes less serious. When it comes to (c) you have people enjoying their picnic, trying to swim in the water in the catchment area. And when it comes to (d) people, instead of drinking it, go and sell water or something as ice-water. Those are trivial offences; and yet the Magistrate has no discretion at all. He must fine \$500. He must because there is no discretion. And therefore it is illogical where you have offences serious down to trivial, and yet you must have a \$500 fixed fine. I think the Legal Adviser should be able to elucidate a bit.

Ketua Menteri: Tuan Yang Di-Per-tua, that is what appears at first sight. If you read this carefully, even if the Magistrate finds the person guilty, and convicts him, he can still bind him over, without any fine. He is only liable if convicted.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, that is stretching things a bit too far. If he is going to convict him he cannot think of binding him over. Sir, I think we should not stretch this thing to the point of being illogical. The point is that if there is no evidence, as the Chief Minister says, then he could not be convicted—full stop. Why should he be convicted when nothing is done about it? No question of that.

Penasihat Undang²: Section 66 in this case deals with offences under the said section, for which a fixed fine will be imposed by the Court on conviction. It does not mean that the Magistrate has no discretion. In the case of the example given by the Honourable Member for Tasek Glugor, if he is found to have committed an act the Magistrate need not convict him. He has committed an act, then he can be bound over or caution and discharged, depending, of course, on the seriousness of the offence. But, as explained by Yang Amat Berhormat Ketua Menteri, because of the importance of the water and reservoirs and installations belonging to the Authority it is indeed necessary to take serious action and sentence him accordingly.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, Sir, our system of jurisprudence requires that the punishment fit a crime; and also that a fine imposed on a rich man is different from the fine imposed on a poor man. The fine has to be related to the prevailing circumstances. Now, if two persons go before a Magistrate—one is a rich man, one is a poor man—in the case of a millionaire, if you fine him \$500, you will find him walking out laughing. For the poor man, if you fine him \$500 you are literally sending him to jail. On option, Sir. That is the purpose of this Section, because if a man cannot pay a fine he must go to jail. You have no alternative for him. But if the Magistrate still wants to fine that man, at least he can say, "Alright, I'll fine you \$50. You do not have to go to jail." Let me say two persons go and commit offence jointly; a millionaire and a poor man—a hawker. Now, the Magistrate says, "Alright, I will fine both of you \$500". Now, is he being fair to the hawker? The millionaire will pay the \$500, and walk out. The hawker will go to jail. So I think that the law which deals with all systems of usefulness is not like that, Sir. We wish to be fair to our citizens. We wish to pass a law that will at least give discretion to the Court. I really implore the Chief Minister to see the light of our argument; and let us attend to it.

Ketua Menteri: Tuan Yang Di-Per-tua, saya minta izin.

I think the Honourable Members in the Opposition have agreed that there should be a strong deterrent. So perhaps if we amend the amendment somewhat, and raise the fine to "not exceeding \$1,000", and then have the 1/10th basis, sebab itu kalau pindaan yang kita chadang tadi, kita bacha di-dalam Bahasa 66 (1) "Kesalahan dan apabila di-thabitkan boleh di-kenakan denda yang tidak lebih sa-ribu ringgit dan denda tambahan sa-banyak yang tidak lebih dari sa-ratus ringgit bagi tiap² hari". Dan dalam Bahasa Inggeris, "shall be guilty of an offence and shall on conviction be liable to a fine not exceeding"—delete "five

hundred" and insert "one thousand", and delete the word "fifty" in the next line and insert the words "one hundred".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Yang Di-Pertua, kita terima bagi pehak Pembangunan.

Fasal 66 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 67:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Inggeris kedapatan sedikit kesilapan dan saya menchadangkan supaya di-pinda ia-itu delete the word "Enactment" appearing in the marginal note.

Fasal 67 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 68:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Inggeris kedapatan sedikit kesilapan dalam Clause 68. Saya menchadangkan supaya di-buat pindaan dengan delete the word "quality" and substitute therefor the word "quantity" in line 2.

Fasal 68 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 69:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Inggeris ada kesilapan dan saya menchadangkan supaya di-buat pindaan dengan delete the word "officer" (gangguan).

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Officer of honour; not officer. "Officer"—the new English word, Dewan Pustaka Lim Chong Eu.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): and substitute therefor the word "officer".

