



**SARAWAK**

**PENYATA RASMI PERSIDANGAN  
DEWAN UNDANGAN NEGERI**

**DEWAN UNDANGAN NEGERI OFFICIAL REPORTS**

**MESYUARAT KEDUA BAGI PENGGAL KEDUA**  
Second Meeting of the Second Session

**8 hingga 17 November 2017**

**DEWAN UNDANGAN NEGERI SARAWAK KELAPAN BELAS**  
EIGHTEENTH SARAWAK STATE LEGISLATIVE ASSEMBLY

**KHAMIS**

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**KUCHING**

**Peringatan untuk Ahli Dewan:**

Pembetulan yang dicadangkan oleh Ahli Dewan hendaklah disampaikan secara bertulis kepada Setiausaha Dewan Undangan Negeri Sarawak tidak lewat daripada **8 Disember 2017**

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(AMENDMENT) BILL, 2017**

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[Tuan Speaker *mempengerusikan* Mesyuarat]

## DOA

### PEMASYHURAN DARIPADA TUAN SPEAKER

**Tuan Speaker:** Bismillahirrahmanirahim. Assalamualaikum Warahmatullahi Wabarakatuh. Selamat pagi dan salam sejahtera.

### PERTANYAAN-PERTANYAAN BAGI JAWAPAN LISAN

(1) **Y.B. Dato Sri Huang Tiong Sii** bertanya kepada Menteri Pembangunan Infrastruktur dan Pengangkutan: Apakah perkembangan pembinaan jalan dari Sarikei ke Tanjung Manis susulan dengan Sesi Dialog Cadangan Pembinaan Jambatan Batang Rajang yang diadakan di Sarikei pada 25 Julai 2017 yang lepas?

**Menteri Muda Jalan Pesisir (Y.B. Datuk Haji Junaidi Bin Haji Narawi):** Untuk makluman Ahli Yang Berhormat bagi Repok, keputusan sesi dialog Cadangan Pembinaan Jalan Batang Rajang yang diadakan di Sarikei pada 25 Julai 2017 telah diambil maklum.

JKR kini sedang mengkaji lokasi sebenar tapak jambatan tersebut serta jajaran jalan, *road alignment* yang paling sesuai sebelum dikemukakan kepada State Planning Authority (SPA) untuk pertimbangan.

Jajaran jalan raya yang menuju ke jambatan tersebut terletak di antara Pekan Sarikei dan Bintangor, iaitu di laluan jalan raya ke Bandar Sibul. Lawatan tersebut telah pihak kami dari Kementerian termasuk JKR lakukan baru-baru ini dan saya cukup gembira memaklumkan Yang Berhormat bagi Repok dan juga Ahli Yang Berhormat bagi kawasan Meradong turut sama meninjau tapak Jalan raya yang dimaksudkan tadi. Terima kasih.

**Y.B. Dato Sri Huang Tiong Sii:** (*Supplementary Question*) *Tuan Speaker, I have two Supplementary Questions.*

- a) *When is the proposed road to Tanjung Manis expected to commence?*
- b) *What is the length of the proposed Batang Rajang Bridge?*

**Menteri Muda Jalan Pesisir (Y.B. Datuk Haji Junaidi Bin Haji Narawi):** Terima kasih Ahli Yang Berhormat bagi Repok. Kita menjangkakan jambatan tersebut boleh dibina pada 2<sup>nd</sup> Quarter 2019 dan jambatan tersebut adalah sepanjang 1,280 meter. Terima kasih.

### MELEPAS BENIH IKAN/UDANG DALAM SUNGAI-SUNGAI DI DUN KABONG

(2) **Y.B. Encik Mohamad Chee Bin Kadir** bertanya kepada Menteri Permodenan Pertanian, Tanah Adat dan Pembangunan Wilayah: Apakah perancangan Kerajaan untuk melepaskan benih ikan dan udang dalam sungai-sungai di DUN Kabong memandangkan populasi ikan semakin berkurangan?

**Menteri Muda Pertanian (Y.B. Dr Haji Abdul Rahman Bin Haji Ismail):** Terima kasih Tuan Speaker dan terima kasih Ahli Yang Berhormat bagi Kabong.

Untuk makluman Ahli Yang Berhormat bagi Kabong, Kerajaan melalui Jabatan Pertanian Sarawak mempunyai Program Pelepasan Benih Perikanan di sungai-sungai di negeri Sarawak. Kerajaan telah melepaskan benih ikan di beberapa batang sungai seperti Projek Tagang di Sungai Serin, Kampung Sira di Padawan, Sungai Babang di Saratok, Sungai Balingian di Mukah dan pelepasan benih udang di Sungai Sematan, Lundu.

Jabatan Pertanian Sarawak bersama dengan Jabatan Perikanan Laut Sarawak telah menjalankan kajian populasi genetik udang galah di 36 batang sungai di Negeri Sarawak termasuklah di kawasan Kabong.

Bagi Kawasan DUN Kabong, Jabatan Pertanian Sarawak akan mengenalpasti sungai yang sesuai bagi tujuan pelaksanaan program pelepasan ikan dan udang galah pada tahun 2018.

**Y.B. Encik Mohamad Chee Bin Kadir:** (*Soalan Tambahan*) Saya ada dua soalan tambahan.

- i. Apakah jenis ikan yang telah dilepaskan dalam program pelepasan benih ikan dan udang di sungai-sungai di negeri Sarawak dan berapa banyakkah lokasi sungai yang telah diadakan program pelepasan benih ikan pada tahun 2017?
- ii. Berapakah jumlah benih ikan yang telah dilepaskan dalam tahun 2016 dan 2017 di bawah Rancangan Malaysia ke-11?.

**Menteri Muda Pertanian (Y.B. Dr Haji Abdul Rahman Bin Haji Ismail):** Terima kasih Yang Berhormat bagi Kabong atas dua soalan tambahan tersebut. Untuk menjawab soalan tambahan yang pertama, untuk makluman Ahli Yang Berhormat bagi Kabong, spesis ikan dan udang yang telah dilepaskan di sungai-sungai Negeri Sarawak adalah udang galah dan ikan siakap di kawasan air payau dan lampam jawa, tenggadak, baong, empurau dan spesis ikan tempatan di kawasan air tawar.

Spesis ini dipilih kerana tidak merosakkan persekitaran eko-sistem akuatik sungai. Bagi menjawab soalan yang kedua, untuk makluman Ahli yang Berhormat bagi Kabong, pada tahun 2017, Kerajaan melalui Jabatan Pertanian Sarawak telah melaksanakan program pelepasan benih ikan di 21 lokasi di negeri Sarawak termasuklah Sungai Pesang dan Sungai Serin, Padawan. Selain daripada itu, Jabatan Perikanan Laut Sarawak telah melaksakana pelepasan anak ikan siakap di lapan lokasi di negeri Sarawak termasuk di Sungai Sematan, Lundu dan Sungai Punang di Lawas. Kerajaan akan terus memperkasakan program ini yang mana untuk makluman Ahli Yang Berhormat bagi Kabong iaitu bagi tahun 2016, Kerajaan melalui Jabatan Pertanian Sarawak telah melepaskan sebanyak 1.24 juta benih ikan ke dalam sungai-sungai di Negeri Sarawak. Pada tahun ini sehingga Jun, sebanyak 636,000 benih ikan telah dilepaskan di sungai-sungai di Negeri Sarawak.

Dalam Rancangan Malaysia ke-11, Jabatan Pertanian menyasarkan pengeluaran 60 juta benih ikan air tawar dan air payau yang akan dihasilkan daripada 14 stesen pertanian yang sedia ada. Terima kasih.

**PEMBINAAN KEMUDAHAN AWAM DI PEKAN STAPANG DAN PEKAN SELANGAU**

(3) **Y.B. Ir Christopher Gira Sambang** bertanya kepada Menteri Kerajaan Tempatan dan Perumahan: Adakah Kerajaan akan membina kemudahan awam seperti berikut:

- (a) Kemudahan Tandas Awam di Pekan Stapang dan Pekan Selangau; dan
- (b) Tebingan Sungai Mukah (Selangau Waterfront) di Pekan Selangau?

**Menteri Muda Kerajaan Tempatan (Y.B. Datu Dr Penguang Manggil):** Terima kasih Tuan Speaker dan terima kasih Ahli Yang Berhormat bagi Tamin.

Untuk makluman Ahli Yang Berhormat bagi Tamin, buat masa ini sudah terdapat satu tandas awam di Pekan Stapang dan tiga lagi tandas awam di Pekan Selangau. Oleh yang demikian, Majlis Daerah Luar Bandar Sibu tidak mempunyai sebarang rancangan untuk membina tandas awam yang baru di kedua-dua pekan tersebut kerana kemudahan tandas awam mencukupi untuk menampung keperluan semasa.

Kawasan tebing Sungai Mukah yang dimaksudkan dalam Soalan B, Ahli Yang Berhormat bagi Tamin adalah merupakan tapak pasar tamu bagi penduduk setempat untuk memasarkan hasil tani mereka. Oleh itu setakat ini, Majlis Daerah Luar Bandar Sibu tidak mempunyai rancangan untuk membina tebingan Sungai Mukah atau Waterfront di Pekan Selangau. Terima Kasih.

**Y.B. Ir Christopher Gira Sambang (Soalan Tambahan):** Terima kasih Tuan Speaker. Saya ada dua soalan tambahan.

- i. Apakah langkah kerajaan bagi mengatasi masalah kesesakan ruang niaga pasar tamu di Pekan Selangau?
- ii. Apakah langkah kerajaan bagi mengatasi masalah tidak cukup tempat letak kereta di Pekan Selangau terutamanya pada hujung minggu musim perayaan?

**Menteri Muda Kerajaan Tempatan (Y.B. Datu Dr Penguang Manggil):** Terima kasih Tuan Speaker. Jumlah ruang niaga yang sedia ada di pasar tamu Selangau adalah sebanyak 150 ruang. Pada masa ini hanya terdapat sejumlah 101 orang peniaga yang telah berdaftar untuk berniaga di pasar tamu tersebut dan masih terdapat 49 ruang yang masih kosong. Walau bagaimanapun, sekiranya terdapat masalah kesesakan ruang niaga pada masa depan maka pihak Majlis akan melakukan susun atur semula ruang niaga dan kemungkinan untuk melakukan penempatan semula tamu tersebut.

Bagi soalan yang kedua, Majlis Daerah Luar Bandar Sibu pada masa ini sedang melakukan kerja-kerja merata dan menembok sebidang tanah lapang seluas 1.5 hektar bersebelahan Pekan Selangau. Ini adalah bertujuan untuk dijadikan tempat letak kenderaan sementara di kawasan tersebut bagi mengatasi masalah kekurangan tempat letak kereta semasa hujung minggu. Terima kasih.

KUALITI BARANGAN DAN PEMASARAN PRODUK-PRODUK USAHAWAN  
KECIL DAN SEDERHANA

(4) **Y.B. Encik Ripin Bin Lamat** bertanya kepada Menteri Pembangunan Perindustrian dan Usahawan: Apakah usaha dan tindakan Kementerian dan Kerajaan dalam meningkatkan kualiti barangan dan pemasaran produk-produk usahawan kecil dan sederhana terutama dari segi *packaging* dan *branding*?

**Menteri Muda Pembangunan Perusahaan Kecil dan Sederhana dan Usahawan (Y.B. Datuk Haji Mohd Naroden Haji Majais):** Tuan Speaker, untuk makluman Ahli Yang Berhormat bagi Lambir, Kerajaan melalui Kementerian kami serta agensi-agensi yang melaksanakan segala program keusahawanan sentiasa menganjurkan beberapa program termasuk program latihan, program kemahiran, pengurusan perniagaan serta program bimbingan dalam meningkatkan kualiti produk termasuklah *packaging* dan *branding* sekali. Kerajaan juga menyediakan beberapa bantuan kewangan sebagai contoh *SME Corporation* melaksanakan *Bumiputera Enterprise Enhancement Program* (BEEP) yang menyediakan geran 50 peratus daripada kos projek.

SPIK dianjurkan oleh Kementerian saya dan fundnya disalurkan kepada SEDC adalah pinjaman mudah untuk renovation, membeli mesin dan alat-alat pemprosesan, peningkatan sistem pengurusan modal dan promosi produk.

Program bimbingan bagi mereka bentuk pembungkusan serta *branding* dengan mengambil kira Pensijilan HALAL dan MeSTI (Makanan Selamat Tanggungjawab Industri) juga dalam program untuk memperkasakan keupayaan produk tempatan menembusi pasaran yang lebih besar. Dalam usaha untuk memperkenalkan produk tempatan ke pasaran yang lebih jauh dan lebih besar seperti di Semenanjung Malaysia, Kementerian saya telah mewujudkan Sarawak Product Pavilion di Kuala Lumpur selain daripada mengikuti program-program Satu Daerah Satu Industri, Halal Fest, MIHAS di peringkat Nasional. Terima kasih.

**Y.B. Encik Ripin Bin Lamat:** (*Soalan Tambahan*) Tuan Speaker, saya ada dua soalan tambahan. Yang pertama, bagaimanakah Sarawak Product Pavilion (SPP) yang dinyatakan oleh Yang Berhormat Menteri Muda tadi dapat memberi manfaat kepada usahawan-usahawan Sarawak dan bilakah SPP ini akan mula beroperasi? Soalan saya yang kedua ialah apakah program-program dan skim-skim pembangunan usahawan contohnya *apprentice programme* untuk graduan-graduan dan belia-belie yang tidak bekerja atau belum mendapat pekerjaan untuk melibatkan diri dalam bidang keusahawanan dan juga perniagaan. Terima kasih.

**Menteri Pembangunan Perindustrian dan Usahawan (Y.B. Datuk Haji Mohd. Naroden Bin Haji Majais):** Terima kasih Tuan Speaker dan Ahli Yang Berhormat bagi Lambir. *Sarawak Product Pavilion (SPP) is located at Jalan TAR, Jalan Tun Abdul Rahman one of the busiest street in Kuala Lumpur. Pavilion ini memiliki 2 blok dan 5 storey shophouses. Ground floor dedicated* untuk mempamer dan meretaikan barang yang dipilih dari Negeri Sarawak di sebut kita Sarawak base. Dan bersama dengan *small cafe at the corner, serving Sarawak unique beverage and drink. 1<sup>st</sup> floor is dedicated for local furnitures under STIDC, 2<sup>nd</sup> floor is dedicated for e-commerce* di mana para belia kita yang tinggal di Kuala Lumpur termasuklah student yang belajar di sana bolehlah membuat *online business to market local products which are already stationed at Pavilion later on. The 3<sup>d</sup> floor is dedicated for discussion, seminar room and the top floor will be used for short stay accommodation. The in-house video at LED will promote Sarawak Tourism product. SPP priority is to work with e-commerce platform players like Alibaba,*

*Lazada and local stores hoping to share their small portion of the market place. Jadi SPP kita will first act as marketeer and later on can be distributor to global players. Once SPP is linked to our proposed collection centre in Sarawak it will then become partners in the near future.*

Jadi soalan kedua Yang Berhormat dari Lambir tadi apakah program-program ataupun skim untuk para belia graduan yang menganggur. Kita mengadakan beberapa program seperti USTEV, Usahawan Teknikal dan Vocasional. Amat baik bagi mereka yang mempunyai kelulusan ijazah yang generic, yang tidak teknikal so mereka boleh memasuki skim ini untuk latihan vokasional supaya mereka lebih laku dalam bidang, dalam industri-industri yang ada di Sarawak.

Dan kedua ialah TUBE. Latihan dua minggu. Satu minggu untuk disiplin, untuk melatihkan the mind, attitude, building dan kedua, satu minggu untuk mendedahkan mereka kepada ciri-ciri keusahawanan. Jadi mereka setelah tamat TUBE dianjurkan oleh SME Corps, mereka akan diberi RM15 ribu geran apabila mereka tamat latihan dan *the moment they set up the company with SSM they will be given RM15 thousand. And registration, if they are online, registration with SSM will be free for them. So these are some of the program that we can prepare for our unemployed graduates in Sarawak. Thank you very much.*

#### PROJEK RURAL GROWTH CENTRE (RGC) BELADIN

(5) **Y.B. Tuan Haji Razaili Bin Haji Gapor** bertanya kepada Menteri Pemodenan Pertanian: Terima kasih Tuan Speaker.

Buah durian, buah rambutan;  
Buah kristal, buah delima;  
Mohon YB Menteri beri jawapan;  
Soalan saya nombor lima.

- (a) Apakah perancangan Kerajaan untuk menjayakan Projek Rural Growth Centre (RGC) Beladin pada masa hadapan?
- (b) Adakah Kerajaan bercadang untuk melaksanakan Projek Pertanian Bersepadu dengan infrastruktur pertanian moden di RGC Beladin untuk membolehkan pertanian komersial skala besar dijalankan?

**Menteri Pemodenan Pertanian (Y.B. Datuk Roland Sagah Wee Inn):** Terima kasih, Tuan Speaker. Terima kasih, Ahli Yang Berhormat bagi Beting Maro. Durian belum gugur lagi. Belum masak. So, pantun tak adalah pagi ini. (*Laughter*)

Untuk makluman Ahli Yang Berhormat bagi Beting Maro, soalan (a), sukacita dimaklumkan bahawa kerja-kerja infrastruktur seperti kerja-kerja penimbusan *penembokan* pasir, pembinaan jalan raya, penyambungan elektrik dan bekalan air paip akan dilaksanakan di kawasan cadangan Perumahan Nelayan di RGC Beladin pada tahun 2018. Ini merupakan penambahan kepada beberapa pusat perkhidmatan dan kemudahan yang sedang dan telah dilaksanakan di RGC Beladin seperti sekolah, klinik kesihatan, dewan masyarakat, balai bomba dan balai polis. Pihak swasta juga telah membina rumah kedai (*shoplots*) untuk kemudahan komersial di RGC Beladin.

Bagi soalan (b), buat masa ini, Kerajaan belum lagi mempunyai perancangan untuk melaksanakan projek pertanian bersepadu dengan infrastruktur pertanian moden di RGC Beladin. Walau bagaimanapun, cadangan ini akan diambil kira semasa membuat *Study on Rural Growth Centres and Small Isolated Rural Communities*.

**Y.B. Tuan Haji Razaili Bin Haji Gapor:** (*Soalan Tambahan*) Terima kasih Tuan Speaker. Terima kasih kepada Menteri ke atas jawapan. Saya ada dua soalan.

- i. Apakah skop *study on Rural Growth Centres and Small Isolated Rural Communities* yang dinyatakan tadi dan bilakah dijangka disiapkan?
- ii. Adakah Kerajaan bercadang untuk menggalakkan pihak swasta terlibat di dalam pembangunan RGC di Beladin?

**Menteri Muda Pembangunan Tanah Adat (Y.B. Datuk Roland Sagah Wee Inn):** Terima kasih Tuan Speaker, terima kasih Ahli Yang Berhormat bagi Beting Maro. Untuk soalan tambahan kedua-duanya sekali, ingin saya memberitahu bahawa bagi Beting Maro, *study of Rural Centres and Small Isolated Rural Communities* dijangka akan bermula pada awal tahun hadapan dan akan mengambil masa selama sembilan bulan untuk disiapkan.

Skop *Study of Rural Growth Centres and Small Isolated Rural Communities* adalah meliputi status sosio ekonomi dan guna tenaga di kawasan RGC. Impak pembangunan yang telah dirancang dan dilaksanakan di setiap RGC membuat penilaian semula kesesuaian tapak program dan projek di setiap RGC peluang dan halangan pembangunan sosio ekonomi di setiap RGC dan hala tuju pembangunan RGC.

Kerajaan sememangnya menggalakkan penglibatan pihak swasta dalam pembangunan RGC. Bagi RGC Beladin, pihak swasta telah membina rumah kedai sepertimana yang saya bagitahu tadi untuk kemudahan komersial di RGC Beladin. Selain daripada itu, pihak swasta juga digalakkan untuk terlibat dalam pengendalian dan penyelenggaraan operasi projek *slipway* di RGC Beladin.

#### PENGWUJUDAN SEBUAH BALAI POLIS DI DUN STAKAN

(6) **Y.B. Dato Sri Haji Mohammad Ali Mahmud** bertanya kepada Ketua Menteri, memandangkan pembangunan pesat serta pertambahan penduduk di DUN Stakan, adakah pihak Kerajaan mempunyai perancangan untuk mewujudkan sebuah Balai Polis untuk perkhidmatan yang lebih efektif kepada masyarakat?

**Timbalan Ketua Menteri, Menteri Pemodenan Pertanian, Tanah Adat dan Pembangunan Wilayah (Y.B. Datuk Amar Douglas Uggah Embas):** Terima kasih, Yang Berhormat Stakan. Untuk makluman Yang Berhormat Dato, kawasan DUN Stakan adalah di bawah bidang kuasa Ibu Pejabat Polis Daerah Kota Samarahan. Memang diakui bahawa bahagian Kota Samarahan termasuk DUN Stakan telahpun membangun dengan begitu pesat dan penduduknya juga bertambah. Oleh yang demikian, Kerajaan sedar keperluan untuk menambah anggota polis serta membina Balai Polis untuk memastikan keadaan terus aman dan selamat khususnya untuk DUN Stakan. Oleh yang demikian Kerajaan sedang merancang untuk mewujudkan sebuah Balai Polis di kawasan DUN Stakan. Pada masa ini, Polis Diraja Malaysia sedang dalam proses mengenalpasti lokasi yang strategik.

**Y.B. Dato Sri Haji Mohammad Ali Mahmud:** (*Soalan Tambahan*) Tuan Speaker, saya ada dua soalan tambahan.

- i. Berapakah luas tanah diperlukan untuk tapak Balai Polis tersebut?
- ii. Berapakah anggaran kos projek ini?

**Timbalan Ketua Menteri, Menteri Pemodenan Pertanian, Tanah Adat dan Pembangunan Wilayah (Y.B. Datuk Amar Uggah Embas):** Terima kasih Dato atas soalan tambahan. Mengenai yang pertama, tanah yang diperlukan adalah dalam lingkungan 5 ekar dan anggaran kos adalah RM20 juta. Skop projek dan kemudahan yang akan disediakan di Balai Polis berkenaan adalah seperti berikut:

- (a) Balai Polis satu unit;
- (b) kuarters kediaman kelas E satu unit;
- (c) kuarters kediaman kelas F 16 unit;
- (d) stor barang kes;
- (e) pondok pegawai;
- (f) garaj kenderaan pasukan;
- (g) rumah sampah;
- (h) dewan serbaguna;
- (i) rumah pam;
- (j) pencawang elektrik; dan
- (k) surau.

Terima kasih.

#### GOVERNMENT PLAN TO IMPROVE THE ROAD SYSTEM IN SIBU

(7) **Y.B. Puan Irene Mary Chang Oi Ling** asked Minister for Infrastructure Development and Transportation: Does the Government have any plan to build a fly-over in Sibu, especially in the Central Business District (CBD) area, to improve the road system in Sibu? If not, what is the Government's plan to reduce traffic congestion in Sibu?

**Menteri Muda Pengangkutan (Y.B. Datuk Dr Jerip Anak Susil):** Thank you Tuan Speaker, thank you Member of Bukit Assek. For the information of the Member of Bukit Assek, presently there is no immediate proposal to build a fly-over in Sibu Central Business District area. However, JKR has identified 7 congested areas or rather junctions around Sibu Town to be improved. Traffic studies will be undertaken and the results shall be used to formulate traffic improvement plans to be done for the congested areas together with the preparation of the preliminary costing for the proposed improvement works in Sibu Town.

**Y.B. Puan Irene Mary Chang Oi Ling:** Tuan Speaker, the issue of traffic congestions in Sibu is a recycle issue. And with the volume of traffic in Sibu, diverting the flow of traffic here and there would not totally resolve the problem. I feel that the roads, new roads have been built and fly-over. My question is this, Kuching has a fly-over, Miri has a fly-over, Bintulu will have one next year, why is Sibu being bypassed over and over again? That's my question.

**Menteri Muda Pengangkutan (Y.B. Datuk Dr Jerip Anak Susil):** Terima kasih Tuan Speaker, terima kasih kepada Ahli Yang Berhormat Bukit Assek. We have no intention to neglect Sibu, we have no intention. However any implementation of programmes which will help to decongest the traffic system in Sibu will require comprehensive studies. So that's what we are doing now. We cannot simply implement any fly-overs when we have not really done studies yet and which will incur cost. So at the moment JKR has studied it and we have identified 7 areas which are actually very congested. Therefore from these studies later on we will decide whether there should be a fly-over or whether there should be a traffic system to improve the present traffic light there. So, can you be patient with us please?

**Y.B. Puan Irene Mary Chang Oi Ling:** (*Supplementary Question*) Yes. Yes.

**Tuan Speaker:** What is your question?

**Y.B. Puan Irene Mary Chang Oi Ling:** Actually, I have three questions.

**Tuan Speaker:** No more.

**Y.B. Puan Irene Mary Chang Oi Ling:** Okay, okay one more, one more. Okay if the traffic congestion in Sibu especially in CBD area now, we are lack of parking space and this leads to a lot of indiscriminate illegal parking so what is the Government's plan to address this.