Fasal 69 (terta'alok kepada pembetulan-nya) dan Fasal 70 menjadi sa-bahagian daripada Rang Undang².

Fasal 71:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Kebangsaan kedapatan sedikit kesilapan dalam 71 (1) (i). Saya menhadangkan pindaan. Potong perkataan "loji" dan gantikan dengan perkataan "kerja ayer" dan 71 (k), masukkan perkataan "dan" sa-lepas "sendirian".

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, bukan itu sahaja. Kalau kita mahu pinda fasal itu, kita patut pinda semua kesilapan di-dalam-nya. Lagi satu yang sudah di-lupai oleh pihak Kerajaan—tidak nampak. 71 kechil-sekshen 1 (b), ia-itu perkataan terakhir dalam paragraph itu "dan meter". Dalam Bahasa Inggeris "and meters". Angka "2" di-sana—"meter²".

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

Fasal 71 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Fasal 72:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Rang Undang² Bahasa Kebangsaan Fasal 72 ada sedikit kesalahan ia-itu di-chadangkan pindaan—gantikan "(.)" dengan "(:)".

Fasal 72 (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Jadual Pertama:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' dalam Jadual Pertama kedapatan kesilapan dalam Rang Undang² dalam Bahasa Kebangsaan ia-itu perenggan 2 (1) (a) masukkan perkataan "atau" sa-lepas "jika ia mati;". Ada lagi, dan dalam Rang Undang² Bahasa Inggeris ada kedapatan kesilapan juga ia-itu dalam First Schedule paragraph 2 (1) substitute the word "of" for the word "or" in line 1.

Dan paragraph 2 (1) (a) insert the word "or" after the "(;)".

Jadual Pertama (terta'alok kepada pembetulan-nya) menjadi sa-bahagian daripada Rang Undang².

Jadual Kedua:

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, Jadual Kedua mesti di-pinda. Saya ingat dalam notis tajok itu—"Notice of intention to enter and do work on land under section" Sekshen itu mesti Sekshen 40 dalam Bahasa Inggeris dan dalam Bahasa Kebangsaan pun ada banyak.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Itu dalam sekshen mana?

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Itu mesti Sekshen 40, tidak boleh Sekshen 43—Second Schedule. Sekarang kita ada dalam Second Schedule.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Boleh-lah Ahli Yang Berhormat sabar? Saya menhadangkan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Baik², saya takut itu banyak nanti lupa.

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Jadual Kedua dalam Bahasa Kebangsaan ada saya chadangkan pindaan yang pertama: Gantikan angka "43" sa-lepas sahaja perkataan "SEKSHEN" dengan "40" tajok notis. Nombor 2: Potong perkataan "boleh" yang terdapat sa-lepas sahaja perkataan "kamu"—second paragraph, second line—dan gantikan dengan perkataan "hendak-lah". Pindaan yang ke-3: Potong perkataan "sama ada" yang terdapat sa-lepas sahaja perkataan "bantahan".

Dan dalam Rang Undang² Bahasa Inggeris ia-itu kedapatan kesalahan juga dan saya menhadangkan pindaan yang pertama: Delete the figure "43" appearing immediately after the word "SECTION" in the heading, and substitute therefor the figure "40".

Nombor 2: Delete the word "may" appearing in line 5, and substitute therefor the word "shall".

Nombor 3: Delete the word "either verbally or" appearing in sixth line thereof.

Nombor 4: Delete the words "of this notice" and substitute therefor the word "above" immediately after the word terms in the penultimate paragraph.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker, saya ingat kita barangkali mesti pinda lagi satu di-sini. Saya sudah chakap kelmarin. Kalau kita tengok Sekshen 31, kuasa itu untuk serah notis ini dalam tangan Pehak-berkuasa bukan Secretary. Ini sekarang kita beri Secretary, Penang Water Authority. Saya ingat barangkali kita mesti ubah kepada Pengerusi. Dengan izin, I think that this notice should be signed by the Chairman. Section 31 gives the Authority to the Chairman. It doesn't give the authority to the Secretary. Of course, you may subsequently delegate; but then you may put "bagi pehak"; then subsequently Secretary. As the thing stands it must be the Secretary; but it is not so provided by the law. So I would like Government to have a look at this aspect of it and see whether they wish to have it properly rectified.