**Tuan Speaker:** The question is on flyover. Not on parking space.

**Y.B. Puan Irene Mary Chang Oi Ling:** Sorry. Traffic congestion, because of the traffic congestion right, we do not have enough parking space. Yes.

**Menteri Muda Pengangkutan (Y.B. Datuk Dr Jerip Anak Susil):** Tuan Speaker, thank you for the supplementary question, Member for Bukit Assek. Whatever that we are going to do whether it is lack of parking space or whether there is congestion along the traffic lights, it all depends on the outcome of the studies. So, we really cannot promise you anything until we are determined and be well informed what is the outcome of this study. As I've said please be patient with us.

**Tuan Speaker:** Y.B. Dato Henry Harry Anak Jinep, Tasik Biru.

#### RURAL WATER SUPPLY PROJECTS IN DUN TASIK BIRU AND DUN TANJONG DATU

(8) **Y.B. Dato Henry Harry Anak Jinep** bertanya kepada Menteri Utiliti Sarawak: Terima kasih Tuan Speaker. Bangun pagi buka SMS. Isu pertama pasal air. Mahu tidur pun tengok SMS. Belum habis lagi isu air. Dari Bau ke Sematan soalan saya Nombor 8. What is the status of the allocation of RM129 million announced by the Prime Minister during the Tanjung Datu by-election for Rural Water Supply or Bekalan Air Luar Bandar projects in DUN Tasik Biru and DUN Tanjung Datu through Kementerian Kemajuan Luar Bandar dan Wilayah (KKLW)?

**Menteri Muda Bekalan Air (Y.B. Datuk Liwan Lagang):** Terima kasih Tuan Speaker, izinkan saya menjawab Soalan Nombor 8 dan Soalan 27 dari Ahli Yang Berhormat bagi Tanjung Datu kerana kedua-dua soalan ini merujuk pada perkara yang sama. Pantun kita berjumpa nanti di *lounge*.

(27) **Y.B. Datuk Amar Hajah Jamilah Haji Anu** asked Minister for Utilities Sarawak: When will the Bau-Lundu Water Supply master plan actually materialise and executed to solve the issue of water supply disruption in Sematan?

**Menteri Muda Bekalan Air (Y.B. Datuk Liwan Lagang):** Tuan Speaker, for the information of Ahli Yang Berhormat for Tasik Biru, an allocation of RM129 million for the water supply project announced by Prime Minister during Tanjung Datu by-election has already been approved. Good news for you. The project comprises of laying of water mains to Lundu, Pandan, Biawak and Sematan and as agreed by KKLW, these projects would be divided in phases. Projek Bekalan Air Luar Bandar Kawasan Bau, Lundu, Sematan Bahagian Kuching Phase A consisting of pipe laying to Lundu-Pandan area is currently under tender documentation. Meanwhile for Phase B of the project, mainly pipe laying work to Biawak and Sematan areas could only be carried out at a later stage due to ongoing construction of Pan Borneo Highway. And for the information of Ahli Yang Berhormat for Tanjung Datu, there is a comprehensive water supply master plan that Tasik Biru, Lundu, Sematan regional water supply in place for Lundu and Lundu District.

Currently we have implemented part of the master plan and the work that had been carried out since 2005 are as follows:-

1. Construction of booster station high level tanks and various water mains.
2. Upgrading of booster station.
3. Upgrading of the pump house at Batu Kitang Water Treatment Plant.

The indicated 765 diameter transmission main from Bau Regional Reservoir to Siburoh, is it Siburoh? It is Sibuluh junction will be implemented soon. Currently, this project is in the final design stage and expected to be tendered by the end of this year, hopefully next month. Besides Project Bekalan Air Luar Bandar Kawasan Bau, Lundu, Sematan Bahagian Kuching Phase A that is Lundu, Pandan will be implemented in the near future. This project is currently under tender documentation stage. However, under this master plan the remaining two projects which are affected by the on-going construction of the Pan Borneo Highway are not able to be implemented. So, the two projects are (a) 600 diameter D1 transmissions main from Setinggang reservoir to Kampung Setinggang; and (b) Project Bekalan Air Luar Kawasan Bau, Lundu, Sematan Bahagian Kuching Phase B, Biawak and Sematan is funded by KKLW.

**Y.B. Dato Henry Harry Anak Jinep:** (*Soalan Tambahan*) Terima kasih Tuan Speaker. Thank you to the Assistant Minister for your reply. It sounds very interesting when Bau is mentioned but I do not see any specific supply to Bau District. My question is why there is no allocation specifically for Bau water supply of RM40 million in the Budget 2018 and secondly there has been frequent water shortages and cut off due to the negligence of the Pan Borneo contractor. May we know your action plan to alleviate this incidence? Thank you.

**Menteri Muda Bekalan Air (Y.B. Datuk Liwan Lagang):** Thank you, my handsome Yang Berhormat for Tasik Biru. I thank you Tuan speaker. The question of allocation specifically for Bau doesn't arise just because the State Government is focusing on the State grid that means connecting every main major town and districts. Well, Ahli Yang Berhormat, the amount of RM40 million for the laying of the new pipe from Batu Kitang Water Treatment Plant to Bau Regional receiver number 2 can't get into 2018 yet. However, you are given the assurance of however this project has been put up in the mid-term review of Eleventh Malaysia Plan under the new project list for consideration. And as for your question on the interruption rest assured under our very strict Minister now and very committed Setiausaha Tetap, the water supply due to the main pipeline by Pan Borneo Highway contractors along Batu Kawa, Bau road the relevant water supply agencies mainly JBALB and Kuching Water Board has taken initiative to reduce and minimize the occurrence of incidence of pipe damages. The initiative taken include close to the nation with Lebuhraya Borneo Utara contractors joint site inspection prior to the commencement of road works and frequent site inspection during construction in cases where damages have occurred the relevant agencies would ensure that necessary repair works are carried out in a timely manner and the restoration of water supply to the consumers is carried out in the shortest possible time. Thank you.

#### PELAKSANAAN BANDAR BARU OPAR

(9) **Y.B. Dato Ranum Anak Mina** bertanya kepada Menteri Pembangunan Bandar dan Sumber Asli: Bilakah Bandar Baru Opar yang dilaksanakan oleh Land Custody and Development Authority (LCDA) dijangka siap sepenuhnya?

**Menteri Muda Perancangan Bandar, Pentadbiran Tanah dan Alam sekitar (Y.B. Datu Haji Len Talif bin Salleh):** Terima kasih Tuan Speaker. Terima kasih Yang Berhormat

bagi Opar. Untuk makluman Ahli Yang Berhormat bagi Opar, dalam Rancangan Malaysia Ke-11 (RMK-11) Kerajaan Negeri telah memperuntukan siling sejumlah RM47 juta untuk Pusat Pertubuhan Desa (PPD) Opar untuk kerja-kerja penyediaan tapak dan kerja-kerja infrastruktur. Jadi bagi tahun 2016, jumlah RM10 juta telah diperuntukan bagi kerja-kerja *site clearing and earth filling works package 2* yang telah dilaksanakan oleh Land Custody and Development Authority (LCDA) untuk penyediaan tapak komersial, tapak kemudahan awam dan tapak perkhidmatan kerajaan yang melibatkan kawasan seluas 18.7 hektar. Pakej ke-2 ini telah siap sepenuhnya pada 26 September 2017 tahun ini dan selaras dengan keputusan kerajaan negeri, LCDA telah menyerahkan semua projek pembangunan PPD Opar pada Kementerian Pemodenan, Pertanian, Tanah Adat dan Pembangunan Wilayah Sarawak pada tahun ini dan Kementerian ini telah merancang untuk meneruskan kerja-kerja infrastruktur seperti kerja-kerja penebukan pasir, pembinaan jalan raya dan pemyambungan bekalan elektrik dan air paip di PPD Opar pada tahun 2019 dan 2020. Sekian, terima kasih.

**Y.B. Dato Ranum Anak Mina:** (*Soalan Tambahan*) Tuan Speaker, saya ada dua soalan tambahan.

- i. Berapakah keluasan sebenar keseluruhan PPD Opar; dan
- ii. Apakah komponen-komponen terdapat dalam frame structure PPD Opar?

Terima kasih.

**Menteri Muda Perancangan Bandar, Pentadbiran Tanah dan Alam Sekitar (Y.B. Dato Haji Len Talif Bin Salleh):** Terima kasih Tuan Speaker dan terima kasih sekali lagi bagi Yang Berhormat bagi Opar. Jumlah kawasan the total area under PPD Opar ialah 100.54 hektar dan kawasan ini akan dan komponen-komponen yang akan disediakan dalam kawasan ini ialah seperti komersial, Industrial Area, perumahan, reserve kerajaan, kawasan lapang dan rekreasi, sekolah, kemudahan komuniti, tempat riadah, padang bola dan lain-lain. Sekian, terima kasih.

#### MASALAH PENYALAHGUNAAN DADAH DI DAERAH BETONG

(10) **Y.B. Encik Mohammad Razi Bin Sitam** bertanya kepada Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak:

- a) Apakah usaha Kerajaan negeri untuk mengatasi masalah penyalahgunaan dadah di negeri ini?
- b) Berapakah kes tangkapan yang telah dilakukan sepanjang tahun 2016 dan 2017 khususnya di Daerah Betong?

**Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak (Y.B. Dato Sri Hajah Fatimah Abdullah):** Tuan Speaker, izinkan saya untuk menjawab soalan 10 dari Ahli Yang Berhormat Saribas dan juga soalan 29 dari Ahli Yang Berhormat N.77 Telang Usan dan soalan 62 daripada Ahli Yang Berhormat Batu Danau dan satu lagi ialah soalan 70 dari Ahli Yang Berhormat dari Balingian. Semua ini menyentuh tentang isu yang sama iaitu tentang dadah.

#### JUMLAH PENANGKAPAN DADAH DI LUAR BANDAR DI DAERAH BARAM

(29) **Y.B. Encik Dennis Ngau** bertanya kepada Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak: Berapakah jumlah operasi, penganjak dadah pelbagai dan penagih yang telah ditangkap yang telah ditangkap dalam

usaha membasmi gejala bahaya dadah di Luar Bandar di Daerah Baram dalam tahun 2015, 2016 and 2017?

**JUMLAH PENANGKAPAN DADAH BAGI DAERAH LIMBANG DUN BATU DANAU  
TAHUN 2016 DAN 2017**

(62) **Y.B. Encik Paulus Palu Gumbang** bertanya kepada Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak: Berapakah jumlah kes/tangkapan yang berkaitan dengan pengedaran dan penyalahgunaan dadah bagi Daerah Limbang amnya dan kawasan DUN Batu Danau bagi tahun 2016 dan 2017?

**TINDAKAN KERAJAAN UNTUK MEMERANGI GEJALA DADAH**

(70) **Y.B. Encik Abdul Yakub Bin Haji Arbi** bertanya kepada Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak: (a) Apakah tindakan Kerajaan untuk memerangi gejala dadah yang mana akan meruntuhkan generasi Y sekiranya tidak dibanteras di Sarawak? (b) Apakah statistik terkini penagih dadah dalam pelbagai kategori di Sarawak? (c) Apakah langkah konkrit Kerajaan membanteras gejala penagihan dadah ini?

**Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak (Y.B. Dato Sri Hajah Fatimah Abdullah):** Untuk makluman Ahli Yang Berhormat bagi N.35 Saribas, N.77 Telang Usan, N.62 Batu Danau, N.58 Balingian kerajaan bagi agensi anti Dadah Kebangsaan atau AADK, Polis Diraja Malaysia (PDRM), Kementerian Dalam Negeri (KDN), Jabatan Pendidikan, NGO, PEMADAM di peringkat negeri, bahagian dan daerah dan Majlis Pembangunan Sosial di Kementerian saya, Kementerian Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak dengan kerjasama komuniti setempat bekerjasama secara bersepadu untuk memerangi penyalahgunaan dadah ini.

Lanjutan daripada pengisytiharan tahun memerangi dadah habis-habisan pada 23 Ogos 2016 Peringkat Negeri Sarawak. Satu bengkel penyelarasan penyelesaian isu dadah telah diadakan di Bahagian Limbang pada 4 hingga 7 Mei 2017, *specificly* di Lawas.

Ia telah berjaya menghasilkan satu pelan tindakan intervensi secara bersepadu, Integrated, Intervension Action Plan yang berbentuk penguatkuasaan (*enforcement*) dan berbentuk bukan penguatkuasaan (*non-enforcement*). Selain itu, ia juga dijadikan sebagai kerangka or frame work bagi operasi gerak gempur berkaitan isu dadah di bahagian-bahagian lain di Negeri Sarawak.

Bagi mengatasi masalah penyalahgunaan dadah di Negeri Sarawak, pendekatan yang *holistic* digunakan melibatkan tindakan pencegahan, penguatkuasaan dan pemulihan. Tindakan pencegahan (*prevention*) ataupun kesedaran, meningkat kesedaran (*awareness*). Program-program kesedaran tentang bahaya dadah dilaksanakan kepada semua peringkat umur yang bertujuan untuk medidik masyarakat agar peka dan sedar tentang bahaya dan ancaman najis dadah disamping menanam sikap membenci dadah dan menghidarkan diri serta ahli keluarga daripada dadah durjana.

Sehingga 26 Oktober 2017, sejumlah 89 program dan aktiviti pendidikan pencegahan dengan melibatkan seramai 9,556 orang telah dilaksanakan oleh pihak Kerajaan dengan usaha sama serta sokongan daripada pihak NGO, PEMADAM Negeri Sarawak dan komuniti setempat. Untuk tahun 2017, AADK telah melibatkan sebanyak

182 buah sekolah menengah di negeri ini bagi menjalani program "Sayang Hidup, Elak Derita Selamanya" atau singkatannya (SHIELDS).

*Melaksanakan program "Community Empowerment"*

Pelaksanaan program ialah bagi memberi kemahiran serta intervensi kepada pemimpin-pemimpin masyarakat di akar umbi. Ketua-Ketua Kaum, Ketua-Ketua Keluarga agar berani dan bersatu dalam memerangi dadah di kawasan masing-masing.

AADK Negeri Sarawak melalui AADK Daerah juga telah melaksanakan sebanyak 108 program pencegahan yang melibatkan kawasan pedalaman di seluruh negeri seperti Bahagian Mukah, Miri, Betong, Sarikei, Bintulu, Sri Aman dan Sibu. Selain daripada itu juga, Jabatan Siasatan Jenayah dan Narkotik (JSJN) Sarawak juga mempergiatkan usaha membanteras dan pencegahan kegiatan penyalahgunaan atau pengedaran dadah seperti mengadakan ceramah dan pameran di sekolah, agensi kerajaan, dan swasta mengenai bahayanya dadah.

*Tindakan Penguatkuasaan (Enforcement)*

Jabatan Siasatan Jenayah Narkotik Sarawak merupakan agensi penguatkuasa. Mereka telah mengadakan pendekatan seperti berikut; menyekat bekalan (*supply*), dan menyekat permintaan (*demand*) dadah daripada memasuki ke Sarawak. Sepanjang tempoh Januari hingga September 2017, sejumlah 6 sindiket utama di Sarawak telah berjaya ditumpaskan. Bagi kategori bekalan atau (*supply*) sejumlah 401 kes tangkapan telah dibuat. Bagi kategori memiliki (*possession*), sejumlah 1,352 kes tangkapan dan bagi urin positif, sebanyak 3,048 kes berjaya dilaporkan oleh JSJ Narkotik Sarawak.

*Menguatkuasakan undang-undang pencegahan.*

Di bawah Akta Dadah Berbahaya, Langkah-Langkah Pencegahan Khas 1985 seramai 43 orang telah dikenakan tindakan di bawah Akta ini antara bulan Januari hingga September 2017. Tindakan membuat sitaan harta-harta terhadap pengedar-pengedar dadah turut dilakukan. Sepanjang tempoh Januari hingga September 2017, JSJ Narkotik negeri Sarawak telah berjaya membuat sitaan sejumlah 4.9 juta di bawah Akta Dadah

*Mengadakan dan mengeratkan hubungan dua hala dengan negara jiran.*

Khususnya dengan Negara Brunei Darussalam dan Indonesia, yang melibatkan program pertukaran maklumat risikan.

*Mengadakan aktiviti ataupun program pencegahan.*

Ia menjurus kepada mempergiatkan usaha membanteras dan pencegahan kegiatan penyalahgunaan pengedaran dadah seperti mengadakan ceramah dan pameran di sekolah, agensi kerajaan atau swasta mengenai bahayanya dadah.

*Tindakan Rawatan dan Pemulihan*

Program-program rawatan dan pemulihan memberi fokus kepada merawat dan memulihkan penagih dadah dengan memberi kemahiran serta panduan kepada mereka agar mereka dapat berfungsi seperti sedia kala.

Dalam konteks rawatan dan pemulihan setakat April 2017 seramai 190 orang penagih dadah sedang menjalani pemulihan di Pusat Pemulihan Penagihan Narkotik Sarawak (PUSPAN) di Kuching. Seramai 62 orang penagih sedang menjalani pemulihan secara sukarela di Care and Cure Service Center Kuching. Sementara 1,177 orang kena

pengawasan ataupun OKP yang menjalani pemulihan dalam komuniti dan diawasi oleh AADK daerah di seluruh Sarawak.

Menerusi bengkel penyelarasan penyelesaian isu dadah yang telah diadakan di Lawas pada 4 – 7 Mei 2017 pihak kerajaan melalui AADK akan menubuhkan tujuh lagi Care and Cure Service Centre (CCSS) di Lawas, Samarahan, Betong, Serian, Mukah, Bintulu dan Sarikei.

Bagi menjawab soalan seterusnya dari Ahli Yang Berhormat bagi Saribas, berdasarkan maklumat yang diberikan oleh AADK pada tahun 2016 daerah Betong mencatatkan 137 kes dan 123 tangkapan dibawah Akta Dadah Berbahaya 1952. Empat kes dan empat tangkapan dibawah Akta Racun 1952 dan 15 kes serta 15 tangkapan telah dibuat di bawah Akta Penagih Dadah manakala untuk tahun ini, iaitu sehingga September 2017 sebanyak 125 kes dan 101 tangkapan dibawah Akta Dadah Berbahaya 1952 dan tiga kes serta tiga tangkapan dibawah Akta Racun 1952.

Untuk makluman Ahli Yang Berhormat bagi Telang Usan, berdasarkan maklumat yang diberikan oleh Jabatan Siasatan Jenayah Narkotik Sarawak sepanjang tahun 2016 seramai 27 orang telah ditahan atas pelbagai kesalahan di bawah pelbagai Seksyen dibawah Undang-Undang Dadah di daerah Baram. Manakala Januari hingga September 2017 menerusi pelbagai operasi yang dijalankan, pihak polis telah berjaya menangkap seramai 67 orang di bawah pelbagai Seksyen dibawah Undang-Undang Dadah.

Manakala, berdasarkan kepada maklumat yang diberikan oleh AADK pula, jumlah orang kena pengawasan di daerah Baram setakat ini pada tahun 2017 berjumlah 17 orang berbanding dengan 18 orang pada tahun 2016 dan 11 orang pada tahun 2015.

Bagi menjawab soalan daripada Yang Berhormat N80 Batu Danau, untuk makluman Ahli Yang Berhormat berdasarkan maklumat yang diberikan oleh Jabatan Siasatan Jenayah Narkotik Sarawak, jumlah kes yang berkaitan dengan pengedaran dan penyalahgunaan dadah bagi daerah Limbang termasuk kawasan Batu Danau bagi tahun 2016 berjumlah 204 kes berbanding dengan 280 kes iaitu Januari hingga September 2017. Manakala bagi tangkapan pula ia melibatkan 189 tangkapan bagi tahun 2016 berbanding dengan 209 tangkapan dari Januari hingga September tahun 2017.

Bagi menjawab soalan Ahli Yang Berhormat dari N58 Balingian, kerajaan melalui agensi Anti Dadah Kebangsaan, PDRM, Kementerian Dalam Negeri dengan kerjasama NGO dan PEMADAM Negeri pada tahun 2014 statistik penagih dadah dalam pelbagai kategori di Sarawak pada tahun 2014 ikut jumlah dahulu, 145 orang bagi tahun 2015 dan bagi tahun 2016, 133 orang. Manakala pada tahun 2017 iaitu Januari sehingga September 2017, 106 orang.

**Y.B. Encik Mohammad Razi Bin Sitam:** (*Soalan Tambahan*) Tuan Speaker, saya ada soalan tambahan. Terima kasih Y.B. Menteri atas penerangan yang sangat jelas. Sekarang ini kita melihat ada wujudnya *trend* meningkat berlakunya penyalahgunaan dadah terutamanya di kawasan luar Bandar khususnya termasuk kampung-kampung dan skim pembesaran kampung. Jadi apakah usaha khususnya peranan pihak polis itu sendiri untuk menangkap yang kita namakan sebagai token dadah ataupun *pusher* dadah yang menjadi dalang kepada penjualan dan pengedaran dadah di kalangan para belia ini. Jadi, sebab kita melihat belia-belia kawasan luar bandar sekarang ini telah menjadi sumber pendapatan kepada token-token dadah ini bagi melariskan produk dadah mereka. Sekian, terima kasih.

**Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak (Y.B. Dato Sri Hajah Fatimah Abdullah):** Bagi makluman ahli Yang Berhormat bagi Saribas, Kerajaan sedar sekarang ini bahawa penumpuan pengedar

dadah adalah terhadap belia termasuk pelajar-pelajar yang masih di bangku sekolah, dan ianya adalah satu perkara yang sangat membimbangkan pihak kita dan seperti yang saya katakan tadi, kita sekarang ini melihat kepada strategi iaitu penyelesaian penagihan dadah ini secara bersepadu dan juga secara holistik. Iaitu melalui Pelan Tindakan Intervensi Bersepadu berbentuk penguatkuasaan dan bukan penguatkuasaan. Pada masa yang sama, kita ingin mendapat selain daripada seperti yang saya katakan tadi, Pelan Tindakan Intervensi Bersepadu, kita perlu mendapat bantuan dan khidmat daripada komuniti setempat sama ada Ketua Kaum, Ketua Masyarakat ataupun ahli dalam masyarakat itu sendiri untuk menjadi mata dan telinga bagi pihak penguatkuasaan, agensi penguatkuasaan supaya kita dapat menangani bersama isu dadah ini.

**Y.B. Encik Dennis Ngau:** (Soalan Tambahan) Terima kasih, Tuan Speaker. Terima kasih Yang Berhormat Menteri. Saya hanya ada satu soalan tambahan. Saya dimaklumkan bahawa terdapat kekurangan anggota Jabatan Siasatan Jenayah dan Narkotik (JSJN) untuk tujuan penguatkuasa di Sarawak. Apakah ini benar dan apakah usaha Kerajaan untuk menambah bilangan anggota yang dimaksudkan? Terima kasih.

**Menteri Kebajikan, Kesejahteraan Komuniti, Wanita, Keluarga dan Pembangunan Kanak-Kanak (Y.B. Dato Sri Hajah Fatimah Abdullah):** Terima kasih kepada Ahli Yang Berhormat dari Telang Usan. Jawapan kepada soalan itu ialah ya. Terdapat hanya 342 jawatan JSJN di Sarawak iaitu 72 pegawai dan 270 anggota. Walau bagaimanapun, saya difahamkan bahawa kekuatan sedia ada yang ada sekarang ini hanyalah 306, iaitu 61 pegawai dan 245 anggota. Tetapi ini pun tidak memadai. 13 Daerah Polis, 13 District Police, langsung tidak mempunyai jawatan JSJN. *None at all*, iaitu di Lundu, Belaga, Marudi, Julau, Kanowit, Lubok Antu, Meradong, Saratok, Simunjang, Song, Tatau, Matu, Daro dan di tempat saya sendiri, Dalat pun tiada.

Tuan Speaker, *unfortunately*, Jabatan Perkhidmatan Awam (JPA) telah membekukan perjawatan baru untuk perkhidmatan awam sehingga tahun 2019. Jadi usaha kita di pihak Kerajaan ialah kita memohon supaya Jabatan Perkhidmatan Awam memberi pertimbangan khas kepada permohonan penambahan perjawatan Jabatan Siasatan Jenayah dan Narkotik bagi Sarawak kerana statistic telah menunjukkan bahawa peningkatan kes penyalahgunaan dadah dan juga kerana perjawatan yang sedia ada tidak mencukupi bahkan yang adapun tidak diisi.

**Tuan Speaker:** Ahli-Ahli Yang Berhormat, question time is up.

## RANG UNDANG-UNDANG KERAJAAN – BACAAN KALI YANG KEDUA

### SARAWAK RESEARCH AND DEVELOPMENT COUNCIL BILL, 2017

**Menteri Pendidikan, Sains dan Penyelidikan Teknologi (Y.B. Dato Sri Michael Manyin Anak Jawong):** Tuan Speaker, I beg to move that the Sarawak Research and Development Council Bill 2017 be read a second time.

Tuan Speaker, Research Councils in countries around the world, are established with the principal objective to identify a nation's research needs and strategies ensuring that research and development are sustained for the betterment of its people and its economic growth.