Ketua Menteri: Tuan Yang Di-Per-tua, dengan izin, I had explained in the course of debate, in actual fact, that it could be any officer so appointed. But if Members feel very strongly about it we can change from "Setia-usaha" to "Pengerusi". Dalam Bahasa Inggeris, "Secretary" be changed to "Chairman".

Jadual Kedua (terta'alok kepada pembedulan-nya) menjadi sa-bahagian daripada Rang Undang².

Jadual Ketiga:

Ahli Kawasan Bayan Lepas (Enche' Ismail bin Hashim): Dato' Speaker, dalam Jadual Ketiga ada kedapatan kesilapan Rang Undang² dalam Bahasa

Kebangsaan yang saya suka chadang-kan pindaan. Masokkan "bertarikh" di-bawah lepas sahaja barisan peng-habisan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Dan lagi Secretary pun mesti juga di-pinda.

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

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Tuan Speaker dengan kebenaran, Jadual Ketiga ini, lagi Jadual tidak di-tulis Ketiga. Saya ingat itu pun mesti di-pinda—yang dua itu boleh di-katakan form. Tetapi itu tiada tajok jadual pun, saya hairan ini apa sebab ada dua form tidak beri tajok jadual. Tetapi tidak apa, saya mesti timbul satu hal dalam ini dalam Bahasa Kebangsaan. Kalau kita masok dalam Bahasa Inggeris pun, form kita ada dalam-nya. Dengan izin, we have in this column here if you read "Supply of water to (describe holding)" "from"—"daripada"; "kapada"—"to". Services rendered, viz "Perkhidmatan² yang di-lakukan itu". Then you go on. "Services rendered": you have here "Attachment fee" in your column in English. But the column in Bahasa hasn't got "Attachment fee". So shall we please put in it?

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

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): With all costs. I do not know what will be the Malay translation for it. Attachment fee; tahanan, pembayaran tahanan, pembayaran apa? Attachment fee—tahanan.

Ketua Menteri: Bayaran tahanan.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): Attachment—tahanan?

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

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): So I think we put this in, Sir. And the same applies, it would appear here, to the Form at page 35 in Bahasa also. This has also been left out.

And also a very marginal matter which the Chief Minister will call marginal. Even in the Bahasa version both at page 34 and 35 you had at the top "Dalam Mahkamah" in one; and then in the other "Dalam Mahkamah pada". So I think we better put in the word "pada" also.

Another point, Sir—the last point that is, at page 32, if I am not mistaken, because I do not have it very clearly written down in my copy—if the Legal Adviser will advise us. The English version says—I am not reading the Malay version at the present moment—"with the costs of this attachment within seven days after the date of this notice". The seven days run from after the date of notice. If I am not mistaken, in this relevant section 51, if the Legal Adviser will run through the section quickly, it says "from the date of attachment". Sir, seven days from the date of attachment; not the date of notice. There is a lot of difference between "date of attachment" and "date of notice". The date of notice can be two or three days after we issue the notice. The date of attachment can be the date of attachment itself, and nothing else. Does the seven days run from the date of notice according to your notice as set out in page 32? Or does it abide with the section which says "seven days from the date of attachment"? So which one?

Penasihat Undang²: We have to follow the principal law.

Ahli Kawasan Kelawei (Enche' Yeap Ghim Guan): I think we have that amended. Within seven days from the date of attachment. I think, the word should be "from". And Bahasa Kebangsaan—"daripada tarikh tahanan".

Jadual Ketiga (terta'alok kepada pembetulan-nya), tajok penoh dan fasal yang mengundangkan menjadi sa-bahagian daripada Rang Undang².

Dewan Bersidang Sa-mula.

Bachaaan Yang Ketiga

Ketua Menteri: Tuan Speaker, saya mohon melaporkan bahawa Rang Undang² Pehak Berkuasa Ayer Pulau Pinang 1972, telah pun di-pertimbangkan sa-fasal demi sa-fasal di-dalam Jawatan-kuasa dan di-persetujui terta'alok kepada pindaan². Oleh itu, saya mohon menchadangkan supaya Rang Undang² ini sekarang di-bachakan bagi kali yang ketiga serta di-luluskan.

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

Soalan di-kemukakan dan di-persetujui.

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

Dewan di-tanggohkan pada jam 6.23 petang hingga 16hb Jun, 1972, jam 9.30 pagi.