Countries such as the United Kingdom, Australia, Switzerland, and Germany that had been successful in bringing their R&D to fruition, are guided or spearheaded and supported by their respective Research Councils or Research Foundations that :

- i. determine the direction and strategies of research in various fields;
- ii. identify and prioritise research and development for commercialization of the research findings and the intellectual properties resulting therefrom;
- iii. promote and institutionalize collaborations between researchers and institutions – both local and international;
- iv. manage and offer funding for research and development; and
- v. support the development of human capital in the various research sectors.

Tuan Speaker, innovation drives economic growth. Thus, the thrust of innovation must be to promote, facilitate and sustain research and development (or R&D) that produce new knowledge, scientific techniques or technologies, fuel cells technologies, intellectual properties, creation of a strong vibrant research community, and attract investments from Government and private capital, so that the ultimate benefits of R&D would be enjoyed by human kind as a whole.

The Chief Minister too, has on numerous occasions highlighted the need for R&D that could achieve the objectives I had already outlined, towards the realization of the State's Socio-Economic Transformation Plan (SETP 2016-2030) to enable the State to attain high income status by the Year 2030.

Tuan Speaker, globally, advances in research and development especially, in the fields of pharmaceutical products, food industry, agriculture and biotechnology have taken place in recent decades. Many of these advances have been attributed to research into natural products derived from the rich biodiversity found in the tropical rainforests of the World.

Sarawak is well known for its biodiversity and biological resources in our forests and marine areas, some of these have been studied and found to have medicinal properties and undergoing research or trials for development of drugs that could be used for treatment of HIV, AIDS, prostate cancer and tuberculosis. There have also been research carried out into crops and peat soils, as well as the use of certain plants, trees and flora and mammals for traditional medicines, health supplements and herbal products.

All these researches ought now to be properly co-ordinated and policies and strategies should be set for their optimal, sustainable outcomes and to meet the objectives of the Social-economic Transformation Plan designed to take the State to a new level of economic development. For this primary reason, this Bill is now presented to this august House for enactment.

Though the State may be facing challenges in promoting research and development in the areas I have already mentioned, Sarawak has many unique advantages and could well positioned herself as an important player with its rich biodiversity and biological resources, and having, good well equipped research facilities and knowledgeable, motivated researchers. This Bill will enable the State to realize and secure many of the benefits which the Convention of Biodiversity 1992, has bequeathed to the State with such rich biodiversity.

The Bill will facilitate and attract meaningful collaboration between local researchers and research institutions with their counterparts overseas, to enhance research and development in various fields, particularly in areas of clinical, pharmaceutical and biodiversity research and development; and consequentially, in the development of human capital and intellectual properties which could significantly contribute to the economic development of Sarawak.

There is also a concern for lack of effective collaborations, knowledge sharing and inter-action between the various State agencies to achieve significant R&D impacts or to promote co-operation with international research bodies or institutions, necessary for our researchers to stay abreast with new knowledge and advancement in research technologies and to gain future access to global markets for products from our R&D efforts.

Hence, there is a need to coordinate, protect and commercialise our intellectual properties to attract investments from Governments and private capital to provide impetus and funds for our research works. The proposed Council will ensure that all available research funds are strategically utilized to achieve the best outcomes for the State.

This proposed Council will be headed by the Chief Minister and comprised not less than six (6) and not more than twelve (12) other members, excluding the Chairman. It will compose of persons with the right credentials and experiences in R&D fields. A panel of Advisors consisting of professionals of good repute and from varying disciplines in science, technologies and sociology or human capital development, intellectual property protection, to assist the Council in its decision making, will also be set up.

Tuan Speaker, in order to address the challenges I have mentioned and achieve a coordinated research and development strategy in Sarawak, the Sarawak Research and Development Council Bill proposes the establishment of the Sarawak Research and Development Council, which will be a statutory body to oversee the promotion, coordination and advancement of research and development in Sarawak.

The functions and duties of this proposed Council are:

- a) to support, direct, stimulate and facilitate research and development in Sarawak;
- b) to co-ordinate, direct, monitor and assist research and development undertaken by Government departments, statutory bodies, companies or corporations owned or controlled by the Government, and to facilitate co-operation, communication, exchange of knowledge, ideas and information between them.
- c) to promote, develop and sustain an environment conducive or capable of:
  - i. developing, nurturing and retaining talents and intellectual capital, with scientific and technological knowledge, innovative skills and capabilities, required to support the State's advancement and for the promotion of the State's economic growth and progress;
  - ii. facilitating the commercial application of findings, discoveries and innovations resulting from research and development carried out in the State; and

- iii. enhancing the research standards and capabilities of educational institutions in Sarawak and to attract scientific and technological talents;
- d) to establish, build, develop, manage and maintain facilities including repositories and institutions for undertaking research and development in the State;
- e) to provide financial assistance from moneys in the fund for research and development at any Government department, statutory body, company or corporation belonging to the Government and any educational institution in the State or in any facility or institution approved by the Council;
- f) to promote education in scientific and technology research and to provide financial assistance to those pursuing scientific and technology research or for the development or provision of incubation facilities for new enterprises towards the commercialization of any research discoveries, findings or innovations;
- g) to create, develop, apply for and hold intellectual property rights arising out of research and development under this Ordinance and to enter into arrangements with any person, organization or institution for the commercial application of such intellectual property rights;
- h) to enhance or advance knowledge, skills and capability to use and apply new and innovative technologies in the conduct of personal affairs and businesses; and
- i) to implement any programme, policy and plan of the Government designed or intended to facilitate or advance research and development in Sarawak.

The proposed Council shall also has the power:

- a) to enter into collaborative arrangement (including the provision of financial support) with any industry, educational institution or research institution to promote, facilitate and advance research and development or the commercial application of any finding, discovery and intellectual property resulting from such research and development;
- b) to provide direction and financial support for any research and development carried out by any Government department, statutory body or company or corporation belonging to the Government;
- c) to form or participate in the formation of any company or enter into any joint venture or partnership for the purpose of research and development;
- d) to carry out feasibility studies with a view to establish strategic direction for any specific research or for the commercial application of any discovery, finding and innovation;
- e) to grant licence for the use or commercial application of any intellectual property rights belonging to the Council;
- f) to provide or develop incubator facilities for new enterprises and business support facilities or assistance to growing enterprises, which are based on or involved in the commercial application of any discovery, finding or innovation

arising from research and development undertaken in accordance with this proposed Bill;

- g) to publish, produce or sponsor the publication of journals, books or other materials in written form, electronic or other media on research and development undertaken pursuant to this proposed Bill and to promote or undertake publicity in regard to such research and development;
- h) to receive, accept, acquire, develop or hold or sell, charge, pledge or otherwise dispose of any moveable or immovable property;
- i) to accept or receive donations and gifts and to raise funds by borrowing or any other lawful means to enable the Council to perform its functions and discharge its duties;
- j) to apply for and seek loans, grants, funds and other financial assistance from the Government of Malaysia and other corporations, institutions or bodies, whether within or outside Sarawak, for the purposes of this proposed Bill;
- k) to invest all moneys not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Council in any licensed bank or financial institution or in such other investments or securities as may be approved by the Council;
- l) to acquire or obtain technologies from any source outside Sarawak to support or facilitate or essential for advancing any specific scientific and technology research and development undertaken by or on behalf of the Council in Sarawak and to arrange for the transfer of such technologies; and
- m) to employ or appoint such officers, employees, agents, consultants, experts or advisors or establish committees as the Council deems necessary for the efficient performance of its functions and discharge of its duties.

This Bill also provides for, among others:

- a) the appointment of a General Manager who shall also be the Secretary to the Council;
- b) an Advisory Panel to ensure that the Council is properly advised on matters relating to research and development; and
- c) the establishment of the Sarawak Research and Development Fund.

Tuan Speaker, I would like to ask all Members of this august House to support this Bill. I beg to move.

**Menteri Perdagangan Antarabangsa dan E-Perdagangan, Menteri Kewangan II (Y.B. Dato Sri Wong Soon Koh):** I beg to second, Tuan Speaker.

**Tuan Speaker:** Ahli-ahli Yang Berhormat, we have a short break. Sitting resume at 11:05 am.

*(Mesyuarat ditangguhkan pada jam 10:43 pagi)*

*(Mesyuarat dimulakan pada jam 11:43 pagi)*

[Tuan Speaker mempengerusikan Mesyuarat]

**Tuan Speaker:** Now I shall call upon any Honourable Members who wish to speak on the Bill. Ahli Yang Berhormat bagi Sadong Jaya.

**Y.B. Ir Aidel Bin Lariwoo:** Thank you, Tuan Speaker. I rise to debate on the Sarawak Research and Development Council Bill, 2017. As for clause 6 in Part II of the Bill on Function and Duties of Council, sub clause (a) to (j), I would like to express my full support on what has been comprehensively deliberated, mentioned and chartered out to create path of R&D human capital of the State. The Council's role in setting direction and priority in areas of research will facilitate Sarawak's optimization of its R&D resources, for example facilities, equipment, raw material and human resource. Under the Sarawak Research and Development Council, a registry of researchers and scientists in Sarawak along with their respective field and expertise can be established to facilitate, enhance communication, networking and cohesive collaboration between researchers and scientist in Sarawak. Be it from the Government, research agencies, institution of higher learning or the NGOs.

Incorporation with world established international research institution and multinational company (MNC) will also enable our own scientist and researchers to stay abreast with the advancement in the various field of research and science. Of course, there is a tendency for us human to want to do our own research and be protective over our data. Researchers must not be afraid to share data as it can lead to further benefit. For example, one researcher's data which he or she may not deem useful could be of value to another researcher as a new ground for research processes or technology. Of course the appropriate measure to acknowledge one another's intellectual property in research must be taken. With the establishment of the Council in the registry, I would suggest the following issue can be addressed such as:-

- i. Duplication of research project; and
- ii. Mentality of working in silos.

Let me touch more on developing human capital. Realizing the need of academically qualified researchers, the State Government has established the Tun Taib Scholarship under Sarawak Foundation (Yayasan Sarawak). To develop our human capital in various fields, the first batch of 36 recipients are pursuing their PhD, two officers in PhD - Masters two recipients of Masters and Bachelor Degree in the fields of agriculture process engineering, cyber security, plant pathology, civil engineering and constructions, mechanical engineering, international trade, biotechnology, computer science and electrical engineering. Talent of quality human capital who are academically qualified will be able to use their technical know-how and life-long learning skill to promote an understanding of science, technology, research and development aside from being an asset to the research establishment in which they work. Researchers are also valuable to the State when they are also able to extend boundary of knowledge and provide pathway towards sustainable development and economic growth.

Thus, quality human capital is imperative in driving quality research, development and innovation towards commercialization and innovatively socio-economic growth. Talent development for R&D is nurtured from an early age, for example in school. The question is how do we generate interest in the younger generation in science, technology

and mathematic which are traditionally perceived as a difficult subject. It is unfortunate to note the very low average passes in Science and Mathematic subject in Sarawak is only 23% compare to the national target of 60%. As such, it is timely that this year alone, in addition to the tabling of the Bill to enact the Sarawak Research and Development Council Ordinance, the State also established the Ministry of Education, Science and Technological Research to address the challenge we are facing in the STEM education. The ministry definitely has it work to cut out for it in looking for solution to nurture our young interest in science and technology and ultimately can catch up in the STEM education. With this note, Tuan Speaker, I beg to support the Bill. Thank you.

**Tuan Speaker:** Ahli Yang Berhormat bagi Demak Laut.

**Y.B. Dr Haji Hazland Bin Abang Hipni:** Terima kasih Tuan Speaker. Bismillahirrahmanirrahim. Assalamu'alaikum. Salam sejahtera.

**Tuan Speaker:** Waalaikumsalam.

**Y.B. Dr Haji Hazland Bin Abang Hipni:** Tuan Speaker, setiap Rang Undang-Undang yang digubal adalah untuk kebaikan dan kesejahteraan rakyat dan ini termasuklah Rang Undang-Undang Sarawak Research and Development Council Bill 2017 digubal demi rakyat.

#### *Commercialisation of Research and Development, and Innovation*

Tuan Speaker, I shall touch on the commercialisation and the socio-economic impact of research and development. The Right Honorable Chief Minister has highlighted the need for R&D that can be commercialized and bring about socio-economic benefits for Sarawak.

When it comes to formulating policies and creating conducive environments for commercializing R&D and innovation, every nation will look at what it has, and identify its own competitive advantage to achieve strong and feasible research and development outputs that can be in high demand, both domestically and internationally.

It is a known fact that R&D produces new knowledge, new techniques, new technologies through its findings, and the innovation that results from R&D will drive economic growth.

In Sarawak, we are blessed with rich biodiversity and abundant natural resources. Therefore, it is time that we bring out its value through R&D to find solution for solving human problems.

The State of Sarawak has long invested in R&D activities that explore our forests for its wealth of natural and biological resources, over the years, our strength in R&D has been in taking stock of what we have.

In this day and age, the pursuit for scientific and technological knowledge continues with applied research from which findings can be commercialised or translated into uses and solutions to address the needs in various areas and industries.

These industries include agriculture, food and crops, fisheries and livestock, bio-medical, bio-industry, bio-engineering, forestry and environment.

### *Sarawak's Niche*

Tuan Speaker, apart from the potential of harnessing our biodiversity for pharmaceutical products, the market potential in the wellness industry for nutraceuticals, comeceuticals and fragrance is huge, given that society is more concerned about overall wellbeing, especially as people age. According to the Malaysian External Trade Development Corporation (MATRADE) in 2015 Malaysia's domestic manufacturers exported RM1.124 billion worth of cosmetics and toiletries. Sarawak can harness on the growing demand for natural based products which are supplements, probiotics, natural personal care and essential oils used in overall wellness.

The growing demand for nutraceuticals and probiotics is not only limited for human consumption, but also for livestock and aquaculture where farms are now looking to the use of beneficial microbes, algae, and even plants that can be used in animal feed.

As mentioned, Sarawak has a wealth of Biodiversity. In addition to this, we are also rich in traditional knowledge of the many indigenous communities on the utilization of our biodiversity for variety uses. Combine with R&D, the potential new natural products backed with scientific findings, is huge. Even more so as Sarawak embarks on its digital economy initiative this opens up even more opportunities to promote our commercialized products.

Unlike pharmaceutical products which may take up to twenty years to reach the market, the timeline from lab to market for nutraceuticals such as supplements and probiotics, as well as cosmeceuticals is much shorter. Sarawak is also the first in Malaysia to have put in place provisions for access and benefit sharing with regards to the use of its biological resources, via the Sarawak Biodiversity Centre Ordinance, 1997. With this provision, we can ensure that commercialisation of products from our resources and based on the knowledge of the indigenous communities will create a value chain back to the State and the communities. Of course, the biggest challenge for any new product is its market positioning, when breaking into an industry. The establishment of the Sarawak Research and Development Council will facilitate in addressing the challenges in market positioning for our commercialized products.

### *Basic Research*

However, while the emphasis for Research and Development is on applied research and generating revenues, other types of research that benefit mankind in general, be it baseline research on our environment, social aspects and taxonomy is still very much needed. Basic research is the foundation upon which applied research is developed. Hence, the Sarawak Research and Development Council Ordinance and its operational structure will still place emphasis and look into the needs of baseline research.

Tuan Speaker, the enactment of the Sarawak Research and Development Council Ordinance will also prioritize:

- i. Relevant Research and Development for strategic areas of growth in the State by identifying domestic and international market driven needs for innovative products, technologies and bio-medical solutions.
- ii. The ordinance will also harness and coordinate existing research facilities and talents towards commercialization. Effective coordination between existing research institutions and harnessing on Sarawak's rich biodiversity

will enable optimal output from these research agencies and institutions, leading to innovation of commercialisation.

- iii. The ordinance will ensure sustainable use and development of Sarawak's resources. Coordination between research agencies, institutions and the industries in the State as well as the use of effective techniques and technologies resulting from Research and Development will lead to efficient use and sustainable development of Sarawak's rich biological resources.
- iv. The Ordinance will address issues and challenges of translating Research and Development into commercial success. The Sarawak Research Development Council (SRDC) will play a primary role in coordinating and creating linkages between investors, between industries and between markets to the research and development agencies and institutions, including addressing matters relating to intellectual property rights.
- v. With that, Tuan Speaker, demi rakyat I strongly support the Sarawak Research and Development Council Bill, 2017. Thank you.

**Tuan Speaker:** Ahli Yang Berhormat from Kota Sentosa.

**Y.B. Encik Chong Chieng Jen:** Thank you Tuan Speaker for giving me this opportunity to debate on the Sarawak Research and Development Council Bill. Just a preliminary point before I dwell into the debate on the Bill. It is ironic that before we started our debate on Sarawak Research and Development Council Bill, we had a blackout, power outage. Because of that we had to delay for half an hour for the meeting to resume. I think Yang Berhormat Menteri who tabled this Sarawak Research and Development Bill, 2017 have to work with your colleagues because recently Kuching has been suffering lots of power outage and this power outage will hamper the effort of the Government to pursue in research and development. Just a preliminary point, address the issue which is the basic amenity for the rakyat.

Tuan Speaker, before we start, before the meeting resume I have a cordial discussion with Menteri Pendidikan Sains dan Penyelidikan Teknologi but we are good friends, but put that aside, I am sorry to say that I cannot support this Bill today.

Tuan Speaker, allow me to briefly touch on the current scenario of research and development in Sarawak which covers a wide area – from pure sciences, biotech and biomedical based research, forestry and agriculture, to social sciences.

R&D in the State is undertaken by a number of agencies - both State and Federal Government, by private and public institutions, and by the various industries. The types and scope of the R&D programmes and activities are determined by the respective organisations and hence, there are concerns that our research efforts are not coordinated, and organizations may implement similar research programmes and build similar research facilities.

For this mere reason, I see this Bill as a redundant. The Council to be set up under this Bill is a redundant. Not only redundant, it is a waste of tax payers money and it also increased the red tape in the field of research and development. When the Minister were tabling the Bill, he was saying about coordinating between all the research centres, about how to develop the research. And I looked at the function that is cited by him and also provided under the Bill, it is more or less similar as to the functions under the

Sarawak Biodiversity Centre Ordinance which we have passed in 1997 and subsequently there are two amendments. At the end of the day, this Council, this Sarawak Research and Development Council will set up not to carry out any specific research work but just merely to coordinate amongst all the research institution, research centre but what is that to coordinate and you are wasting a lot of money.

If you look at the composition, the membership of the Council, you have the Chief Minister. Yesterday we just have another Authority where by the Chief Minister is the Chairman and now the Chief Minister will be the Chairman here. Ya, you can speak ...  
(*Interruption*)

**Menteri Muda Pendidikan dan Penyelidikan Teknologi (Y. B. Dr Haji Annuar Bin Rapae):** *Terima kasih* Tuan Speaker. *Terima kasih* Kota Sentosa. If you think this Bill is redundant because of there is an SBC or Sarawak Biodiversity Centre, I think you are too ignorant in research. If you read or if you know about the 2 countries who are well established in research that is Australia and United Kingdom. United Kingdom, they have a Council what do you call as Research United Kingdom Council which is an umbrella of seven other Research Council in United Kingdom. In other word, they need also a monitoring, they also need a big Council not only to monitor but also to promote research among all the Council which is under them, which is seven of them, seven Council in United Kingdom which is doing its own research but they also need an umbrella that is what you call as United Kingdom Research Council. So it is not a redundant, it is an establishment to coordinate as well as to promote and definitely it is a benefit in terms to pull all the resources, in terms of financial, in terms of manpower. It is important especially at this days and the United Kingdom Research Council was established in 2002. And they have been involved in research of thousands of years and they started to think that the importance of this big umbrella as what one of the ADUN had said that we need big data in futures. So all of this are important to be in place so that our research can move further.

So if you think that it is redundant, in another word you are telling us to move backward. Another thing, give me one more point please. Give me more point.

You also question about the Chairmanship of the Chief Minister as the Research Council Chairman. Okay, you forget about the Penang Chief Minister. He holds 19 Chairmanship in the statutory bodies as well. It also include, one of the Chairmanship included is the Science Cluster, the Stem at the Science Technology and Science Technology Engineering and Mathematics Sendirian Berhad chaired by the Chief Minister of Penang. So is that redundant, is that because he is the Chief Minister that he had to hold all the 19 Chairmanship? So in other word, come on, this is actually important. So if you do not have nothing else to say, please do not say anything else which is not important.

**Y.B. Encik Chong Chieng Jen:** Thank you Tuan Speaker. Thank you Honourable Assistant Minister who is so eager to show his knowledge in the subject to take over the Ministerial Post. Your time will come. If you talk about United Kingdom, United Kingdom had the population of 70 million. Sarawak have how many population? 3 million. 3 million. And on the Chairmanship, I have given you the time to seek clarification. You please sit down. Your Minister will be capable enough to answer me. Do you have no confidence in your Minister to answer me that you have to show your knowledge, flaunt your knowledge around here now. And I have not even come to the appropriateness of the Chief Minister to hold the chair and why are you so eager to attack on Lim Guan Eng.

**Tuan Speaker:** Honourable Members, please address the Chair.

**Y.B. Encik Chong Chieng Jen:** I am addressing what the point of clarification that he sought.

**Tuan Speaker:** Please address the chair.

**Y.B. Encik Chong Chieng Jen:** I am not going into questioning whether the Chief Minister can or should or should not hold the Chairman post but I am going into the membership. The other members of the Council not less than six not more than twelve.

Yesterday, Tuan Speaker, yesterday we just passed a Bill. The "Sarawak Multimedia Authority Bill". The membership of the Authority is the Chief Minister, the State Secretary and the State Attorney General and few other members. How many members are they? Six is it? Not less than five, not more than seven. But in that Clause, it provides a requirement for the appointment of the member. Let me read it out. 'Not less than five not more than seven other members with appropriate experience, knowledge or expertise in communication and multimedia'.

Now we look at the Bill that we are going to pass today. Look at the Bill that we are going to pass today, members for the Council. Members of the Council. The Chief Minister is the Chairman or such other person as maybe appointed by the Chief Minister to be the Chairman. Ya, but not less than six and not more than twelve other members. No criteria. Those people may not know anything about research and development. We in this sitting, we have too similar Bill. Establishing a statutory body. But why for one statutory body the highest governing committee? Must have it's required under the act the ordinance to have certain criteria relevant to the field. Where else in this Council Bill there's no such requirement. You can any how pick Tom, Dick and Harry to be appointed as member for the Council and pay the hefty lucrative salaries. That is not right and on top of that, because this Council may not be competent therefore you have another advisory body to be set up under the Bill.

Another advisory, a panel, where is it? Clause 8, the Council shall form a panel not less than four and not more than eight advisors from among people having such expertise, knowledge qualification as a Council may determine. You see, advisory panel, the members of advisory panel must have this knowledge and expertise but the Council members no need. So therefore I say this Council it could be just political appointees. Political appointees, appointed to reward their loyalty to Barisan National Government but at the expense of the people money and that's not right. I know Tuan Speaker, research and development is important. We support research and development for that holds the key to advances to our state and the country. That no doubt but we do not need to create a Council just to look over other institution, where other institution can run their researches and this Council is just there in the name of coordinating but at the end of the day increase another red tape. I will come to it. I will come to it later.

The double bureaucracy that researcher has to go through but Tuan Speaker, this is the problem that our country faces. Whenever there is a problem, there is an issue to be address. The Government of the day do not address the issue straight on, held on but instead they create a body or committee and pay them highly. Wasting tax payer money for that committee to look into the issue. When the ministry itself is capable is more than the officer in the ministry itself is more than capable to handle the issue and that's UMNO modus operanda, that's why you get hundreds of statutory bodies set up. At the end of the day, nothing done, problem persist and I see this UNMO way of governing, creeping into Sarawak administration and that is not healthy. That is not healthy. In the first budget, that was stable by the Yang Amat Berhormat the Chief Minister, member for Satok. The first budget already a huge increase of 10 per cent in the operation expenditure. Where in the past administration, under the previous Chief Minister operating expenditure has been kept at bay for long time. But for the first time when he

tables his budget is already two hundred over million in additions to the last year and why? All because of all this Councils, Councils authorities.

All these, the set up and that is the UMNO way of governing and it has proven of over many decades. The UMNO way governing is bringing our country sucks. That's why I hope that we do not adopt to this UMNO way of governing in Sarawak. When there is a problem, address it, solve it. Take the bull by the horn and not to create one community, one Council, one authority, one panel, pay them salaries, gratuities, pensions and see whether they can solve it. The ministry can solve it. Coordination. Why it is so difficult? Officers of the ministry can solve it. But now you need six to twelve Council members. Alright? How much are they going to be paid? And according to this Bill, they will be treated like civil servants. Are they going to be paid, grade 54? 56? 52 grade salary level? Are they going to be paid Jusa level? And how long after that, they will enjoy their pension for the rest of their life and our children are going to pay for it. Why do not you get a few engage and get, if the ministry has shorthanded, engage a few officers just to look into that. Coordinate with the institution and research centres to do the job. The coordination part.

Tuan Speaker, therefore, I say this is the waste of time. This is the waste of tax payer money and as for the bureaucracy and red tape that I mentioned as it is now for Sarawak Biodiversity Centre which has the control and management of our forest resources. Any researcher who intense to do research on our fauna or flora.

They are required to submit their detailed research application form, detailing out, listing out in detail what they are going to do. They have to submit it to Biodiversity Centre Council and that it will take at least 55 days for approval or not approval for a reply. Many researchers are reluctant to do that because of their patents, their ideas. They do not want them to be stolen by the officers. I am not saying that the officers there will steal the ideas but many researchers, because of their innovative ideas, they do not want to disclose it to another person, for fear that they might lose their patent right. And that is only one step, getting the approval through by Sarawak Biodiversity Centre.

And if now we set up another Council, the Research and Development Council, it will be another step for the approval. That is from the perspective of the researchers. From the perspective of the Government, those research centres, not only Sarawak Biodiversity Centre, there are also Sarawak Tropical Peat Research Institute and other research institutes and centres, they previously just need to submit their application for allocation, any plan, any budgetary allocation, application for budgetary allocation to the ministry. Now you have to go through the Sarawak Research and Development Council, one more step. And it is for Sarawak Research and Development Council to allocate the budgetary allocation. Isn't that doing double job? And it is redundant, you can shake your head, but that is what happens, Honourable Member for Nangka.

Tuan Speaker, on the point of R&D to our economic growth, it was said just now by the Yang Berhormat Menteri, about the R&D resulting in economic growth in UK, in Australia, in other countries. But those countries that you quoted, and cited as examples, are developed countries. There is a paper written by the World Bank Policy Research Department, author is Nancy Birdsall and Chang Yong Rhee. The title of the research paper is Does Research & Development Contributes to Economic Growth in Developing Countries, this is the research paper. There is no doubt as to R&D leading to economic growth in developed countries but does it lead to economic growth in developing countries.

The conclusion of the paper is that, I just quote, *"Using the UNESCO data for R&D, expenditures and personnel, this paper documents international differences in R&D activities and assesses empirically the link between R&D and economic growth and the*

*determinant of R&D differences within our group of OECD countries.” Those are more or less developed countries. “R&D activities and economic growth are co-related for one of our two proxies. Contrary to the finding of Romer and Lichtenberg, however, they are not co-related, across or including developing countries. Moreover, even for OECD countries, it is likely that economic growth affects R&D activities rather than vice-versa. First, there is no evidence for OECD countries that R&D activities at the beginning of the period 1972 to 1985 contributed to subsequent growth during that period. Second, our analysis of the determinant of R&D activities shows a robust link between these activities and the level of income, suggesting that R&D activities become important only after a country reaches a certain stage of development. For developing countries, our results are consistent with the widespread view first proposed by Gerschenkron that countries that are behind growth by catching up technologically, not by advancing the technological frontier.”*

Tuan Speaker, it is always good to feel there is a romantic notion that we are moving in the frontier of a technology. That is an idea that everybody feel good about. However, what is more important here about catching up technology, what is emphasized in this paper is that, for developing countries, I mean, the emphasis should be put on catching up technologies, catching up technologies that the other advanced countries have, and some innovation to that technologies, so that it can be better applied to our country. Therefore, that should be the direction that we should be heading.

Tuan Speaker is our State here conducive of having embarking on the R&D in the technology frontiers, are we? Do we have all the expertise, do we have all the environment? I do not believe so, not as it is now. Right, I just quote one example, one reporting early this year “A Sarawak-Born Doctor Behind Ground Breaking Cancer Therapy”. I do not know how many of you have read this news. This was reported by Borneo Post, 18 January this year, a revolutionary drug for cancer treatment developed by Sarawak-born professor, Dr David Kwan. Ya, you have it there, I know, and a Melbourne team has been approved for use in Australia last week. That was in early January. He is a Sarawakian, he is a Sarawak-born. We are proud of him, but we should also reflect at the same time when we are proud of the achievement of Sarawakian born, oversea, their achievement. If he had stay on in Sarawak, will he be able to make the same breakthrough? That’s why I say, this is technological frontier Research and Development and it will take a lot of money and investment into it. Right, so I am suggesting that, what I am suggesting is that, we may have the talent but we do not have the environment for such technological breakthrough as it is now.

**Tuan Speaker:** Honourable Member for Kota Sentosa, you have spoken for 25 minutes.

**Y.B. Encik Chong Chieng Jen:** 25 minutes already?

**Tuan Speaker:** I give you 5 minutes more.

**Y.B. Encik Chong Chieng Jen:** Why?

**Tuan Speaker:** Because I want to give time to others to participate also.

**Y.B. Encik Chong Chieng Jen:** But the Assistant Minister disturbed my time, took up my time. Alright, alright. I cut short, I cut short. Tuan Speaker, why am I beating around the bush, Do not be like that. Haiyaa, you see you break my chain of thought. Ya, just on this issue, I would think money is a scarce resource that I think everyone agree here. Therefore, it has to be put to good use. As it is now, many of the researchers engaged by the research centre, institution, their pay are not very attractive. Instead of spending million of ringgit to set up this Council, pay this Council members, their salary, their gratuities, their pensions and paying the advisory, panel members, their salaries

accounted and spending money on the setting up the running and operation of this Council. Channel this money to increase the pay and the salary scheme for researchers and that you attract better quality researchers to come to Sarawak for them to do their research work. You pay this Council members high fee for what? They are not going to contribute in the research work but the researchers, the scientist, the academician, they are the one who is going to bring in innovative research and development to our economy. So, money being a scarce resources, it has to be used properly and I hope that this Yang Berhormat Menteri can pull back the Bill, withdraw the Bill or other members will not support it, do not support it. Channel the money that was intended to pay all this Council to run this Council for the benefit of researchers. So that more researchers can be engaged, so that they can concentrate more on their work. And last two points;

May I, I would like to ask Yang Berhormat Menteri:

- i. What is the R&D expenditure for the State in proportion to the GDP of the State? Just now you mentioned about R&D works in U.S., U.K. in this country their investment in research work is about three percent of the country's GDP, two to three percent.
- ii. And may I know what is the Sarawak State Government allocation for R&D work in relation to its GDP and R&D work means R&D for the researcher not for the *makan gaji buta* Council Members.

And last one, Tuan Speaker, last one, earlier this year in Parliament, may I inform this House, in Parliament June Sitting, July Sitting, there was a Bill passed in Parliament called the "Access To Biology, Resources and Benefit Sharing Act, 2017". Basically this Act empowers the Federal Government agencies, the power to control, manage, the access to biological resources of the forest and the benefits sharing arrangement. All this while, all along, rights to exploit our forest, access to biological resources of our forest, lies in the sole and exclusive jurisdiction of the State.

**Y.B. Encik Chong Chieng Jen:** This Act was pass, although it has not been enforced. However, in the clause, in the first clause of the Act there is a provision there. The Act will be extended to Sarawak after consultation with the State Government. It has not been enforced. It has not been gazetted, it has not been enforced and it has not naturally it has not been extended to Sarawak. The person who tabled this Act in Parliament is non other than a Sarawakian, Datuk Wan Junaidi. So he said that without in parliament a Sarawakian Minister tabled an Act table a Bill and passed an Act which has intention encroach into the sole and exclusive jurisdiction of the State, i.e. The State Autonomy.

Therefore, I will urge of our foreworn the State administration should that be any consultation sort by the Federal agencies. Whether this Act Access to Biology Resources and Benefit Sharing Act whether it should be extended to Sarawak, you sit down, you sit down, let your Minister reply. You think your Minister cannot reply? I know the contained of the Act. There is a Competent Authority. Let him speak, let him speak Tuan Speaker, he want to speak or maybe the winding up should be done by one Minister and one Assistant Minister because the Minister do not know as much as the Assistant Minister? I can't hear you, I can't hear you, I can't hear you.

**Menteri Muda pendidikan dan Penyelidikan Teknologi dan Menteri Muda Perumahan dan Kesihatan Awam (Y.B. Dr Haji Annuar Bin Rapae):** I have the rights to voice it out which one is wrong. You have to mentioned about the clause nine of that Bill, The Competent Authority, what does it mean?

**Y.B. Encik Chong Chieng Jen:** Even with the provision of the Competent Authority, this is the Federal Act my friend, Federal Act can be amended by the Federal Parliament at any time once you open the flood gate to Federal agencies intervention... *(Interruption)*

**Menteri Muda pendidikan dan Penyelidikan Teknologi dan Menteri Muda Perumahan dan Kesihatan Awam (Y.B. Dr Haji Annuar Bin Rapae):** But what does it mentioned? What does it mentioned in clause nine?

**Y.B. Encik Chong Chieng Jen:** Tuan Speaker, when you are... *(Interruption)*

**Menteri Muda pendidikan dan Penyelidikan Teknologi dan Menteri Muda Perumahan dan Kesihatan Awam (Y.B. Dr Haji Annuar Bin Rapae):** You are not answering. You are not answering... *(Interruption)*

**Y.B. Encik Chong Chieng Jen:** Go and say go and debate, I am answering, I am answering, just that it couldn't get through your thick skull.

**Tuan Speaker:** Honorable Member for Kota Sentosa, you withdraw that.

**Y.B. Encik Chong Chieng Jen:** Okay, alright. Not thick skull. Alright, okay, I am answering but just that you refuse to understand. Alright?

**Tuan Speaker:** He is asking you what is the Competent Authority?

**Y.B. Encik Chong Chieng Jen:** I know, I know. Yes, that is the Competent Authority whereby the State will have representation. But the whole thing is, this means a Parliament being a Federal Act you do not understand. That why it say you do not understand. You do not understand. Not hiding.

**Tuan Speaker:** Honorable Member for Kota Sentosa you are adapting argument at Communal Argument Meaning, whenever Member for Nangka say something intelligent, you hit him by saying you are overshadowing the Minister, you are smarter than Minister, no, you must answer his question.

**Y.B. Encik Chong Chieng Jen:** Tuan Speaker, I answer his question. I answer his question. But I add on a remark, I add on to my question a remark that he is trying to overshadow his Minister.

**Tuan Speaker:** He said the Chief Minister of Penang has 19 Chairmanship. Yes or no? That is all.

**Y.B. Encik Chong Chieng Jen:** Yes, I am not... *(Interruption)*

**Tuan Speaker:** You do not need to say he trying to be smarter than his Minister... *(Interruption)*

**Y.B. Encik Chong Chieng Jen:** No. He didn't makes the statement, he didn't ask, he ask so what are you going to say about it? That is what his question. He did not ask me yes or no.

**Tuan Speaker:** Okay, Okay.

**Y.B. Encik Chong Chieng Jen:** He ask what I am going to say about it. Alright, Tuan Speaker. Maybe Tuan Speaker if you sit there you have to be more impartial. Sit down, sit down, let your Minister respond, let your Minister respond.

**Menteri Muda Pendidikan dan Penyelidikan Teknologi dan Menteri Muda Perumahan dan Kesihatan Awam (Y.B. Dr Haji Annuar Bin Rapae):** You are trying to hide something. You trying to mislead the public. You trying to mislead this House.

**Y.B. Encik Chong Chieng Jen:** My answer to Nangka is simple this is a Federal Act, once the Act is, you see he just refused, he simply refused to understand, not only refuse to understand my explanation but he consistently stand up and interrupt me, as if he is so afraid I can answer his question. I am not misleading. Let me answer... *(Interruption)*

**Tuan Speaker:** Member for Kota Sentosa, I have to ask you to conclude... *(Interruption)*

**Y.B. Encik Chong Chieng Jen:** Ya, I am concluding that why I said this is the last point. But before I conclude to get someone like that, kacau, kacau, keep standing up and down, my answer is... *(Interruption)*

**Tuan Speaker:** You are not following what you are doing.

**Y.B. Encik Chong Chieng Jen:** But you see Tuan Speaker, when he jump up and down, you turn on his mic, but when I stand up you refuse to turn on my mic. That is not fair.

**Tuan Speaker:** No, you give way, you give way, you give way.

**Y.B. Encik Chong Chieng Jen:** Alright, alright, it is okay, thank you thank you.

**Tuan Speaker:** Move to conclusion.

**Y.B. Encik Chong Chieng Jen:** Okay, I am concluding, I am concluding, I just conclude. This means that access to Biology Resources and Benefit Sharing Act been, A Federal Act. It can be changed by the parliament in times to come. Once the act is extended to Sarawak it open the flood gate it does not stop the Federal Amendment of the Act to Federal encroach into the jurisdiction of the State and that is why Tuan Speaker, I am concluding do not rush. I am concluding. That is why over the years, over the years, State Rights has been eroded, has been eroded slowly bits by bits because of naïve. Naïve BN Sarawak BN people who thinks that do not worry, do not worry, it would not happen, it would not happen but in the end it happened and now 54 years later you are complaining that you have lost your Rights, you have lost a lot of your autonomy and you have to have a Deputy Chief Minister to move a Motion, to restore, or to look into our Act MA63 position. That is what happened, and it is repeating today. Honorable Member for Nangka, Take note. Thank you.

**Tuan Speaker:** Honorable Member for Meradong. Honorable Member for Meradong.

**Y.B. Datuk Ding Kuong Hiing:** Tuan Speaker, actually I just want to raise a point of order.

**Tuan Speaker:** Yes. No hang on. Honorable Member for Meradong please. Honorable Member for Meradong. You have anything to say?

**Y.B. Datuk Ding Kuong Hiing:** I just want to raise a point of order 32(4), I think Honorable Member for Kota Sentosa has used insulting language to our Honorable

Member for Nangka. When he said that cannot get to his thick skull, I think this is very insulting and I request our Tuan Speaker to ask the Honorable Member for Kota Sentosa to tarik balik.

**Tuan Speaker:** He had withdrawn. Ok, Honorable Member for Semop.

**Menteri Muda di Pejabat Ketua Menteri (Hal Ehwal Korporat) (Y.B. Encik Abdullah bin Haji Saidol):** Terima kasih Tuan Speaker, and also I wish to point of order, I wish to interrupt in between your speech Honorable Member for Kota Sentosa but I choose everybody to hear you for the last 25 minutes you know, because before that allow me to point. This is on 32(6), allegation which the State Member is not prepared to substantiate. So, I do not wish to interrupt between your speeches Honorable Member for Kota Sentosa or Tuan Speaker because I wish to hear more from him. Among other things, the allegations made by Honorable Member for Kota Sentosa is that all those salary, remunerations being paid and wasting the State Government's money, but he can substantiate that because the appointment is not being done yet.

(2) While he was saying wasting of money for the last fifteen minutes, you know trying to say Government is wasting money and ironically, at the end of this speech before he end his speech he was asking the Minister about the expenses. That's weird, first he make all the allegations as if he knows all the money had been spend and the end of it he is asking how much had you spend. So, he is conflicting himself. That's number 1, number 2, I do agreed with. Number three ok, you know our Assistant Minister did said about his ignorance about this Bill. I can't help but to rise to support the impression made by the Assistant Minister of his ignorance. You see, Sarawak is among one of the State in Malaysia with all the biodiversity and every universities have their own research department. I believed, I'm not a professor; an expert like him, but I'm standing on behalf of all those small entrepreneurs SME who are involved in all those, you know selling that remedies coming from organic products and probably at this age some parts of our body are not strong anymore, and some of us are, ya including you la, you know than on behalf of all those entrepreneurs yang berjual ubatan-ubatan remedies coming from organic product, I believe this are the example of research that we need to be extensively pursue. Again other allegation he made was *gaji buta* things like that, I think that is so unparliamentary and then I think Honorable Member for Kota Sentosa playing that to the gallery and then with 15 Chairmanship of Ketua Menteri Penang, I believe he his the mother of *orang gaji buta* in Malaysia. You know, ya but I can't help. I have to comment on this because this Bill is a product of this Government and I have to support as it is in good faith, I do not see any reason why, any reasonable reason why this Bill should be rejected or should be doubted. If there is any concern by Honorable Member of Kota Sentosa or any of his colleagues there, I mean we are willing to hear your constructive suggestions, things like that and please work together rather than being recklessly and being wickedly you know playing politic regards to this Bill actually will support the State Government in term of economic benefit.

**Menteri Muda Di Pejabat Ketua Menteri (Hal Ehwal Korporat) (Y.B. Encik Abdullah Bin Haji Saidol):** Sorry, I do not have time. You were given 25 minutes. All of us have been listening to you for the last 25 minutes. No no. You sit. You sit. You sit.

Okay, last but not least, Tuan Speaker. Last but not least, Tuan Speaker. Last but not least. Last but not least, he was saying about UMNO culture in this Dewan. He was talking about UMNO culture in this Dewan. There is no UMNO in this State. What you have been looking at for the last 20 minutes is the DAP culture in this State. We do not want the DAP in this State anymore.

This is typical of DAP. It's a West Malaysian based party. That is how they behave in Penang. This is the culture they bring in this State. There is no UMNO in this State and we refuse to have DAP in this State. Thank you, Tuan Speaker.

**Tuan Speaker:** Order, order. I now call, I now call upon the Minister to wind up. Please proceed. I am asking the Minister to wind up.

**Menteri Pendidikan, Sains dan Penyelidikan Teknologi (Y.B. Dato Sri Michael Manyin Anak Jawong):** Okay Tuan Speaker, I have heard a lot from Kota Sentosa. There are altogether only, how many, one Sadong Jaya, Demak Laut and Kota Sentosa. Only three Ahli Yang Berhormat took part in the debate.

**Tuan Speaker:** Proceed.

**Menteri Pendidikan, Sains dan Penyelidikan Teknologi (Y.B. Dato Sri Michael Manyin Anak Jawong):** But Ahli Yang Berhormat for Kota Sentosa dominated the debate. It took about half an hour.

**Tuan Speaker:** I'm making the ruling on 32(11), if the Speaker is of the opinion that any Motion for amendment or continuance of the debate may give rise to breaches of the Standing Order, then the Speaker can act. So please.

**Menteri Pendidikan, Sains dan Penyelidikan Teknologi (Y.B. Dato Sri Michael Manyin Anak Jawong):** Okay, Tuan Speaker. As I said just now there are only 3 participated in the debate. So I would like to thank all the three who have the chance. There are many others who wanted to but unfortunately they do not have the chance to debate. I would like to say thank you to all of them the three that is Sadong Jaya, Demak Laut and Kota Sentosa.

But if I may, Tuan Speaker, to describe Ahli Yang Berhormat for Kota Sentosa he likes to play the gallery. He likes to establish himself as the political orator. So can we call him demagogue of this House... (*Applause*)

Secondly, he always assumed that we are stupid. He always assumed that we do not know anything, so can we describe him as the omniscient of this House... (*Applause*)

I think it is too premature for him to say that we are going to pay all these members of the Council so much, so much. We have not even pass the Bill. We have not even appointed who are going to be the members. So it is too premature and he started to scold my assistant saying that he is ignorant. Actually he himself is ignorant... (*Applause*)

But he pretends to be an omniscient. So that is why (ii) the establishment members of this Council is actually to collaborate and to have a sharing on IP property or the intellectual property of all those researches, so do not be jump the gun and telling us that this a useless Bill.

And he also tried to be an economist saying that the developing countries should not do research. This is only meant for the developed countries. It is true that developing countries have not done much research because as he said, money is very scarce. The means and the ends. The means are limited, the ends are unlimited. And that is why developing countries do not have the means to conduct research because we have to utilise that money as the ends are limited.

But at the same time he actually he contradict himself. I have heard that is Professor Huang, who was a student of St. Joseph and he is now a professor in Melbourne. If we do not do any research, forever we will never get the services of people like this, because they cannot work here. So we have to start. So that is why Yang Berhormat Kota Sentosa, we should be very grateful to our Chief Minister who initiated this research Council and once the research Council is established than we will coordinate and cooperate and collaborate with all the research bodies that are doing the researches today.

We have a few of them. We have the Agriculture Department, CRAUN Research Sdn. Bhd., Sarawak Tropical Pet Research Institute, Sarawak Forestry Cooperation, Sarawak State Library, Sarawak Biodiversity Centre, Sarawak Land Consolidation and Rehabilitation Authority (SALCRA), and Sarawak Tourism Board.

Each and every one of these, Tuan Speaker, is doing in silo and we do not know actually what they are doing and we do not know how to commercialise their findings. So with the establishment of this research Council, there is collaboration, there is coordination and whatever they do, we will be able to commercialise on their findings. So I hope Yang Berhormat for Kota Sentosa does understand this and do not be too omniscient.

And the competent authority of the Council, the act, he always says that we in the Government will appoint a cat and a dog or anybody to be members of the Council. It's yet to be done. I think we are not that stupid. We will not put somebody who is primary 6 or form 3 to be members of the Council. We will put, we will appoint somebody who is competent, expert, experiences to work in the Council, as members of the Council. So please ... no no no ... I'm not giving you. I do not interrupt you just now. No. No. No. So I would like Ahli Yang Berhormat for Kota Sentosa please think twice because as of today we have not actually collaborating, we have not actually working together so all these people are working in silo.

So as to the question how much we have spent, up to today CRAUN has spent RM11.8 million, Tropical Peat Soil spent RM5 million, Sarawak Biodiversity has spent RM27.5 million, Agriculture has spent RM20 million, Forest Department RM8 million, STC RM31 million. So all in all we have spent RM103.3 million. And in terms of percentage of GDP it's very very small when compared to South Korea, Austria and some of those countries which spend about 3%. Ours is about 0.08%. So we do not ... yes GDP. When we talk of GDP it's one year. So this is what we have spent. So Tuan Speaker, I think it is premature for him to say that we are wasting money.

I believe that we are on the right direction. And once this is done, I think the next two, three years or maybe ten years, we will get people like Prof. Huang to come over to Sarawak and to work and be able to pay them that salary and that is actually the purpose of this Bill. So that we do not lose the brains of Sarawak. So that we do not lose the potentials that we have in Sarawak. Because we have said that Sarawakians are smart people, but the thing is that they do not have any jobs here. And once researches are done and we move forward these people will have jobs in Sarawak. So please Ahli-Ahli Yang Berhormat I would like to urge everyone to support the Bill. (*Applause*)

**Tuan Speaker:** Ahli-Ahli Yang Berhormat, the question before the Dewan is that the Motion standing in the Order paper in the name of the Honourable Minister for Education, Science and Technological Research be referred to the Committee of the Whole House. As many as are of the opinion say "Yes".

**Government:** Yes ... (*Resounding "Yes"*)

**Tuan Speaker:** As many as are of the contrary opinion say "No".

**Opposition:** No ... (*Murmuring "No"*)

**Tuan Speaker:** The "Yes" have it. The Motion is agreed. The Dewan shall now resolve into the Committee of the Whole House to consider the Bill which stands committed to the Committee. The Dewan shall now consider the Sarawak Research and Development Bill, 2017.

### COMMITTEE OF THE WHOLE HOUSE

[Tuan Pengerusi *mempengerusikan mesyuarat*]

#### *Clauses 1 to 25*

**Tuan Pengerusi:** The question is that Clauses 1 to 25 are ordered to stand part of the Bill. As many as are of the opinion say "Yes".

**Government:** Yes ... (*Resounding "Yes"*)

**Tuan Pengerusi:** As many as are of the contrary opinion say "No".

**Opposition:** No ... (*Murmuring "No"*)

**Tuan Pengerusi:** The "Yes" have it. Clauses 1 to 25 are ordered to stand part of the Bill.

#### *Schedule*

**Tuan Pengerusi:** The question is that the Schedule is ordered to stand part of the Bill. As many as are of the opinion say "Yes".

**Government:** Yes ... (*Resounding "Yes"*)

**Tuan Pengerusi:** As many as are of the contrary opinion say "No".

**Opposition:** No ... (*Murmuring "No"*)

**Tuan Pengerusi:** The "Yes" have it. The Schedule is ordered to stand part of the Bill.

#### *Enacting Clause and Title*

**Tuan Speaker:** The *Dewan* shall now resume.

### HOUSE RESUMED

[Tuan Speaker *mempengerusikan Mesyuarat*]

**Menteri Pendidikan, Sains dan Penyelidikan Teknologi (Y.B. Dato Sri Michael Manyin Anak Jawong):** Tuan Speaker, I wish to report that the Sarawak Research and Development Council Bill 2017 has been considered by the Committee of the Whole House and agreed to without amendment.

**RANG UNDANG-UNDANG KERAJAAN-  
BACAAN KALI YANG KETIGA**

SARAWAK RESEARCH AND DEVELOPMENT COUNCIL BILL 2017

**Menteri Pendidikan, Sains dan Penyelidikan Teknologi (Y.B. Dato Sri Michael Manyin Anak Jawong):** I beg to move that the Sarawak Research and Development Council Bill 2017 be now read the third time and do pass.

**Tuan Speaker:** Ahli-Ahli Yang Berhormat, the question is that the Bill is read the third time and do pass. As many as are of the opinion say "Yes".

**Government:** Yes...(*Resounding "Yes"*)

**Tuan Speaker:** As many as are of the opinion say "No".

**Opposition:** No....(*Murmuring "No"*)

**Tuan Speaker:** The "Yes" have it. Ahli-Ahli Yang Berhormat the Bill is read the third time and do pass.

**RANG UNDANG-UNDANG KERAJAAN-  
BACAAN KALI YANG KEDUA**

REGIONAL CORRIDORS DEVELOPMENT AUTHORITIES  
(AMENDMENT) BILL, 2017

**Timbalan Ketua Menteri, Menteri Pembangunan Perindustrian dan Usahawan, Menteri Pembangunan Bandar dan Sumber Asli II (Y.B. Datuk Amar Haji Awang Tengah Bin Ali Hasan):** Tuan Speaker, I beg to move that the Regional Corridors Development Authorities (Amendment) Bill, 2017 to be read the second time.

Tuan Speaker, this Bill is introduced with the purpose of amending the existing Regional Corridors Development Authorities Ordinance, 2006 (Cap. 64) which was passed in 2006 to provide for the creation of regional corridors for development and establishment of authorities for such corridors in Sarawak including the roles and functions of such authorities.

The said Ordinance came into force on 1<sup>st</sup> of August, 2008 with the establishment of the Regional Corridor Development Authority known as RECODA to spearhead the development of the Sarawak Corridor of Renewable Energy otherwise known as SCORE. SCORE is one of the five economic development corridors initiated by the Federal Government as part of the Government plan to accelerate economic growth and development in specific areas with high economic potentials but are still lagging behind in terms of socio-economic progress.

The major tasks of RECODA are to plan, coordinate and manage the implementations of the SCORE Development Plan. In doing so, RECODA is responsible to promote, attract and facilitate investments into the SCORE areas. RECODA is also tasked in coordinating and implementing the development of the key infrastructure projects required to realise the SCORE Development Plan. Besides the Government Transformation Programme and the Sarawak Socio-Economic Transformation Plan, the objective of SCORE Development Plan is to transform Sarawak to become a high income and developed State by 2030.

Tuan Speaker, due to the huge land mass covered under SCORE, the Government has found it necessary to demarcate these areas into sub-regions.

This augurs well with the objective of establishing the economic corridors in order to address regional development imbalances between regions in the State. For this purpose, three sub-regions are identified within the SCORE areas namely; the highland area, upper Rajang area, and the northern area of Sarawak. Consequently, two agencies under RECODA were established under Section 16 of the RECODA Ordinance, 2006 to spearhead the development in these sub-regions namely; the Highland Development Agency (HDA) and the Upper Rajang Development Agency (URDA).

The Northern Region Development Agency (NRDA) will be set up to expedite the development for the northern sub-region of Sarawak. Through the establishment of these three agencies, RECODA will be more focused in executing its roles and functions to bring in more investments and socio-economic development in these remote and rural areas. This will enable RECODA to harness the economic potentials in these areas by bringing in the expertise in various fields to plan and develop the areas. Since these areas are still lagging behind in terms of infrastructure development such as roads, water and electricity supplies, the establishment of these agencies will enable RECODA to be in a better position to seek more funding from the Federal Government. Since the inception of SCORE, RECODA has received RM3.6 billion allocations from the Federal Government to implement 19 SCORE projects, while total approved contractual commitment amounting to RM4.2 billion for 75 contracts awarded.

Tuan Speaker, the amendments to the RECODA Ordinance are also meant to strengthen RECODA in planning and project implementation. Instead of having two Deputy Chairmen, currently two members of RECODA Board who are also Deputy Chief Ministers are already appointed as the Chairman of HDA and URDA. While another member of the Board will be appointed as Chairman of NRDA.

To facilitate the above initiative, the Government is proposing that the Ordinance be amended to provide that from the coming into force of this amendment, there will be no specific appointments of deputies. Instead, the Minister in this case, YAB Chief Minister is empowered to appoint a person to temporarily discharge the functions of Chairman in the event the Chairman is unable to act.

However, the number of RECODA members remains the same and this is reflected in Clause 3(b) of the Bill.

Tuan Speaker, I would like to ask all Members of this House to support this Bill. I beg to move.

**Timbalan Ketua Menteri, Menteri Pemodenan Pertanian, Tanah Adat dan Pembangunan Wilayah (Y.B. Datuk Amar Douglas Uggah Embas):** Tuan Speaker, I beg to second.

**Tuan Speaker:** I shall call upon any honorable Members who wish to speak on the Bill. Ahli Yang Berhormat for Bukit Goram.

**Y.B. Encik Jefferson Jamit Anak Unyat:** Terima kasih Tuan Speaker kerana memberi peluang kepada saya untuk mengambil bahagian dalam perbahasan rang undang-undang Kerajaan Regional Corridors Development Authorities (Amendment) Bill, 2017, yang baru sahaja dibentangkan oleh Yang Berhormat Timbalan Ketua Menteri, Menteri

Pembangunan Bandar dan Sumber Asli II dan Menteri Pembangunan Perindustrian dan Usahawan Sarawak di dewan yang mulia ini.

Tuan Speaker, I rise to support the Regional Corridors Development Authorities (Amendment) Bill, 2017. This bill will put into effect two newly formed URDA (Upper Rajang Development Authority) which is tasked to develop Kapit Division in Mid-Rajang areas, and the Highland Development Agency is meant for the Baram areas.

These two agencies are the brainchild of Yang Amat Berhormat Datuk Patinggi (Dr) Abang Haji Abdul Rahman Zohari Bin Tun Datuk Abang Haji Openg, our Chief Minister. The creation of the two agencies clearly shows Yang Amat Berhormat's determination and desire to bring development progress to the rural areas. Coming as I am from the rural areas and representing Bukit Goram constituency, I wish on behalf of my constituents to put on record our gratitude to Yang Amat Berhormat for such a meaningful gesture.

Tuan Speaker, URDA, no doubt will face difficult task to develop Kapit area due to difficult terrain and the population are scattered over a wide area. A comprehensive Master Plan is obviously needed to identify major projects for the area. Nevertheless, Master Plan study will take time, but the people cannot afford to wait for years before development could be implemented.

I welcome the move by URDA at its recent meeting Chaired by Yang Berhormat Deputy Chief Minister which is also ADUN Baleh. The focus on infrastructure development needs in the upper Rajang area especially in terms of increasing connectivity within the area of Sarawak Corridor Renewal Energy (SCORE) particularly road access that could open up areas where economic development such as commercial agriculture. I would like also to propose that while waiting for the recommendation of the master plan study, URDA shall immediately work out with the Ministry of Modernisation of Agriculture, Native Land and Regional Development to implement agricultural products which could generate revenue for the people within URDA area. Cash crops like rubber, peppers, vegetables, fruit trees could be implemented easily and people have been waiting for "buah Merdeka" far too long. URDA together with the Ministry for Modernization of Agriculture, Native Land and Regional Development could easily deliver what I call "the low hanging fruits" to the people in Kapit.

Tuan Speaker, it is also necessary to set up collection and supply centres in strategic rural areas where agriculture products could be sent to the centre for organized marketing, quality control and even basic preservation and processing. The centre also provide venue for training farmers on all aspects of marketing and digital method of commercial farming.

Tuan Speaker, in the Balleh Hydro Project is within URDA jurisdiction and it should play a meaningful part to improve the income of those within Balleh valley. To the local people, Balleh Hydro Project is part of rural development rather than solely the generation of electricity and it should set aside a substantial fund for economic development for that area.

Tuan Speaker, I am also requesting the Ministry of Tourism to extend their programme to Kapit area where fast flowing rivers and many rolling hills are ideals for the tourists to experience life in the heart of Borneo and URDA has been conceived, launched and the Bill before us, give their agency the breath of life. The only thing left is to deliver the development to the people. It is my wish and my hope that the person who

runs URDA is not only familiar with the area and understands the feeling of the local people but also has the courage and dedication to fulfil the objective of the agency.

Tuan Speaker, with this I fully support Regional Corridors Development Authority (Amendment) Bill, 2017. Thank you.

**Tuan Speaker:** Ahli-Ahli Yang Berhormat, the Regional Corridors Development Authority Ordinance was in 2006. This is an amendment bill not the principal bill. So you can confine your debate only to the Amendment Bill not the Principal Bill. Any other Member? I shall call upon Honourable Minister to do the winding up.

**Timbalan Ketua Menteri; Menteri Pembangunan Bandar dan Sumber Asli II; dan Menteri Pembangunan Perindustrian dan Usahawan (Y.B. Datuk Amar Haji Awang Tengah Bin Ali Hasan):** Tuan Speaker, saya hendak mengucapkan berbanyak terima kasih atas sokongan semua Ahli-Ahli Yang Berhormat terhadap Rang Undang-Undang Regional Corridors Development Authority Amendment Bill 2017.

Terima kasih kepada Ahli Yang Berhormat daripada Bukit Goram. Sudah tentu pandangan yang dibuat oleh Yang Berhormat bagi Bukit Goram itu akan diambil kira lebih-lebih lagi oleh Rang Undang-Undang Regional Corridors Development Authority Amendment Bill, 2017 itu sendiri. Saya mempunyai keyakinan Rang Undang-Undang Regional Corridors Development Authority Amendment Bill, 2017 di bawah chairmanship of the Right Honourable Deputy Chief Minister and a Member for Baleh together with you as one of the Member of the agency will deliberate what need to be done in order to enhance economic the development within that particular area. Tuan Speaker, let me assure this august House that this Bill will strengthen RECODA and instil confidence among investors, and stake holders in the running of RECODA and more importantly the excellent leadership, politics, stability and social harmony that are strongly advocated by the Government. I would like to reiterate that the amendment to abolish the post of "deputies" are in line with the current rapid development of our State as this augurs well with the objective of establishing the economics corridors in order to address regional development imbalances between regions in State by establishing the sub region. So once again Tuan Speaker, I would like to thank all the Honourable Members for supporting this Bill. Thank you very much for the support.

**Tuan Speaker:** Ahli-Ahli Yang Berhormat, the question before the Dewan is that the Motion standing in the order paper in the name of the Honourable Deputy Chief Minister, Second Minister for Urban Development and Natural Resources, and Minister for Industrial and Entrepreneur be referred to the Committee of the Whole House. As many as are of the opinion say "Yes".

**Tuan Speaker:** As many as are of the opinion say "Yes".

**Government:** Yes ... (*Resounding "Yes"*)

**Tuan Speaker:** As many as are of the contrary opinion say "No".

**Opposition:** No ... (*Murmuring "No"*)

**Tuan Speaker:** The "Yes" have it. The Motion is agreed.

**Tuan Speaker:** The Dewan shall now resolve into the Committee of the Whole House to consider the Bill which stands committed to the Committee.

### COMMITTEE OF THE WHOLE HOUSE

[Tuan Pengerusi *mempengerusikan Mesyuarat*]

**Tuan Pengerusi:** We shall now consider the Regional Corridors Development Authorities (Amendment) Bill, 2017.

*Clauses 1 to 3*

**Tuan Pengerusi:** Honourable Deputy Chief Minister.

**Timbalan Ketua Menteri; Menteri Pembangunan Bandar dan Sumber Asli II; dan Menteri Pembangunan Perindustrian dan Usahawan (Y.B. Datuk Amar Haji Awang Tengah Bin Ali Hasan):** Tuan Speaker, with your formation, may I under Standing Order 58 (2) request that an amendment be made to clause 2 of the Bill by adding the following sub- clause (b) by deleting the words or his deputies in line 3 of the definition of member. This additional amendment is due to an oversight and I take this opportunity to ask for it to be amended at this Committee Stage. For the information of this august House, this amendment is consequential to the amendment of Clause 2 of the Bill as there will be, there will no longer be deputies to be appointed under the amended ordinance.

**Tuan Pengerusi:** The question is that Clauses 1 to 3 including the additional amendment to Clause 2 are ordered to stand part of the Bill. As many as are of the opinion say "Yes".

**Government:** Yes ... (*Resounding "Yes"*)

**Tuan Pengerusi:** As many as are of the contrary opinion say "No".

**Opposition:** No ... (*Murmuring "No"*)

**Tuan Pengerusi:** The "Yes" have it.

*Enacting Clauses and Title*

**Tuan Pengerusi:** The Dewan shall now resumed.

### HOUSE RESUME

[Tuan Speaker *mempengerusikan Mesyuarat*]

**Timbalan Ketua Menteri; Menteri Pembangunan Bandar dan Sumber Asli II; dan Menteri Pembangunan Perindustrian dan Usahawan (Y.B. Datuk Amar Haji Awang Tengah Bin Ali Hasan):** Tuan Speaker, I wish to report that Regional Corridors Development Authorities (Amendment) Bill, 2017 has been considered by the Committee of Whole House and agreed to with an amendment.

**RANG UNDANG-UNDANG KERAJAAN – BACAAN KALI YANG KETIGA**

**REGIONAL CORRIDORS DEVELOPMENT AUTHORITIES  
(AMENDMENT) BILL, 2017**

**Timbalan Ketua Menteri; Menteri Pembangunan Bandar dan Sumber Asli II; dan Menteri Pembangunan Perindustrian dan Usahawan (Y.B. Datuk Amar Haji Awang Tengah Bin Ali Hasan):** Tuan Speaker, I beg to move that the Sarawak Regional Corridors Development Authorities (Amendment) Bill, 2017 be now read a third time and do pass.

**Tuan Speaker:** Ahli-Ahli Yang Berhormat, the question before the Dewan is that the Regional Corridors Development Authorities (Amendment) Bill, 2017 be read a third time and do pass. As many as are of the opinion say “Yes”.

**Government:** Yes ... (*Resounding “Yes”*)

**Tuan Speaker:** As many as are of the contrary opinion say “No”.

**Opposition:** No ... (*Murmuring “No”*)

**Tuan Speaker:** The “Yes” have it the Bill is read a third time and passed.

**REGIONAL CORRIDORS DEVELOPMENT AUTHORITIES  
(AMENDMENT) BILL, 2017**

**Tuan Speaker:** Ahli Yang Berhormat, the election of the Senator will take place this afternoon and all the tenth Motions will be tabled and debated this afternoon. Dewan will have a lunch break and sitting resume at 2:30 p.m.

*(Mesyuarat ditangguhkan pada jam 13:28 petang)*

*(Mesyuarat dimulakan pada jam 2.44 petang)*

[Tuan Speaker mempengerusikan Mesyuarat]

**USUL PEMILIHAN AHLI DEWAN NEGARA**

**Tuan Speaker:** Ahli-ahli Yang Berhormat, there will be one vacancy for Senator upon the expiry of the term of Yang Berhormat Senator Datuk Lihan Jok with effect from 8<sup>th</sup> December 2017. The vacancy is to be filled by way of an election in this and by this Dewan. The Dewan has been duly directed by Tuan Yang Terutama Yang Di Pertua Negeri to hold the election to fill the vacancy for Senator that will be vacant on 8 December 2017.

**Surat Cara Untuk Pemilihan Seorang Ahli Dewan Negara**

Diperbuat di bawah Seksyen 1 (2) Jadual ke 7 Perlembagaan Persekutuan daripada Tuan Yang Terutama Yang Di Pertua Negeri Sarawak kepada Speaker Dewan Undangan Negeri Sarawak.

Bahawasanya menurut Perenggan A, Fasal 1 dalam Perkara 45 Perlembagaan Persekutuan, Yang Berhormat Senator Datuk Lihan Jok telah dipilih sebagai seorang Senator mulai 8 Disember 2014 untuk satu tempoh berakhir pada 7 Disember 2017 dan lagi bahawasanya, pada menjalankan kuasa di bawah Seksyen Kecil (2) Seksyen 1 Jadual ke 7 Perlembagaan Persekutuan Seri Paduka Baginda Yang Di Pertuan Agong telah berkenan memaklumkan kepada Tuan Yang Terutama Yang Di Pertua Negeri Sarawak bahawa mulai 8 Disember 2017 terdapat satu kekosongan dikalangan Ahli-Ahli Dewan Negara disebabkan tempoh jawatan Yang Berhormat Senator Datuk Lihan Jok akan berakhir pada tempoh tersebut dan oleh sebab itu satu pemilihan untuk seorang Senator adalah diperlukan.

Maka oleh yang demikian, saya Tun Pehin Sri Haji Abdul Taib Mahmud, Darjah Kebesaran Sri Maharaja Mangku Negara, Satria Bintang Sarawak, Darjah Kerabat Johor Yang Amat Dihormati Pangkat Pertama, Darjah Kerabat Laila Utama Yang Amat Dihormati Brunei, Darjah Kerabat Sri Indera Mahkota Pahang, Sri Panglima Darjah Kinabalu, Sri Utama Mahkota Wilayah, Darjah Sri Setia Di Raja Kedah, Darjah Gemilang Sri Melaka, Darjah Panglima Pangkuan Negeri Pulau Pinang, Sri Sultan Salahuddin Aziz Selangor, Darjah Sri Paduka Mahkota Terengganu Kelas Pertama, Thai Royal Decoration of Knight Grant Cross, Kartika Eka Paksi Nararya Indonesia, Korean Order of Unification, Honorary Officer of The Order of Australia, Pingat Pengasas Perjuang Kemerdekaan Yang Di Pertua Negeri Sarawak.

Pada menjalankan kuasa-kuasa yang diberi kepada saya oleh Seksyen Kecil (2) Seksyen 1 Jadual ke 7 Perlembagaan Persekutuan dengan ini menyatakan hasrat saya supaya seorang Senator harus dipilih mengikut peruntukan-peruntukan dalam Jadual ke 7 Perlembagaan Persekutuan dalam Mesyuarat Dewan Undangan Negeri yang akan datang iaitu Mesyuarat Kedua bagi Penggal Kedua Dewan Undangan Negeri Yang ke 18 diperbuat di Astana Kuching pada hari ini 1 November 2017.

**Tuan Speaker:** Ahli-ahli Yang Berhormat, before the Dewan proceeds with the election I would like to explain the procedure as provided in the 7<sup>th</sup> Schedule of the Federal Constitution any of the Honorable Members of this House may propose a candidate if he or she so wishes and must be seconded by another member either the proposer or seconder must submit a statement in writing signed by the person nominated stating that he or she is willing to serve as a Senator if elected.

When the nominations have been received I shall announce the names of the persons nominated in alphabetical order and shall then put their names to the vote in that order. Each member shall be entitled to vote for as many candidates as there is a vacancy to be filled and the names of the members voting for each candidate shall be recorded and if any member cast a vote in addition to those allowed that vote shall be void. I shall ask the secretary to call the members one by one and upon his or her name being called the members if he or she so wished may cast his or her vote for the candidate by saying "yes" or "no".

If a member wishes to abstain he or she shall remain silent and I shall call his or her name a second time if he or she still remains silent and abstention shall be recorded against such member. I shall declare the candidate who receives the large number of votes as being elected to the office of Senator but if two or more candidates have an equal number of votes the election of those candidates shall be determined by lot. If there is only one candidate nominated for the vacancy the mentioned procedure shall not apply and I shall declare the candidate to be an elected candidate. I shall now call for the nomination for the vacancy.

**Tuan Speaker:** Honorable Member for Ba'kelalan.

**Y.B. Encik Baru Bian:** Thank you Tuan Speaker. I have a candidate in the person of Nicholas Bawin Anggat. Tuan Speaker by way of introduction Mr Nicholas Bawin Anggat was born in Nanga Tutong Enkari, Lubok Antu on 25<sup>th</sup> September 1950 making him 59 years old today. Married to Puan Rajini Ramasamy and both were blessed with four daughters. Nicholas obtained and graduated in Diploma in Business Studies in 1984 from the Institute of Technology Mara now University Teknologi Mara. He has vast working experiences being appointed by the Sarawak Government as Deputy President or Timbalan Ketua Majlis, Majlis Adat Istiadat Sarawak a Council for customs and traditions of the non Muslim natives of Sarawak from 31<sup>st</sup> July 1992 to 20<sup>th</sup> February 2005. Appointed by the Federal Minister of Agriculture as a Board Member of the Pepper Marketing Board, Malaysia 1<sup>st</sup> June 1989 to 30<sup>th</sup> May 1994. Appointed as a Deputy Chairman of Lubok Antu District Council from 1988 to 12<sup>th</sup> August 1992. Appointed as Director of Universal Cable Sarawak Sdn Bhd, an associate company of Sarawak Electricity Corporation SESCO from 22<sup>nd</sup> March 1988 to 16<sup>th</sup> April 1998. Appointed by Sarawak Government as the Director of Sarawak Electricity Corporation, SESCO from 29<sup>th</sup> April 1989 to 1<sup>st</sup> July 1997. And worked at Arab Malaysia Finance Bhd based in Kuala Lumpur and transferred to Bintulu until March 1997 from June 1995 to 20<sup>th</sup> March 1987 and worked at Hock Hua Bank as a training officer from July 1984 to June 1995.

Tuan Speaker, Mr Nicholas Bawing had been actively involved in NGOs movement and act as an activist. In fact he had been called as an expert witness on the custom and tradition of the native community Sarawak for court proceedings since 1999 to this present day. He was elected as Vice President Sarawak Dayak National Union on 12<sup>th</sup> June 1997 then on 29<sup>th</sup> November 1998 elected as Deputy President Sarawak Dayak National Union and on 7<sup>th</sup> August 2006 elected as President of Sarawak Dayak National Union which represent the Iban, Bidayuh and Orang Ulu communities and on 27<sup>th</sup> April 2002 elected as Yang di-Pertua Persatuan Ibu Bapa dan Guru PIBG Sekolah Kebangsaan St. Mary Kuching.

Tuan Speaker, by a letter dated 7<sup>th</sup> November 2017 Encik Nicholas Bawing had confirmed his agreement to be nominated as a candidate for this senatorship. With this background Tuan Speaker, I am confident that Mr Nicholas Bawing if elected would discharge his responsibilities as a Senator responsibly. I beg to nominate him to be a candidate from Sarawak. Thank you.

**Tuan Speaker:** Honourable Member to second.

**Y.B. Encik Chong Chieng Jen:** Tuan Speaker, I will second the nomination by Ba'Kelalan.

**Tuan Speaker:** Thank you. Honorable Minister for Utilities and Member for Kemena.

**Minister for Utilities (Y.B. Dato Sri Dr Stephen Rundi Anak Utom):** Thank you Tuan Speaker. As mentioned by the Secretary of the Dewan the term for Yang Berhormat Senator Datuk Lihan Jok who was elected through this Dewan and subsequently appointed as a member of Dewan Negara six years ago where he has served with dedication and honour for two terms expires next month that is on the 7<sup>th</sup> of December this year. Tuan Speaker it is for this reason that I stand here today in this august House to record our thanks and gratitude to Yang Berhormat Senator Datuk Lihan Jok for his contributions and dedicated service. It is also for this reason in order to fill this vacancy it is my pleasant duty today and indeed an honour to propose in this august House the name of candidate for election of all honorable members to fill the above mentioned vacancy as Senator.

Tuan Speaker, I wish to therefore to propose that Dr. Nuing Jeluing, a 65 year old Iban who has given his personal consent in writing that he is willing to serve as a Senator

if elected. Dr. Nuing Jeluing graduated with MBBS (Bachelor of Medicine, Bachelor of Surgery) from University of Malaya in Kuala Lumpur. In addition he obtained his postgraduate qualifications namely Certificate in Aviation Medicine from Royal Air Force Institute of Aviation Medicine Farnborough, UK in 1994. Certification of Underwater Medicine from Institute of Naval Medicine, British Royal Navy, Alverstoke, UK 1984. Diploma of Obstetrics and Gynecology from Institute of Obstetrics & Gynecology 1988 and Masters of Occupational Medicine from University of Singapore in 1996.

Prior to joining Sarawak Shell Berhad in 1983 as a medical officer, he served in various Government hospitals in Sarawak since 1978. He was appointed as Chief Medical Officer in 1996 of Shell Malaysia Berhad and 1996 also he was posted to Shell International Ltd, London as a Senior Medical Adviser – Overseas stint. Upon his return from UK in 1998, he assumed the position of Chief Medical Adviser for Shell Companies in Malaysia with rank of General Manager and made a member of Shell Malaysia – Exploration and Production Team. In May 2003 he assumed an additional role as Regional Health Adviser for Shell EP Asia Pacific (EPA) region, a role he performed until December 2005. He remained as Chief Medical Officer for Shell Companies in Malaysia and continued to be a member of SMEP Management Team for Shell until his retirement from Shell in January 2007.

Since his retirement from Shell Malaysia in January 2007, he has been a private practice in his own clinic, a clinic Dr. Nuing in Miri, Sarawak. Besides the above, Dr. Nuing Jeluing is very active in politics where he is a Member of Parti Pesaka Bumiputera Bersatu since the year 2000. He is also the Ketua Cawangan for PBB N.60 Kakus since November 2009 and also Ahli Majlis Tertinggi MKT Parti PBB since 2013.

With this wide experience and vast knowledge in politics, medical and corporation and health services, I strongly believe that Dr. Nuing Jeluing is very appropriate to be elected by this Dewan to be a Senator. I am very confident that he will contribute meaningfully to represent the people of Sarawak and the Dewan Negara. With that therefore, Tuan Speaker, I beg to propose.

**Tuan Speaker:** Second?

**Menteri Muda Hal Ehwal Korporat (Y.B. Encik Abdullah Bin Haji Saidol):** I second the Motion.

**Tuan Speaker:** Ahli-Ahli Yang Berhormat, any other nomination? I repeat, any other nomination? I shall now ask the secretary to call the Honorable Member's by name and record the votes according to alphabetical order. The first candidate is Mr. Nicholas Bawin. Ya, proceed.

Setiausaha memanggil nama-nama Ahli-Ahli Yang Berhormat bagi calon  
– Mr. Nicholas Bawin Anggat.]

[Setiausaha memanggil nama-nama Ahli-Ahli Yang Berhormat bagi calon  
– Dr Nuing Jeluing]

**Tuan Speaker:** Ahli-ahli Yang Berhormat, I hereby announce the number of votes obtained by both candidates. The first candidate Mr. Nicholas Bawin obtained 10 votes. The second candidate, Dr. Nuing Jeluing, 69 votes. With this result, I hereby declare that Dr. Nuing Jeluing is duly elected as a Senator. Congratulations.

**Setiausaha Dewan:** Tuan Speaker, I have received a letter from Dr. Nuing Jeluing dated 31<sup>st</sup> October 2017 to confirm his willingness to serve as a Senator if selected.

**USUL DARIPADA MENTERI**

**Tuan Speaker:** Ahli-ahli Yang Berhormat, I have received a Motion dated 6<sup>th</sup> November 2017 from the Honourable Deputy Minister for Modernisation of Agriculture, Native Land and Regional Development and Member for N37 Bukit Saban, under Standing Order 23 (1)(a). As a proposal, the Honourable Deputy Chief Minister will be given 30 minutes and 15 minutes for his winding up. The seconder is the Honourable Deputy Chief Minister, Minister for Infrastructure Development and Transportation and Member of N64 Baleh, he will be given 20 minutes. Two other Honourable Members supporting the Motion will be given 10 minutes each. I had also received a Motion dated 27<sup>th</sup> November 2017 from the Honourable Member for Batu Lintang on the same subject matter. The Ministerial Motion shall take president over the Motion of Honourable Member for Batu Lintang on the ground that under Standing Order (12), Government business shall take president over private members business because of the Motion of the Honourable Member for Batu Lintang is in *pari materia*. I hereby dismiss the Motion.

At the same time, the Honourable Member for Batu Lintang will participate in the debate of the Motion and will be the first to speak for his side of the house. I hereby allocate 30 minutes for him to be followed by the other member. Can I have a second member from the side of the opposition who will speak and allocated 20 minutes. Member for Padungan, you will be the one. Two other members from the Government side will be given 10 minutes each. Can I have their name?

**Menteri Kerajaan Tempatan dan Perumahan (Y.B. Datuk Prof. Dr. Sim Kui Hian):** Tuan Speaker, member for Batu Kawa.

**Tuan Speaker:** The other one? Member for Marudi. Two from the opposition?

**Y.B. Encik Chong Chieng Jen:** Kota Sentosa.

**Tuan Speaker:** And? One more. Ba'Kelalan. Kota Sentosa and one more.

**Y.B. Encik Chong Chieng Jen:** So there will be Batu Lintang, Padungan, myself and one more?

**Tuan Speaker:** Ya, one more.

**Y.B. Encik Chong Chieng Jen:** Ba'Kelalan will be.

**Tuan Speaker:** Ba'Kelalan. Okay, Padungan and Ba'Kelalan. So, Padungan and Ba'Kelalan will have 10 minutes each and then, last winding up by the Deputy Chief Minister for 15 minutes. I shall now call upon the Honourable Deputy Chief Minister, Minister for Modernisation of Agriculture, Native Land and Regional Development and Member for Bukit Saban to move his Motion.

**Deputy Chief Minister and Minister for Modernisation of Agriculture, Native Land and Regional Development (Y.B. Datuk Amar Douglas Uggah Embas):** Thank you Tuan Speaker. Before I move the Motion, I would like to correct the spelling of my name in the Order of the paper today. Spelling of my name should be Uggah not Unggah.

**Tuan Speaker:** Okay, noted.

**Deputy Chief Minister and Minister for Modernisation of Agriculture, Native Land and Regional Development (Y.B. Datuk Amar Douglas Uggah Embas):** Tuan Speaker, I beg to move the following Motion of which Notice I have already given under S.O. 23(1)(a).

The Motion is:-

**“WHEREAS** the Prime Minister, YAB Datuk Patinggi Mohd Najib Bin Tun Abdul Razak had, on Malaysia Day, 16<sup>th</sup> September 2017 in Kota Kinabalu given an unequivocal assurance that the rights of Sabah and Sarawak will continue to be preserved;

**WHEREAS** on the 7<sup>th</sup> December, 2015, this august House passed a Motion to mandate the State Government to take all necessary measures under Article VIII of the Malaysia Agreement to ensure complete implementation of recommendations contained in the Inter-Governmental Committee Report (IGC Report) intended to safeguard the special interests of Sarawak; and

Whereas the State Government has taken measures to exercise those Constitutional authorities and safeguards accorded to the State, including the enactment of the Gas Distribution Ordinance, 2016; the incorporation of PETROS to actively participate in the oil and gas industries in Sarawak; preparation for the financial review under Article 112D of the Federal Constitution; submissions of claims for stamp duties chargeable on instruments for land dealings and amendments to the Territorial Sea Act, 2012; and securing from the British National Archives relevant historical documents to support the State Government’s position on these issues.

Therefore it is moved that this House hereby resolves that:-

This House hereby mandates the State Government to form a high level special task force to negotiate with the Federal Government to resolve all outstanding issues related to the compliance and upholding of the Constitutional safeguards and special rights accorded to the state of Sarawak in accordance with the terms, intent and spirit of the Malaysia Agreement, 1963.

#### *Safeguards for Sarawak*

Tuan Speaker, on 16<sup>th</sup> September, 2017, in Kota Kinabalu, Sabah, the Prime Minister Yang Amat Berhormat Datuk Patinggi Mohd Najib Bin Tun Abdul Razak reassured Sabah and Sarawak that they will be accorded their rights as enshrined in the Malaysia Agreement 1963. This assurance is not just a political rhetoric. The Federal Government had responded positively to Sarawak’s initiative to regain our rights under the Malaysian Agreement. This august House was informed of the headway achieved in the negotiation with the Federal Government by the Late Pehin Sri Adenan, during his winding speech on the 30<sup>th</sup> November 2016. This is also reflected through the exemption of Sarawak from the Gas Supply Act and the right to vetting of all deep sea fishing licenses over the deep sea within Sarawak EEZ. These are all implemented on the premises and recognition of the State’s right over its Continental Shelf together with the oil and gas and marine resources therein. Thus, we record our appreciation to Yang Amat Berhormat Prime Minister for his understanding and readiness to consider our appeal to regain Sarawak’s Rights.

Tuan Speaker, the IGC's Report on the safeguards for Sarawak and Sabah are part of the Malaysia Agreement and have been incorporated into the Federal Constitution. For those safeguards which have not been included in the Constitution, Article VIII of the Malaysia Agreement provides that, these are to be implemented through executive, legislative and other actions by the Federal and the State Governments of Sabah and Sarawak.

Tuan Speaker, in December, 2015, this august House passed a Motion, introduced by the Honourable Member for Baleh, to mandate the State Government to take all necessary measures under the said Article VIII of the Malaysia Agreement for the complete implementation of all recommendation in the IGC Report and the safeguards of the special interests of the State and its people.

#### *Measures Taken by the State Government*

Tuan Speaker, after the Motion, the State Government has taken the measures towards the realization of the objectives set out therein. Whilst agreement has been reached on some of the issues and resolved through administrative action, some important Constitutional and financial issues have yet to be satisfactorily resolved which I will touch on in the later part of my speech.

Tuan Speaker, to reinforce the State's position on these unresolved issues, the State Government felt that it is incumbent to gather as much documentary evidence to ensure that the State has a strong legal position to facilitate the negotiations with the Federal Government. In this respect, it was important to have sight of original copies of these documents. These are only available in the British National Archives. We have procured, certified and authenticated copies of these important documents. Thus, a team headed by the Honourable Assistant Minister and Member for Semariang was sent to London for this important purpose. It is without doubt that the State is now in a stronger negotiating position following the retrieval and confirmation of the availability of relevant documents.

#### *Boundaries of Sarawak*

Tuan Speaker, the Sarawak (Alteration of Boundaries) Order in Council, 1954 extended the boundaries of the State to include the area of the Continental Shelf being the seabed and subsoil which lies beneath the high seas contiguous to the territorial waters of Sarawak. The British Government in an official statement (now with the British National Archives) explained as follows:-

"The right of a littoral state to claim sovereignty over the seabed and subsoil adjacent to its coasts in order to control the exploitation of the natural resources therein has become established recently in international practice. Accordingly, the boundaries of North Borneo, Sarawak and Brunei have been extended under the provisions of the North Borneo (Alteration of Boundaries) Order in Council, 1954; the Sarawak (Alteration of Boundaries) Order in Council, 1954 and the Brunei Proclamation to permit the Government of these territories to exercise jurisdiction over the exploitation of the natural resources of the continental shelf adjacent to their coasts. The status of the High Seas of the waters above the continental shelf is not affected."

Tuan Speaker, consequently, the boundaries of Sarawak as at Malaysia Day have been clearly established under the Sarawak (Alteration of Boundaries) Order in Council, 1954. These are the boundaries of Sarawak as at Malaysia Day. The State's boundaries and its territorial integrity are protected by Articles 1(3) and 2(b) of the Federal

Constitution. Britain determined the boundaries of the Sarawak to safeguard the State's rights to all the natural resources, including oil and natural gas in the Continental Shelf. The boundaries and territories of the State cannot be altered, by virtue of Article 2(b) of the Federal Constitution, without the consent of the State to be expressed by a law passed by this august House.

### *Oil Mining Rights*

Tuan Speaker, the Sarawak Government had been granting oil concessions and mining leases for petroleum since the days of the Rajahs. Maps, kept in the British National Archives, produced in the 1930s, demarcated and identified the areas of the seabed and subsoil of what is now the Continental Shelf of the State which had been included in oil mining leases issued by the State for the exploration and exploitation of oil. This confirms that even during the days of the Rajahs, Sarawak has been exercising jurisdiction over exploration and mining of oil or petroleum in the offshore areas of the State. This august House had passed the Oil Mining Ordinance 1958 to regulate oil mining onshore and in the Continental Shelf of Sarawak. This Ordinance has never been repealed even during periods when Emergency laws were in operation.

After the Proclamation of Emergency in 1969, Emergencies (Essential Powers) Ordinances No.7 and 10 were promulgated under Article 150(2) of the Federal Constitution which have the effect of respectively reducing the limits of the State's territorial waters and truncated the State's boundaries to only 3 nautical miles from its coastline, and extended the Continental Shelf Act 1966 and the Petroleum Mining Act, 1966 to Sarawak. These Federal Acts enabled the Federal Government to exercise jurisdiction over the Continental Shelf of the State and to regulate and control the exploitation of petroleum in the Continental Shelf.

The Proclamation of Emergency 1969 was annulled by both Houses of Parliament in December 2011 and by virtue of Article 150(7) of the Federal Constitution, the said Emergency Ordinances has ceased to have effect and the extension of the said Acts to Sarawak affected by the Emergency (Essential Powers) Ordinance, No. 10, 1969 also ceased to have effect. The Constitutional authority over the issuance of oil exploration or prospecting licenses and mining leases continued to be vested in the State Government under Item 2(c) of the State List in the Ninth Schedule of the Federal Constitution and the Oil Mining Ordinance, 1958.

In the 1970's, the differences between the State Government and the Federal Government in respect of the rights over the rights to oil and gas offshore Sarawak were resolved in the national interests "irrespective of what the Constitutional and legal positions were" and an impending civil suit by the State against the Federal Government in this respect was dropped so that the Petroleum Development Act 1974 was passed. Under that Act, the ownership and rights of petroleum was vested in PETRONAS in return for 5% royalty payment to Sarawak which was regarded as payment of compensation for taking over State property in the form of petroleum (and gas) – an unequivocal admission by the Federal Government of the State's ownership of these natural resources over the State's boundaries up to the continental shelf as provided by the Order in Council.

Tuan Speaker, Sarawak, as a founder and member of the Federation, has always acted in the interests of Malaysia. Sarawak is committed and has made sacrifices in the national interests, by granting PETRONAS control and benefit from its valuable petroleum and natural resources in its Continental Shelf and also on land. Consequently, PETRONAS has been able to grant rights or concessions for the exploration,

development and production of oil and gas in the Continental Shelf, to many Companies such as PETRONAS Carigali, Nippon Oil, Shell, Murphy Oil, Mubadala Oil and Gas, TOTAL etc. Sarawakian companies have yet to be involved in any development and production of oil and gas in the Continental Shelf.

Sarawak Government, being mindful of the aspirations of the people, has to ensure that Sarawakians have the opportunities to actively and meaningfully participate in both the upstream, midstream and downstream aspects of the oil and gas industry in the State. Many Sarawakians and Sarawak companies today, have the skills, experience and financial resources to be involved in or to invest in the oil and gas industries. For these reasons, the State Government had the Gas Distribution Ordinance, 2016 passed by this august House, and formed PETROS in readiness as a vehicle of the State Government to spearhead the State's active involvement in all aspects of the oil and gas industry. The Board of PETROS comprises of persons who have vast experience in the oil and gas industry.

#### *Oil Industry Players in Sarawak to Comply with State Laws*

Tuan Speaker, the State Government would like all parties involved in oil and gas exploration and production within its boundaries, including PETRONAS, to comply with all relevant State laws such as the Oil Mining Ordinance and also the Land Code, in regard to the use and occupation of State land for their activities. The State Government has never given any waiver to PETRONAS regarding strict compliance with State laws. Therefore, since PETRONAS and its production sharing contractors have not obtained exploration or mining leases for petroleum in accordance with the Oil Mining Ordinance and no title or permit to occupy State Land (including the Continental Shelf areas) under the Land Code PETRONAS has to regularize their activities to comply with our laws.

The State Government will not jeopardize PETRONAS' business or economic interests in Sarawak or act against the national interests. Further, the State Government, at this stage, does not wish to resort to the Courts to resolve such issues. As in the 1970s, the State Government desires to achieve an amicable solution whereby both Federal and State Governments interests can be accommodated with due recognition of the State's Constitutional rights over the Continental Shelf and the natural resources in the seabed and subsoil within the State's boundaries and the Federal Government having the State's firm commitment to advance the national interests in the exercise of the State's Constitutional rights over the natural resources of oil and gas found and produced within the State.

#### *Territorial Sea Act, 2012*

Tuan Speaker, the Territorial Sea Act 2012 was passed, without consultation with the State Government and without securing the consent of the State Government under Article 2(b) of the Federal Constitution as this law undeniably has the effect of altering the boundaries of Sarawak by reducing its territorial waters from 12 to 3 nautical miles. According to the Explanatory Statement in the Bill tabled in Parliament to enact this Act, the reasons for this Law are:-

- (1) The Emergency (Essential Powers) Ordinance No. 7 which reduced the limits of territorial waters to only 3 nautical miles had ceased to be in effect because of the annulment in 2011 of Proclamation of Emergency pursuant to which this Ordinance has been promulgated; and
- (2) To implement the United Nations Convention on Law of the Sea, 1982 which the Malaysian Government had signed as a Party.

The features of this Act which adversely affects the State's rights are:-

- (1) It has the effect of altering the boundaries of Sarawak;
- (2) It intends to vest "sovereignty" over the seabed and subsoil in the Yang di-Pertuan Agong (who acts on the advice of the Federal Cabinet);
- (3) It restricts the territorial sea or waters of the State to 3 nautical miles whereas the width of territorial sea claimed by the Federal Government is 12 nautical miles. The maps and other documents in the British National Archives serve to confirm when Sarawak was a Colony; its territorial waters were already 12 nautical miles. That limit should not be reduced after Sarawak became independent.

Whilst it is accepted that Malaysia has the capacity under international law to claim sovereignty over its territorial waters (and land territory) to protect the nation's sovereignty and security, such claims under international law or Convention cannot be a justification for the Federal Government to acquire rights to the land (including the Continental Shelf) which legally belong to the State. Otherwise, the implementation of a Convention and Treaty could be used as a mechanism to acquire land of the State without compliance with Article 83 of the Federal Constitution, and to alter the boundaries of the State.

After the grant of Independence to Sarawak on Malaysia Day by Britain, and the transfer of sovereignty over the then Colony of Sarawak to the Federation by the British Crown, all lands belonging to the Crown became vested in the State and not the Federation. This is expressly provided by Article 47 of the State Constitution.

When the Land Code was passed by this august House during the Colonial Administration, all land in Sarawak was vested in the Crown, and titles issued were issued as "Lease of Crown Land" (See: Sections 12, 13 and 21 of Land Code 1958 Ed.). "Crown" is defined in the Land Code (1958 ed.) to mean "the Crown in the right of Her Majesty's Government in Sarawak". The Land Code was modified in 1964 to comply with Article 47 of the State Constitution, vesting all Crown land on the State, to become "State Land".

A claim to "sovereignty" by the Federal Government would not justify a claim to the rights of the seabed and subsoil in the Continental Shelf within the boundaries of Sarawak, as the Continental Shelf was Crown Land before the birth of Malaysia. Upon the coming into force of the State Constitution on Malaysia Day by reason of Section 1 of the Malaysia Act, 1963, when the State Constitution came into force, all such land previously belonged to the Crown (Her Majesty's Government of Sarawak) became vested in the State Government as "State land". It is unconstitutional for the Federal Government to claim rights over the seabed and subsoil which are part of the State land, by claiming sovereignty thereof under international law by enacting the Territorial Sea Act, 2012.

#### *Financial Matters*

Tuan Speaker, the Federal Government has agreed to have a financial review as required under Article 112D of the Federal Constitution on the Special Grants which the State is entitled under the Federal Constitution to receive from Federal Government and whether there should be any addition or substitution of the items of revenues assigned to the State under the 10<sup>th</sup> Schedule of the Federal Constitution. The Federal Government has also agreed that the State's claims relating to loss of revenue from import duties and excise duty on petroleum products, claims relating to stamp duties for dealing in lands

and other financial issues be considered in this financial review. This review is long overdue. The State Government is now making preparations for this review.

*Resolution of Outstanding Issues*

Tuan Speaker, the State Government desires that these important Constitutional issues be resolved amicably without resorting to legal action so as not to jeopardize the unity of the Federation and the good relationships that exist between the Sarawak State Government and the Federal Government. When these issues are eventually resolved our Nation will be more united and relationship between the State Government and the Federal Government would remain harmonious.

These negotiations between the State and Federal Government should be conducted in accordance with the spirit and intent of the Malaysia Agreement and the IGC Report which was subscribed to by all parties leading to the formation of our beloved Malaysia. As correctly pointed out by the Honorable Dato' Seri Mohamad Nazri Abdul Aziz, Minister in the Prime Minister's Department (as he was then) when tabling the Territorial Sea Bill, 2012:

*"Kita merdeka pada tahun 1957, kita sebagai satu unit walaupun ada sebelas buah negeri. Kita sebagai satu unit yang dipanggil semenanjung Tanah Melayu. Kemudian pada tahun 1963 apabila kita menubuhkan Negara Malaysia di mana Sabah dan Sarawak sebenarnya merupakan dua wilayah.... Sejarah pun tidak sama. Akan tetapi apabila Sabah dan Sarawak bersetuju untuk bersama menubuhkan Malaysia ada beberapa perkara yang telah dijanjikan bersama supaya dia mesti diikuti...."*

The State Government has always maintained that Sabah and Sarawak should not be treated as one of the states in the Federation but as equal partners to the formation of Malaysia.

Tuan Speaker, in view of the above, the State Government proposes that a high level Special Task Force be established to conclude the negotiations with the Federal Government and have the issues resolved in conformity with the legal and Constitutional positions outlined by me in this Speech. The resolution of these important legal and Constitutional issues must be undertaken by the highest levels at both Federal and State levels. Hence, the State Government would humbly request the Federal Government to establish a corresponding task force, so as to facilitate the resolution of these issues amicably and in the national interests with the State's interests and rights properly safeguarded and entrenched.

Tuan Speaker, the passing of this Motion should not in any way be misinterpreted or construed to mean that the State is willing to sacrifice and jeopardize the continued existence of Malaysia as a nation. We respect and honour the decision of our past leaders for our beloved State to be part of Malaysia and we will always remain in Malaysia. Let there be no doubt about this fact. We will always uphold the sanctity of the spirit and the words of our State Anthem that:-

*"Sarawak dalam Malaysia  
Aman makmur rahmat Tuhan Maha Esa  
Kekallah Sarawak bertuah  
Teras perjuangan rakyat  
Berjaya berdaulat."*

Tuan Speaker, I beg to move.

**Tuan Speaker:** I shall now call upon Honorable Deputy Chief Minister and Honorable Member for Baleh.

**Deputy Chief Minister and Minister for Infrastructure Development and Transportation (Y.B. Tan Sri James Jemut Masing):** Tuan Speaker, I beg to second the Motion.

Tuan Speaker, when Sarawak decided to form the Federation of Malaysia, along with three other territorial entities, namely, (i) Malaya, (ii) North Borneo (Sabah) and (iii) Singapore, our founding fathers expected it to last and the understanding written therein would be kept. The Malaysia Agreement, now better known as MA63 would provide, we were assured, for the Constitutional safeguards and special position and interests of Sarawak. These safeguards were formulated by an Inter-Governmental Committee (IGC) comprising of representatives of the British, the Malayan Governments, and the official representatives from Sarawak appointed by this august House on 26 September, 1962, including representatives from Sabah and Singapore.

Most of these safeguards were entrenched in the Federal Constitution and endorsed by Sarawak State Assembly as provided for by Article VIII of the Malaysia Agreement, a copy of which is with me in this House this afternoon.

These safeguards are intended to secure for the State of Sarawak a measure of autonomy not enjoyed by the 12 States in Malaya as shown by the documents obtained from the British National Archives. We are certain that Britain would not have agreed to the formation of Malaysia and to grant Sarawak to be part of this new Federation, without these essential Constitutional safeguards. The Federal Court had, in one of its judgment during a case in Sarawak, uttered this most interesting observation on the findings of the Cobbold Commission Report: This is what its says;

*“the people of the Borneo State had fears of substitution of one form of colonization with another; fear of substitution of being taken over by the then Federation of Malaya; fear of the submersion of the individualities of North Borneo and Sarawak within the then Federation of Malaya”*

Tuan Speaker, over time, due to many happenings since 1963, including the Emergencies declared in 1966 and 1969, the Constitutional safeguards were not adhered to, the Federal policies on Education, Finance, Oil and Gas and the control of the rich mineral resources in the seabeds and subsoils in the Continental Shelf and so on, have been found to be inconsistent with the recommendations of the IGC.

For these reasons, I moved a Motion in this august House in December, 2015, to seek a mandate for the State Government to take all measures to ensure that the Constitutional safeguards are honoured and the Federal Government’s policies on the issues, as I have mentioned, must be aligned with the terms, letter and spirit of the Malaysia Agreement of (MA63). My Motion was unanimously adopted by this august House in 2015.

Tuan Speaker, since my Motion was passed, the State Government has been actively involved in discussions with the Federal Government through various Committees, set by the Federal Cabinet to resolve the issues highlighted in my previous Motion passed by this august House. Several major issues, however, remain unresolved. Tuan Speaker, the State has also found documentary evidences kept in the British National Archived which supports its legal and Constitutional position on these most outstanding issues. I can assure this august House that these documents (which are substantial in number) now being produced by the British National Archives, for the State Government in digitized as well as in photocopy forms. Once the works on these

documents are completed and duly authenticated, they will be made available to the public.

Tuan Speaker, therefore, I fully support the Motion moved by my Colleague, the Honourable Member for Bukit Saban that, a high level task force, be formed to resolve these critical matters, already highlighted in his Speech. I trust the Federal Government will designate a senior Cabinet Minister to lead this team to solve these outstanding matters as soon as possible.

The State Government wants, Tuan Speaker, to reach an amicable solution without undermining the basic fundamentals of the Federation of Malaysia, or in any way affecting the good relationship which the State Government has with the National Leadership.

Tuan Speaker, Sarawak Government is asking for nothing more, nor do we want anything less than what were agreed upon, when leaders from Sarawak and Sabah signed MA63. I, therefore, beg to second. Thank you.

**Y.B. Encik See Chee How:** Thank you, Tuan Speaker. Thank you for giving me this opportunity to debate on the Motion in the name of Honourable Deputy Chief Minister and Honourable Member for Bukit Saban.

Tuan Speaker, I have the opportunity to visit the renown National Archives at the Kew Garden in London recently, what I described to my friends as a ramble stroll in the Kew Garden. Naturally I was impressed by the facilities in the National Archives, a library which holds records covering more than 1,000 years history, including Government records which have been selected for permanent preservation.

The public library was part of the huge facility and it looks like a mall to me with more than a hundred computer and monitors lining neatly. The rows of long spacious tables. I was amazed as it was a Thursday morning and almost all the computer monitors were occupied. There are young readers but majority of the users were in the 50's and above scholarly looking but is my calculated guess that most of them are pensioners while some of them was spending their off days catching up on their reading of their country's proud historical records.

But there were the young readers too. On the train to Kew Garden, I was joined by about 30 primary school students who came in the company of 6 teachers. My instinct was correct that I just have to follow them from the train station and indeed we are heading to the same same destination, the National Archives. They had quickly disappeared into a part of the National Archives which I have had no time to explore.

Yet, there was another huge crowd or at least 50 childrens from another primary school already at the lobby ready to be enlightened by the wealth of knowledge offered by this National Archives. If William Godwin is correct that "He that loves reading has everything within his reach", then, it would not be far wrong to say that "A country that reads has every success within her reach".

At the advice of a helpful librian, I have started my exploration with a resourceful guide book, in quote, called "AdMinistering the Empire, 1801 to 1968 - A Guide In the Records of the Colonial Office in the National Archives of the U.K." by Mandy Barton. After reading through it, I was rather disappointed that I might be able to find only the 6 volumes of North Borneo, Brunei and Sarawak: Register of Correspondence (Colonial Office) 1942 to 1951 and the 61 files of Commission of Inquiry in North Borneo and

Sarawak regarding Malaysian Federation (Cobbold Commission 1962) (Colonial Office) 1962, Colonial Office 1962 in the National Archives.

Fortunately for me, the librarian whom I have approached was very helpful. She patiently explained to me the documents of records describes as those of the Colonial Office, Foreign Office, Commonwealth Relation Office, Commonwealth Office, Foreign and Commonwealth Office, Dominions Office, depending on the classification or natures of the nation states which were the colonies, dependencies, dominions, protectorates to the British Empire at different times in history, and where these documents and records are kept, some are at this National Archives but there are those which may be found in the British National Library or the 2,500 archives in the UK or national archives of other commonwealth countries.

Of specific interests are of course the Migrated Archives which are a collection of 20,000 files of colonial Governments from across the empire, sent to the Colonial Office before independence. These accounting what had happened in the various territories, the views of the administrators in those territories, nation states and the British Government, prior to their independence.

I have a collection of books and compilations of records and documents that I have thought were useful and sufficient in understanding the history of Sarawak and its transition from the Brookes to colonial and the formation of Malaysia.

That stroll in the Kew Garden which had taken me a whole day, had certainly taught me that I have still much more to read and learn, to put Sarawak on the right footing to regaining and achieving greater autonomy, rediscovering our national identity and a freer nationhood.

I have therefore proposed in my Motion which was dismissed, to register our appreciation to the research mission team to London for successfully retrieving and obtaining official records, documents, studies and references related to and expedient to restore Sarawak's rights as embodied under the Malaysia Agreement 1963. It is a remarkable feat, if what was said is true.

I certainly hope to be enlightened by the Honourable Assistant Minister or member of the Cabinet, maybe the Right Honourable Chief Minister himself, on their accomplishment and that there will be full disclosure and publication of the official records, documents, studies and references in this Dewan for this august House to bear testimony.

I verily believe that all Sarawakians, I myself included, are even hopeful that the efforts will be continued, until we have acquired all the records, documents, materials and all valuables resources accounting what had happened in Sarawak, the views of our then administrators and the British Government, prior to Sarawak's participation in the formation of Malaysia.

It would therefore be opportune for me to suggest that maybe we should set up the Sarawak National Archives, and that all those important official records, documents, studies and references thereby retrieved and discovered by the legal research mission team led by Honourable Assistant Minister of Law, State-Federal Relations and Project Monitor, said to support Sarawak's stand in our discussions with the Federal Government on Devolution of Powers and to reinforce and reclaim those Constitutional rights which belong to Sarawak such as rights over the Continental Shelf, territorial sea, off-shore oil mining, and to fully implement all the recommendations contained in the Inter-

Governmental Committee Report to safeguard the special interests of Sarawak, be kept in this National Archives and to encourage public reading and deliberation.

And, I would respectfully suggest that we name this Sarawak National Archives or special library after our late past Chief Minister, the late Pehin Sri Datuk Patinggi Tan Sri Adenan Satem, to honour and in remembrance of Tok Nan and his systematic and persistent efforts to orchestrate and push for Devolution of Powers and autonomy of Sarawak.

The works have just started, the road is long, to achieve the powers and autonomy that Sarawak deserves, but I am sure that all Honourable Members in this august House are determined to venture on. It doesn't matter which side are we on, but we are all Sarawakians First, and we all want the best for this Fairland Sarawak. Let our very own Sarawakian National Archives records every step of our journey.

The full disclosure and publication of all the official records, documents, studies and references and document retrieved by the research mission team, will also ensure the empowerment of an informed citizenry in Sarawak, with clear understanding of the terms, intend and spirits of the Malaysia Agreement 1963, that wholeheartedly rooted behind this House in the upholding of the Constitutional safeguards and special rights accorded to Sarawak by the co-founding fathers of the Federation.

I must, however, put on record the popular concern that we need to step up the efforts in the negotiation with the Federal Government, as there are little or no positive outcome being seen or reported in this august House.

The Honourable Deputy Chief Minister, Honourable member for Bukit Saban had expressed in the Motion before us that "on the 7th December 2015, this august House passed a Motion to mandate the State Government to take all necessary measures under Article VIII of the Malaysia Agreement to ensure complete implementation of recommendations contained in the Inter-Governmental Committee Report (IGC Report) intended to safeguard the special interests of Sarawak".

That seems like a long time. But we are not to forget that this august House had also unanimously passed a Motion in the name of honourable member from Semop on 6th May 2014 urging the Federal Government to increase oil and gas royalty to the state from the present 5 per cent to 20 per cent.

Now this Motion seeks to form a high level special task force to negotiate with the Federal Government to, I quote, "resolve all outstanding issues relating to the compliance and upholding of the Constitutional safeguards and special rights accorded to the State of Sarawak in accordance with the terms, intend and spirit of the Malaysia Agreement, 1963", end quote. But what is there to assure all Sarawakians outside this august House that there will be progress?

I would like the Honourable Deputy Chief Minister, to enlighten us what measures have been taken by the state Government and to what progress have we accomplished in asserting our demand for the amendment of the Territorial Sea Act, 2012 as example.

In the Chinese proverb, there is a saying which translates to say: those meetings must necessary lead to deliberations, that the deliberations must lead to decisions and resolutions, and this decisions and resolutions must necessarily be lead to actions.

This Motion calls for the setting up of “a high level special task force to negotiate with the Federal Government” for the specified task that I have just quoted. However, that “high level special task force” which is supposedly a mean, it might also be rendered to be an end in itself.

Are we ready to file a Motion to seek the Court’s determination on the Constitutionality of the Territorial Sea Act 2012, the enactment of which had clearly violated Article 1(4) and Article 2 of the Federal Constitution?

The assertion of Sarawak’s territorial integrity is the very foundation to our claims for Constitutional authorities and rights and hence, the determination on the Constitutionality of the Territorial Sea Act 2012 and its amendment must be expedited. I would humbly propose that this Motion be amended with a deadline be given by this august House for the high level special task force to complete the task of amending the Territorial Sea Act, 2012.

The Honourable Deputy Chief Minister have just clarified that were guidelines to PETRONAS, given to them to regulate their activities in according with our State Ordinance, but I don’t know whether maybe the Deputy Chief Minister can kindly enlighten us whether those guideline were given before the disposal of the interests in the Production Sharing Agreement Contracts given after or before the guideline given to them. For those to be dispose even to foreign countries. I am referring to the SK410B which was given on 21.07.2016 and SK316 that has given earlier this year, 2017. Whether they are really serious with whatever the State Government is proposing, they will have said guideline and all this but they are bleaching all this guideline.

Besides, the state Government must also clarify what are the “recommendations contained in the IGC Report intended to safeguard the special interests of Sarawak” and those “Constitutional safeguards and special rights accorded to the State of Sarawak in accordance with the terms, intend and spirit of the Malaysia Agreement, 1963” that we meant in this Motion.

More importantly, what steps are to be undertaken, on what Constitutional guidelines safeguards and special rights enumerated in the IGC report. Take for example, education. I found that Item 13 of List I of Legislative List of the Ninth Schedule appears to be wholly Federal’s jurisdiction but Chapter III and Annexure A to the IGC Report 1962, there were assurances stated in Paragraph 17 of the said Chapter III which expresses inter-alia, the emphasis on the present policy and system of administration on education. Present means 1962. To be equal, “undisturbed and remain under the control of the Government of the State” has certainly given us the basis to claim autonomy in the field of education to draw up our educational policy and set up our own system of administration whether to realign and supplement the national education policy in the best interest of Sarawak. With the Constitutional provision such as Article 161 including Paragraph 17 (a)(i) Chapter III of IGC report, the use of English as a medium of instruction beyond the unreasonable questioning of certain Federal Ministers who probably do not have a clue of the IGC report and the Malaysia Agreement 1963.

Hence, the Government should not just focus on the subject matters which are not found in the Legislative List or Concurrent list but widen the rim of the subject matter to look at those contained in List 1 of which powers have been reserved for Sarawak as contained in Annexure A of the IGC report, that we should seriously negotiate with the Federal Government to devolve those powers to Sarawak as well.

I, therefore, urge that necessary amendments be made to this Ministerial Motion to mandate full disclosure and publication of all the official records, documents, studies,

references and documents retrieved by the research pension teams to empower and lobby all Sarawakians for them to support the State's effort to claim the Constitutional safeguards and special rights accorded to the State of Sarawak. This Constitutional safeguard and special rights must first be clearly determined and laid down.

With those amendments in mind, I support this Ministerial Motion that stands in the name of the Honourable Deputy Chief Minister and Honourable Member for Bukit Saban. Thank you, Tuan Speaker

**Tuan Speaker:** I call upon the Honourable Member for Padungan.

**Y.B. Encik Wong King Wei:** Thank you, Tuan Speaker. When the whole Motion surrounded the importance of going back to the historical document such as Malaysia Agreement 1963, it reminds us that history must not be forgotten. History must not be forgotten and also it has to be reminded that Sarawak autonomous rights have been eroded because of the Barisan Nasional Sarawak who has been so submissive to the UMNO led Barisan Nasional.

History must not be forgotten. I believe most of the Members of this august House have participated in voting of a Motion in May 2014, whereby the august House has mandated the Sarawak Government to demand for 20% oil royalty from the Federal Government. Until today it has not been done. And Yang Amat Berhormat Chief Minister had announced in May 2017 that this negotiation is put on hold.

Therefore, when we talk about history, when we are saying that history must not be forgotten, this has to be reminded. When we look at the Motion tabled by Yang Berhormat for Bukit Saban, again it is repetitious. It repeats the Motion in May 2014, not in the sense of content but in the sense that there is no time frame to be provided. When we are following up as to the result of the negotiation after May 2014 Motion, I still remember Tuan Speaker has rebutted that there was no time frame. Ya, Tuan Speaker nods his head. Ya, there was no time frame provided, therefore we cannot pursue this matter again in this august House, asking for the result because there is no time frame given, can be 10 years, 20 years or 100 years even.

Again today, the Motion before us has no time frame. So it has to be stated clearly as to the time frame, number one. Number two, as to the subject matter of the rights that we are asking for or what we are demanding for. There is no time frame and there is no subject matter. Therefore, this Motion has to be amended. We do not want a resolution after a resolution. It's a task without any action being taken. Time frame is very important for whatever it is said. If not this Motion is just a *wayang kulit* Motion, playing to the gallery.

Tuan Speaker, history must not be forgotten. In November 2016, there was an intended Motion to be tabled by the seconder of this Motion, Yang Berhormat for Baleh, on the Malaysia Agreement 1963, but at during the very last minute of the DUN sitting in November 2016, a sudden U-turn has been made by the State Government, I still remember that. And now it comes back, but it comes back one year after. Even a Motion it took another year for the Government to table, what more to say negotiation.

So, therefore, the State Government has to be disciplined by the time frame. The Motion has to be stated clearly as to the time frame and subject matter. And another thing to be amended, to form a high level special task force, not to negotiate but to demand. Demand in the sense that if the legislation has to be amended, let the Barisan Nasional Sarawak Federal Minister to table the Amendment Bill in the Parliament. It is not the time for negotiation again, it is time for action.

I set an example. In November 2016, I have moved a Motion to restore the status of Sarawak, to urge the State Government to assign a Federal Minister of Barisan Nasional Sarawak, to table an amendment bill to Federal Constitution, in particular to amend Article 1(II) of the Federal Constitution. If we are talking about going back to the Malaysia Agreement 1963, this is the Malaysia Agreement 1963. Annexure A is about the Federal, something to do with the Malaysia Bill. It is a Malaysia Act. Annexure A to Malaysia Agreement 1963, Clause 4(2), initially it was intended that the States of the Federation shall be:

- a) The State of Malaya, namely Johor, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Terengganu; and
- b) The Borneo States, namely Sabah and Sarawak; and
- c) The State of Singapore.

This particular Article has been incorporated in the Federal Constitution but it was later amended in 1976. With the amendment to the Article (1)(2) to be read as follows, "The States of Federation shall be Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak, Selangor and Terengganu. Since then Sarawak has become one of the 13 States instead of one of the three regions (*wilayah*).

It is because of the submissiveness of the Barisan Nasional Sarawak who has led to this erosion of the status. Even the status of the region has been downgraded or reduced to from one of the three regions to one of the thirteen States. When we talk about, if you do not have a competent status, what other negotiation you are talking about? You are just one of the States.

So to do this a Motion that has been tabled by me enclosed with a proposed Bill for amendment of Federal Constitution has been tabled in this is august House in November 2016. The Bill was drafted jointly by Kota Sentosa, Tanjung Batu, Pending, myself (Padungan), Pelawan, Bukit Assek and Pujut. We have drafted a Bill, just for Barisan Nasional to table and we will restore our rights. We will restore our status and that has not been done. So, when we talk about go back to Malaysia Agreement 1963, talk about something tangible. It is so vague in the sense that, in this Motion to resolve that, to negotiate with Federal Government to resolve all outstanding issues, what are the outstanding issues?

Why is the State Government is so afraid of committing yourself to the issues? Why? It is proven that the State Government is not serious on this and this is intended to be a *wayang kulit* Motion. State the subject matter, what you are going to do after this Motion. State the subject matter and the time frame. The Territorial Sea Act 2012 history must not be forgotten. Just few years back, the 2012 Act has been passed in Parliament due to support of the Barisan Nasional Sarawak. Members' of Parliament from Barisan Nasional of Sarawak. With that Act, the territorial sea of Sarawak has been reduced from twelve to three nautical miles.

**Y.B. Encik Wong King Wei:** And how are we going to do that? It is no negotiation. It is by right no negotiation by right amending the Act or repeals the Act even. Amending the Act in the sense is that clause of Section 33 to be abolished or to be amended to the effect that it is not applicable to Sarawak. This can be done easily just drop the Bill table by the MPs from Sarawak. We always ready to support the Bill. We all from Pakatan Harapan will support the Bill regardless it is from the West Malaysia or from East

Malaysia. And another thing is about taxation, I noticed the Motion has talked about the stamp duty chargeable on the instrument for the land dealing.

Tuan Speaker, taxation that we are talking about is not our Autonomous Rights according to Malaysia Agreement 1963. Therefore, it is not good enough to just say that going back to Malaysia Agreement 1963. It is just not good enough because taxation, Education, National Security and Public Health is not the Autonomy of Sarawak from the very beginning of the establishment of Malaysia. Therefore, by relying just purely on Malaysia Agreement to get what we want or what we need is not good enough. Another document have to be rely on. I haven't finished. Let me finish this. Ya, I will give later.

Another document have to be rely on. DAP Bintulu Declaration 2014, history must not forgotten, that is for real but future is ours. We have to demand what we need, what Sarawakians need apart from MA63 we need 50 percent after test collected in Sarawak belong to us. We need the Autonomous Right of Education we need the Autonomous Right in Police Force Internal Security, we need the Autonomous Right in Public Health. Therefore, it is not good enough to just say that or go back to Malaysia Agreement it sound good but it is not good enough to just purely rely on Malaysia Agreement 1963 because what Sarawakian want is more than that. Because when the formation of Malaysia is under the spirit of eco partnership and this is what we want to make sure that we are equally treated and it is very important for the State Government or the mover of the Motion to amend this Motion to make to broughten that it is not only Malaysian Agreement 1963 if you are serious about Sarawakian Autonomous Right. Yes, please.

**Tuan Speaker:** I now call upon the Honorable...*(Interruption)*

**Y.B. Dato' Haji Idris Bin Haji Buang:** Thank you Tuan Speaker, thank you Yang Amat Berhormat Padungan. Now I just amazed some clarification of Yang Amat Berhormat, when you said amending the Federal Constitution is easy but can you not agree to well celebrated phrase legal theory does not always go along with political reality. That is by law if you know you are acknowledge that Public Health, Education, Police, (National Security) and all...*(Interruption)*

**Tuan Speaker:** Yang Berhormat for Muara Tuang it is understood that when the Members are nominated this speak with no interruption because there are the side can debate. There are two more Honorable Members from the Government side who can debate after two Members from this side will speak...*(Interruption)* that has been our practiced when it come issues of in our country State and National importances.

**Y.B. Dato' Haji Idris Bin Haji Buang:** I'm obliged.

**Y.B. Encik Wong King Wei:** Ya, I have been very kind but the chance is not given. Not by me.

**Tuan Speaker:** You have a few minutes more.

**Y.B. Encik Wong King Wei:** Ya. I will conclude with the last issue. Tuan Speaker, on the PETROS, PETROS set up by the State Government. On the PETROS, it is nothing to do with Autonomous Rights as throughout the resources. But the Government has been painting the pictures saying that we are getting our rise Government Resources back to the State. But it is not true when we pay attention to the CEO or President of PETRONAS, Datuk Wan Zulkifli Wan Arrifin, where say that PETRONAS is the custodial and the manager of oil and gas resources Malaysian pursuant to Petroleum Development Act 1974. Therefore, if we are talking our Autonomies Right it is about doing by way of

legal way. Like what I stated just now. Few examples. It is not by way of negotiation. Therefore, what are the purposes of setting PETROS if the Yang Amat Berhormat Chief Minister have said that the PETROS is set up with the same similar status of same status with PETRONAS. That is not true. How can it be same status with PETRONAS. That should be corrected because the State Government is painting wrong picture to deceive the voters as to the State Government is getting some rights from the PETRONAS. Not true. And when we talk about our Autonomies Right whatever Lord Denning has said what you talk about Autonomies Right some of the Right we have to do it by the amendments of the Federal Act or even Federal Constitution and this should be done by where of listing out the subject matter and also listing out the time frame, why it so, why it so difficult to list up the time frame if Barisan Nasional is sincere about it. Don't play to the gallery by just tabling a Motion saying that okay we are back to Malaysia Agreement, a very general statement without any commitments. This not right so until and unless this is amended to be clearly stated of the time frame and the subject matter, I will communities *Wayang Kulit* Motion. And I was support only if the Government is serious about Sarawakian Right. I will support the Motion which stipulated the clearly the subject matter and the time frame. With that I conclude.

**Tuan Speaker:** I should now call upon Member for Local Government and Member for Batu Kawa to speak.

**Menteri Kerajaan Tempatan dan Perumahan (Y.B. Datuk Prof. Dr Sim Kui Hian):** Tuan Speaker thank you very much for opportunity to speak. I rise to render my full support to Ministry Motion that have just been move by the Honorable Deputy Chief Minister and Ahli Yang Berhormat for Bukit Saban and seconded by another Honorable Deputy Chief Minister and Ahli Yang Berhormat for Baleh. Today in this august House on the 150 anniversary of this Dewan we are deliberating on a very significant Motion to reinforce and safe guard Sarawak and its people rights privileges and interest which have been agreed upon and documented during the formation of Malaysia. It is priority we should at the same time resolved in this august House result on whatever right, privileges and interest that belong to Sarawak which have been eroded or taken away and should now been reinstated . Therefore it is timely that this august House reiterate our firm stand on behalf of all the people of Sarawak that the Federal Government of Sarawak should duly uphold and comply with true intend and spirit of Malaysia Agreement 1963 and any other related documents and if any ordinance had been taken violated or taken away knowingly or unknowingly, then it should be return to Sarawak and restored. In this connection, we must have all the relevant supporting historical fact and substantial documents to support our stand and claims that what is ours is ours.

I would like here to applaud our Right Honorable Chief Minister's initiatives and endorsed by our Sarawak Government in sending a team of our lawyers to London to study the detail of Malaysia agreement 1963 and other related relevant fact as well as obtain supporting documents relating to Sarawak's right. All voters of Sarawak were very excited and supportive of our Sarawak Government in making such a pro active move except certain members of west Malaysian based party. It is very disappointing to observe certain leaders of the West Malaysia based opposition party were trying to have a few days by launching baseless criticism and ridicule the Sarawak Government recent effort in sending a team a lawyers to London and alleged it is a waste of time and money. It appears that they were not keen to see that Sarawak Government succeed in its effort.

Tuan Speaker, in respond to all unhelpful and negative criticism, I would like to quote what our right Yang Amat Berhormat Chief Minister said "*this agreement, MA63 is not simply an agreement. We want to get the fact right because if we want to make a claim and we must do our homework otherwise we just shooting at the target without*

*hitting it* “I also like to concur with our Yang Amat Berhormat in saying that following that “not only do we need to know the facts to the MA63 but we must also ascertain the original intentions of our fore fathers in signing the MA63”. Hence it is in priority to ascertain the facts and original of intention fore father and that was what actually what we think our lawyers are doing in London we must not overlook the facts in the history relating to the true letter and spirit of fore fathers formation of Malaysia.

Tuan Speaker, on 4<sup>th</sup> June 1959, my Party SUPP was a very first political form in Sarawak and it was form out of the wide spread rationalism among Sarawakian to fight for Sarawak’s Independence from British Colonial Government. My Party has rightly expressed that in 1959 the sentiment of fellow Sarawakian in three words Sarawak for Sarawakians.

Tuan Speaker, when the idea forming a greater Union of National Co. Malaysia was proposed by our late Tunku Abdul Rahman in 1962, our fore fathers were very concerned about whether we move to one colonial to another by losing our Rights to a central Government. This concerned was truly justified because independent kingdom team since 1841 until it became a British Colony in 1946. That concerned never sees even after we have form the Federation of Malaysia on September 1963 and our current generation concerned against justified when witness House slow overtime some of our Right under MA 1963 under eroded through the years. We are not happy that by forming Malaysia as one founding partners of three some of our Rights as stated in MA 1963 and encapsulated in other supporting report such Cobbold Commision and the Inter-Government report had been compromised and discounted.

Tuan Speaker, with the lifting Emergency Malaysian back on 24<sup>th</sup> November 2011 by Yang Amat Berhormat Prime Minister, Datuk Seri Najib the Emergency Ordinance No.7 1969, the Emergency Ordinance No.10 1969, the Continental shelf Act 1966 and the Petroleum Mining Act 1966 sees to have effect in Sarawak. This means Sarawakian territorial water should be immediately be reverted back to its original boundary before the formation Malaysia which Member of Bukit Sabung has stated under the Order of Council on 24th June 1954 in the United States in which ‘The Boundaries of the Colony Sarawak area of continentalshelf being the sea bed and its sudsoil which lies beneath the High Seas contiguous to the territorial waters of Sarawak and it is not longer limited to just mere three nautical miles.

Tuan Speaker, once again the sentiment of fellow Sarawakians under the leadership our former Chief Minister, the late Pehin Sri Tan Sri Adenan Satem were raising to get back what we are entitled to under the MA63 as ...further defend our rights according to MA63. I salute the late Tok Nan for the courage leadership in declaring 22<sup>nd</sup> July as Hari Merdeka Sarawak, our birthday of Sarawak serves as permanent reminder to all Sarawakians irrespective where you are in the world that our rights and interest be in accordance with MA63.

Tuan Speaker, since our late Pehin Sri Tan Sri Adenan Satem took office our Chief Minister of Sarawak in 2014, he has courage declared to the Federal Government our Sarawakian wishes to claim our rights and autonomy according to MA63 with the united support from all the State Barisan Nasional component parties PBB, SUPP, PRS and PDP together with all the Sarawakians, team Adenan very strong statement during the eleventh state election in last May that all we want to claim to safe guard those rights imposition as agreed in Malaysia Agreement 1963 nothing more and nothing less.

Tuan Speaker, today, that very same passion is now continued by our new captain, Captain Abang Jo of Team Adenan. Our Captain doesn’t just talk about Sarawak autonomy, he send a team of lawyers to London to flip through pages of historical

documents relating to Sarawak's right. This very critical move as there were many exchange of letters, minutes of meeting those recorded during the beneficiary meetings inter Government Committee and even trace our rights till up until the time Sarawak was called The Kingdom of Sarawak as rule by the White Rajah. According to Article 8 of the MA63 in order for the signing parties to the agreement to continue to workout and implement the assurance, undertakings and recommendations as contain in the MA63 as well as report Inter-Governmental Committee as signed on 27 February 1963 both Sarawak Government and the Federal Government must take necessary legislative, executive and other actions to achieve on the above. I dare to compliment our Sarawak Government on its continuous effort as lead by our Right Honorable Chief Minister to communicate with the Federal Government as a necessary action to be taken with the rest of rights to Sarawak as provided in MA63.

Tuan Speaker, let us not forget, our last September 16 this year which I always call 16 September, our wedding anniversary, during Malaysia day celebration in Kota Kinabalu, Tuan Speaker and I were both present to listen first hand to our Yang Amat Berhormat Prime Minister Datuk Sri Najib who open declared that Federal Government will restore all Sabah and Sarawak rights as stated in MA63.

Tuan Speaker, in summary this Ministerial Motion by the Honorable Deputy Chief Minister a Member of Bukit Saban once achieved a resolution to all unresolved issues under Devolution of Power under MA63 for this due by a high level special task force from both the State and Federal Government and this high level special task force ought to be vested with full authority to make expeditious decisions to facilitate the settlement all this issues. A State Government does not like to adopt and confrontational stands in the discussion with the Federal Government in this Devolution of Power process. As I said multiple time in the Senate in the Parliament of Malaysia where I'm grateful for Malaya to defense Sarawak by blood and in return for Sarawakian to defend Malaysia by blood. Sarawak as the founder of this nation would not add against the national interest.

After 54 years in marriage why Sarawakian aren't happy? You want the Government not just the Federal Ministers but the Federal Officer as well as other State Government in Malaysia to demonstrate a proper understanding and respect for the aspiration the people of Sarawak who wants the State and its proper position and status in the federation in accordance with the terms, spirits and the letter of Malaysia Agreement 1963. It's like I always said its like you have worked out in the marriage, the person you married in 1963 is totally a different person today.

Sarawak's true desired is that when the ongoing process of Devotion of Power is over, all the Sarawak's right which have been eroded due to various circumstances such as proclamation emergency in 1966 and 1969 would be restored that Malaysia remains united and a stable nation and be a shining example Federal Region should work both in the interest of both the Federal and State Government based upon the Federal Constitution.

Tuan Speaker, in conclusion, I wish to reiterate here that I fully support the Motion by the Honorable Deputy Chief Minister and Member of Bukit Saban. I also hope that all Honorable Members in this August house will support the Motion as a further State and save the Sarawak interest and the right to make Sarawak stronger. Tuan Speaker, I urge all Honorable Members in this house to always smile. If we always unhappy, it will become depress and at risk of suicidal. If anyone of the Members felt that they are always been bypass, please come to see me and I'm happy to give you a bypass. Sekian, terima kasih.

**Tuan Speaker:** I shall now call upon the Honourable Assistant Minister for Local Government and Member for Marudi to speak.

**Menteri Muda Kerajaan Tempatan (Y.B. Datu Dr Pengguang Manggil):** Thank you very much, Tuan Speaker. I rise to support the Ministerial Motion which has been proposed by the Deputy Chief Minister, Ahli Yang Berhormat for Bukit Saban and seconded by the Deputy Chief Minister, Ahli Yang Berhormat for Baleh.

Before I proceed on with my professional intervention, let me first of all take this opportunity to record my sincere gratitude and appreciation to our former Chief Minister, the late Pehin Sri Adenan bin Haji Satem for his wisdom, farsightedness, boldness and courage among others to initiate the move on the Devolution of Power way back in 2015 when I was still serving as the Permanent Secretary to the then Ministry of Local Government and Community Development.

Since then, and contrary to what the Honourable Member for Padungan had alleged, that the State Government has not done anything, a lot of consultations, labs and discussions among the different high level expert groups and intellectual fraternity from both the State and Federal Government had been held.

This journey is now hotly pursued by our new captain in the name of the Right Honourable Datuk Patinggi (Dr) Abang Haji Abdul Rahman Zohari bin Tun Datuk Abang Haji Openg, Ahli Yang Berhormat for Satok, the sixth Chief Minister of Sarawak, who has not only shown his excellent leadership in transforming the State of Sarawak through the various initiatives as well as the various Cabinet Transformation Committees but further pursued, enhanced and invigorated the works on the Devolution of Power by sending a delegation to London led by Ahli Yang Berhormat for Samariang to look for the relevant documentary evidences leading to the Malaysian Agreement 1963 which are now kept in the British National Archives in Kew, in London. In order to support and strengthen our case in getting our rights back which have been eroded over the years to where it rightfully belongs and that is to Sarawak and its people.

Now, this trip is supported by an activist lawyer in the person of Zainal Adjamain the author of this book, *The Grand Design*, who stated that the Sarawak's decision in going to London to study documents pertaining to MA63 was well justified as such documents weren't available in Malaysia.

Contrary to what some Honourable Members of this august House have said, that what our Right Honourable Chief Minister is saying or doing is only hot air, the tabling of this Ministerial Motion here today proved them wrong and shows the seriousness and unquestionable commitment of the Right Honourable Chief Minister to walk his talk for the benefit of Sarawak and its people now and the generations to come.

Tuan Speaker, we all know that MA63 is a multilateral agreement or treaty with signatories involving the Federation of Malaya, Sabah, Sarawak and the United Kingdom and it was registered in the United Nations on 21<sup>st</sup> September 1970 bearing the registration No. 10760. The MA63 as well as the Inter-Governmental Committee Report set out the terms and conditions in which the three Sovereign States have agreed to form the Federation of Malaysia with an understanding that there will be guarantees within the Federal Constitution to protect their respective rights and privileges.

Some of these rights or privileges among others include Article 161B which states that non-Sabah and Sarawak lawyers do not have the right to practice in Sabah and Sarawak courts. Article 161 (1) & (2) stipulates that Sabah and Sarawak still have the rights to use English in its State Assembly and court proceedings. Article 153 talks about the reservation of quarters in respect of services, permits, scholarships and etc for the

natives of Sabah and Sarawak. List II of the Ninth Schedule includes Mining as well as Stamp Duty as a State domain. While Tourism was placed in the Residual List but later shifted to List I of the Ninth Schedule as a Federal matter. IGC Report also mentioned to the effect that Sarawak and Sabah should have the rights to the kind of education system it wants and so on so forth.

Some of these rights and privileges have slowly and surely been eroded or taken away either intentionally or otherwise and one such glaring example is the enactment of the Continental Shelf Act, 1966 and the Petroleum Development Act, 1974 which reduces the sea borders of Sarawak and Sabah from 19.3km to 4.8km while the Petroleum Development Act, 1974 had vested all explorations and exportation of petroleum onshore and offshore to PETRONAS even though the rights to Mining is listed under List II of the Ninth Schedule.

The situation is made worst by the enactment of the Malaysian Territorial Sea Act, 2012 or Act 750 passed by the Parliament on 22<sup>nd</sup> June, 2012 which limits the State territorial water to 3 nautical miles.

The Federal Constitution was also amended on 27<sup>th</sup> August 1976 to change the status of Sarawak and Sabah as the twelfth and thirteenth States in Malaysia respectively and hence had deviated from the original intention of the federation of the three-states nation into a unitary state of thirteen states where all powers and sovereignty is solely held by the Federal Government. This in effect would mean a fundamental breach of the Malaysia Agreement 1963 and Inter-Governmental Committee Report.

Tuan Speaker, like any other international agreements or treaty, MA63 and the IGC Report cannot be amended nor can it be abrogated by the Malaysian Parliament. Only the signatories to the treaty i.e. the Federation of Malaya, Sarawak, Sabah and the United Kingdom can revisit or amend the terms and conditions set forth in the MA63 and the IGC Report.

The tabling of this Ministerial Motion today is indeed very appropriate and timely, fair and just and is the right step by the State Government using its rights under Article 8 of the MA63 to restore back our Constitutional rights which have been eroded over the years and/or to resolve the unfulfilled rights under the Malaysia Agreement 1963.

Now, as a responsible peoples' representative with the common goal of serving our constituents and the people of Sarawak, I urge that all Honourable Members of this august House regardless of our racial, religious and political background to rise to this occasion in unison without any fear and favour and without any reasonable doubt to support this Ministerial Motion for the benefit of Sarawak and its people now and generations to come. Thank you.

**Tuan Speaker:** I shall now call upon Ahli Yang Berhormat for Sentosa to speak.

**Y.B. Encik Chong Chieng Jen:** Thank you Tuan Speaker. Please do not question whether we will support or not the Motion today. We on the opposition front here will fully support the Motion tabled here today to be passed in this Dewan Undangan Negeri so that you can talk with a stronger voice, speak with a stronger voice against your political master, UMNO in West Malaysia, in Putrajaya.

Now, before I proceed Tuan Speaker, I believe there is an error in the Motion In the preamble, it states "whereas on the 7<sup>th</sup> December 2015, this august House passed a Motion to mandate the State Government". I believe that Motion is referring to Ahli Yang

Berhormat for Balleh's Motion and that Motion, if I am not wrong, was passed on the 8<sup>th</sup> December 2015. So are you serious about tabling this Motion? If you are serious get the date right, get the date right. That Motion was passed on the 8<sup>th</sup> December, not on the 7<sup>th</sup> of December. Ahli Yang Berhormat for Balleh's Motion was dated 7<sup>th</sup> December but it was debated and passed in this house on the 8<sup>th</sup> December 2015.

So, since this is a very important Motion, I think we should not allowed such a historical date to be wrongly stated and Tuan Speaker this Motion today, is the third Motion in relation to the Sarawak's right and by the look of it, our struggle, the State's struggle for more autonomy when faced with the UMNO from West Malaysia, you are retreating, you are moving backward. You are not advancing but instead you are retreating. Why do I say so? You look at the first Motion, which was passed in May 2014, specific demands were made 20 percent oil royalty for more fiscal power, 20 percent oil royalty, so that we have more fund at the disposal. That was passed. A year later, nothing come out of it and in 2015 December Motion from Ahli Yang Berhormat for Balleh which stated out very specific matters even health, education, that power that we want, the autonomous power that we want over health, over education and several other things.

He listed out in his Motion which has exceeded the limit of 250 words, 400-500 words, very lengthy Motion which specifically provided, listed out what we want but he did not on the 20 percent oil royalty anymore.

And this Motion, when we look at it, this Motion what are we resolving? Just to form a high- level Special Task Force to negotiate with the Federal Government to resolve all outstanding issues relating to the compliance and upholding and the Constitutional have to safeguard our special rights accorded to the State of Sarawak in accordance to the terms intends, spirit of the Malaysia Agreement 1963.

Tuan Speaker, these are so vague. The wordings of this Motion are so vague. If you get any lawyer, they will tell you 101 interpretations on what is the terms intends, spirit of Malaysia Agreement. Any lawyer can give you all sort of different interpretation. Therefore, I can see that the negotiation between the State Barisan Nasional and the UMNO, Federal UMNO, you are not going anywhere but you are retreating. You have lost grounds. Before that you even dare to make a demand, that I want 20 percent oil royalty, subsequently you don't want. Now, you can't even specify what do you want and make a very vague Motion.

Therefore Tuan Speaker when the first Motion was tabled and passed in this Dewan Undangan Negeri back in 2014, many Sarawakians were excited, were very excited, they were happy, the reaction was good, tremendous. A year later they see nothing come out of it. Another Motion, 2015 the response was lukewarm, the response from the public was lukewarm and now 2017, and you are talking about some vague concept of MA63. From the huge excitement to the lukewarm response, now the response is just *we wait and see lah, see that you can do*.

Tuan Speaker, on the issue of the London trip which formed the basis of Yang Amat Berhormat Deputy Chief Minister tabling this Motion. I have heard what he said. The argument on the Territorial Sea Act, the water, the territory our rights to the territory. Such argument is not new argument. I heard the similar argument and I believe all of us heard the same argument spoken by the late Yang Amat Berhormat Adenan Satem on the 15<sup>th</sup> June 2016, in this very house during his winding up for that year, it's a June sitting.

He said specifically and I quote "*Parliament has no authority to vest any state land of Sarawak in the Yang Pertuan Agong. If the Federal wants any State Land for Federal purposes, the Federal Government has to comply with the provision of Chapter 4, Part 6 of the Federal Constitution. The State Government is making strong representations to the Federal Government to amend Section 3 (3) and Section 4 of the Territorial Sea Act, 2012 as this Section are not only unConstitutional and acted without consultation of the State but are also ultra-vires the power of the Parliament*". These are the exact same word of the late Adenan Satem in this house and today I'm hearing the same argument, after you have gone to the other side of the globe, spent I don't know how much money, look through the archive of the documents, you come back with the same argument. You come back with the same argument. You see Tuan Speaker, this was said in 2016 June. The Late Adenan Satem has passed on and now one year later we are still back to moving a Motion which don't even specify what you want. Spirit of Malaysia, what do you mean by Spirit of Malaysia? It can be interpreted in so many ways. That is determinative to Sarawak's rights.

Tuan Speaker, the State Barisan Nasional they are not making any headway, in fact, by tabling this Motion is just a read hearing to cover up the inability of the State Barisan Nasional to demand on to get more autonomy from the Federal Government. And I'm just curious why was this Motion moved by Yang Amat Berhormat Deputy Chief Minister? Because your good self was a Federal Minister during this time when this Territorial Sea Act, 2012 was approved by the Cabinet and it was only after the Cabinet Minister approved any Bill, that such Bill can be tabled in Parliament. And he was there, he was there, is it to atone your seen.

Tuan Speaker, from his speech in tabling in this Motion, twenty percent oil royalty is totally left out. Why? Why? Even we can get the Territorial Sea Act to be repealed you are still bound by the agreement. The PETRONAS. The demand of twenty percent oil royalty is still as relevant and as important.

Tuan Speaker, if Sarawak wants full autonomy, you will need fiscal autonomy. Money, fund, at your disposal for your determination. And to demand it from the Federal Government, to beg money from the Federal Government, that is not autonomy. That is subjecting yourself to the rule and governance of the UMNO. Therefore, after so many years of trying it should be clear to all of you that within Barisan Nasional so long as UMNO is still your *taiko* there is no way Sarawak is going to get autonomy.

Instead, Tuan Speaker we have here a Manifesto of Pakatan Harapan, that it is agreed, so long as we become the Federal Government, fifty percent of all tax revenue collected from Sarawak will go to the State. Will go to State's coffer, you don't have to beg. fifty percent of all tax collected from Sarawak will go to State coffer and twenty percent Oil and Gas royalty will so to State coffer. You don't have to beg. Yang Amat Berhormat, so long as we become the Federal Government. Even if the State Government is Barisan Nasional. You don't have to be a *katak* to jump over to Pakatan Harapan. But if we become the Federal Government, this is what we have promise. This is what we promise. Fifty percent tax revenue collected in Sarawak and twenty percent Oil royalty give to you, give to Sarawak. For you to decide and on top of that as if that not enough, education and... (*Interruption*)

**Tuan Speaker:** Honourable Member..Honourable Member.

**Y.B. Encik Chong Chieng Jen:** This is the Pakatan Harapan's version. This is the Pakatan Harapan's version for this coming election. I mean we are promising to the people of Sarawak, and you have state, you have education autonomy. We will have medical autonomy in health care. Healthcare matter, education matter and yes we agree. So if you really want autonomy, pray that which is the Federal Government. Pray that

Pakatan Harapan become the Federal Government so that you don't have to beg. I spoke to Yang Berhormat from Tebedu, even to repair dilapidates schools for our children, you have to beg and beg and beg. Beg Najib for RM1 billion and he give you RM 500 million a year and that is it.

Tuan Speaker, for the record here I will support and my colleague will support this Motion, no doubt, no doubt about it but I have doubt that you can get anything from your UMNO master from Putrajaya. So wait for few more months. Lets Pakatan Harapan capture Putrajaya and you have your autonomy you want. Thank you Tuan Speaker.

**Tuan Speaker:** I shall now call upon Honourable Member for Ba' Kelalan.

**Y.B. Encik Baru Bian:** Thank you Tuan Speaker for allowing me to participate in the debate on the Ministerial Motion table by The Honorable Member for Bukit Saban. Tuan Speaker, the States of Sarawak in the North Borneo territories capital as agreed to the formation of Malaysia on the understanding that the special interest of their people would be safe guarded. Inter Government Committee (IGC) was set up to work out Constitutional arrangement for the new federation including safeguards for the special interest of North Borneo and Sarawak to cover such matters as religious freedom, the position of the indigenous races, control of immigration and citizenship and others.

Its report was released in February 1963 which has been popularly referred to as the 18 and 20 points. The North Borneo Legislative Assembly on the 12th September 1962 unanimously passed a resolution supporting the principal of Malaysia provided the terms "the terms of participation and the Constitution arrangement would safeguard the special interest of North Borneo."

On 26th September 1962, the Council Negeri in Sarawak passes the similar resolution accepting the principal of Malaysia on the understanding that the special interest of the people of Sarawak would be safeguarded along the lines of the 20 points. The 20 points is of such fundamentally important that they are included in that treaty commitment between the British Government and the Government of the then Malaya, the State of Singapore and the colonise of Sarawak Land of Borneo that is the agreement signed on the 9th July 1963 now called MA63.

Part 13A of the Federal Constitution which deals with the additional protection for States of Sabah and Sarawak was enacted in September 1963 to cover the 20 points the Inter-Government to report. Therefore Tuan Speaker, in addition to enjoying Constitutional status the 20 points also have international law status has been part of treaty obligation between sovereign nations. In consequence, if any provision of the 20 points is breach the United Kingdom can in law take up the matter whether as a particle facts its Government does so is all together different matter. Further, such a breach may be justifiable in the courts of England and Malaysia. Quoting from Tommy Thomas the Social Contract Malaysia Constitutional Government paper presented at the Malaysia Conference 2007.

Tuan Speaker, allow me now to touch on some of the 18 and 20 points as the administration of how we lost our rights under MA 63 just to point out that the necessity of this Motion and for the special task force committee to take note. The presentation in Federal Parliament, the Cobbold Commission Report paragraph 19(g) stated that the representation of the Borneo State in the Federal Constitution should make up 34% of Parliamentary seats and take account not only of the population but also their size and potentialities. Article 161E of the Federal institution provides for the protection of this quota for the two States in that no amendment is allowed without their consent. Sarawak and Sabah lost their vito power when Singapore left the Federation of Malaysia in 1965 when 8 of the 15 parliamentary seats were given to Sabah and Sarawak 4 each and 7 to

Malaya. This caused the balance of power between Peninsular Malaysia and Sabah and Sarawak to shift. At present, Sarawak has 21 parliamentary seats and Sabah has 25 parliamentary seats. That is a total 56 or 25% out of a total 222 parliamentary seats in Malaysia. This is a major violation of the promise made by the then Prime Minister Malaysia Tunku. Can we now fight and claim to return our says or seats in Parliament after this Motion is being passed.

#### *Borneonisation*

The Prime Minister has answered to the question in Parliament five years ago in July 2012, that is the one at this dewan that I had now that's why I refer this, says that "11 out of the 22 people holding Federal Service position in Sarawak were Sarawakian and 8 out of 24 people holding top Federal Service position in Sabah were Sabahan. In Sabah, 64% of the 16,850 management and professional post, 10,816 as well as 8% of the 49,955 lower ranking term as pelaksana post. 40,108 were held by Sabahan. For Sarawak, 70% of the 15,060 Federal Management and professional post 10,534 were 91% of the 49,778 lower ranking term as pelaksana post for 45,335 were held by Sarawakian." And I hope Tuan Speaker after this we will fight that this ratio should be improved. Clearly West Malaysian still hold most to the top civil service position in Sabah and Sarawak. While subordinate post are mostly held by East Malaysian. Clearly the Federal Government does not have that intention of honouring the Borneonization promise. So I hope that the special task force committee take note of this seriously.

#### *Religion*

On the issue of religion, this is one of the safeguards which we must jealously guard. Sarawak being of a different ethnic position from Peninsular Malaysia. It was agreed that "while there was no objection to Islam being the national religion of Malaysia there should be no state religion in Sarawak and the provision relating to Islam in the Constitution of Malaya should not apply to Sarawak". The absence of a state religion is a hallmark of Sarawak Tuan Speaker, agreeing to join in the formation of Malaysia in 1963 due to the wisdom of our forefathers who acknowledged the Sarawak is a land for all creeds or belief to mutually prosper and grow with respect for each other's right and freedom. But unfortunately the recent cases of the banned of the word *Allah* is now affecting non Muslim even in Sarawak. I applaud our former Chief Minister, the late Datuk Pehin Sri Datuk Patinggi Adenan Satem for his courage to make it clear to the Federal Government that non Muslim can use the term *Allah* in Sarawak freely. We need bold and courageous leaders in the State of Sarawak like him to speak for our rights under MA 1963 not merely rethorics..

#### *The Official Language*

The 18th point agreement preserve for us to use of the English language as one of the official languages of the State for all purposes, State or Federal without limitation of time. This right is further safeguarded in Article 1, 6(1) in part 12A of the Federal Constitution. A week ago, Tuan Speaker, a Federal Minister insisted that English should not be encouraged under our education policy. Now this is one very crucial point that this special task force should consider and how should they respond to this Federal Minister statement. Two years ago I noticed that in page 2 of the State Planning Unit, Sarawak facts and figures to detain that Malay is a official language of Sarawak. I raised the issue in this august House as it was corrected and I hope they will not make another mistake Tuan Speaker. The Sarawak State Assembly is the only State Assembly in Malaysia I believe which allows any language spoken in Sarawak to be used in its proceeding. On that premise, there cannot be an official language for Sarawak.

#### *Citizenship*

Under the Article 14 of the Federal Constitution among which provides “every person born on or after Malaysia Day, having any of the qualification specify in Part II of the Second Schedule would deem citizen of the federation. The main problem on this issue is that many people who were born and lives in Sarawak even before the formation of Malaysia do not have identity card or birth certificate owing to ignorance of the requirements for such certification and the lack of proper registration system in many rural areas of our State. Today as a consequence children of such parents are also deprived of citizenship right. Some are unable to pursue further studies and even barred from taking public examination. This completely destroyed the future of this young people. I hope this issue will be dealt with seriously taken note by this special taskforce committee.

In conclusion Tuan Speaker, I would like to quote the paramount chief of the Iban, the well-known Temenggong Jugah. I have quoted his statement here before this as well and he said, “*Anang Malaysia Sebaka Tebu, Manis Di Pun, Tabar Di Ujung*”. Malaysia should not be like sugarcane, sweet at the beginning, but blend towards the end. Tuan Speaker, I am afraid the prophetic words of Apai Jugah has been fulfilled in our days. Therefore it is timely that this Motion be tabled to give the full mandate for our State Government to claim back what had already been lost through the years being in the federation of Malaysia perhaps by the doing of others and even the negligence of our own former Sarawak leaders. I am willing to give this special taskforce committee the benefit of the doubt to work to ensure our rights at the MA63 be reclaimed not negotiated. For this reason at that small caveat I support this Motion as it is similar to the Motion proposed by my colleague Honourable Member for Batu Lintang. Thank you very much, Tuan Speaker.

**Tuan Speaker:** I shall now call upon the Honourable Deputy Chief Minister and Member for Bukit Saban to wind up.

**Timbalan Ketua Menteri dan Menteri Pemodenan Pertanian, Tanah Adat dan Pembangunan Wilayah (Y.B. Datuk Amar Douglas Uggah Embas):** Tuan Speaker, first I would like to record my appreciation for the contribution of a seven Yang Berhormat here today for their views, their opinion, their doubts, and their foul promises. Let it be clear that what are the main objectives of today’s Motion is for us to set up high level special taskforce. And the task of this high level task force has been designated by the Right Honourable Chief Minister is to continue the discussion, negotiation and deliberation on outstanding issues as I forth outline in this my Motion just now. We are all acknowledging that there are certain degree of success in our negotiation with the Federal Government as we’ve been shown and there are some outstanding and therefore Tuan Speaker, these Motion is a reflection of our Yang Amat Berhormat The Right Honourable Chief Minister, commitment to protect, to restore, the rights of Sarawakian in Malaysia. And that is very very clear. He is a visionary. He sees that this must be done. And to do this, we tabled a Motion. And the Motion requires you to agree with us to set up a high level task force.

Tuan Speaker, there are some issues that been raised especially on the delegation to London, the Yang Berhormat from Batu Lintang have a good holiday in London going through a various places but I think he missed one place called *Marbel House* where a lot of this document was being kept.

For the information of this house, Yang Amat Berhormat The Right Honourable Chief Minister send a delegation because before he want to proceed further on the negotiation he want to make sure that he has enough document, enough evidence, supporting data information, Yang Berhormat from Kota Sentosa is a lawyer so I think he understand what I meant. And the Government find out a lot of this document are not in

Kuching, not even in Malaysia because we are given to understand that when the British left Sarawak they brought out all the documents migrating to London.

So that is the reason why the delegation was sent there and their visit is not a waste of money as alleged by DAP just now by Kota Sentosa. Because Member for Kota Sentosa also worried if we have evidence if we are strong and are able to talk to the Federal Government he will lose support from the people... *(Applause)* So Tuan Speaker, we have 180 ... *(Interruption)*... I didn't disturb you just now.

**Tuan Speaker:** No no. Member for Kota Sentosa no.

**Timbalan Ketua Menteri dan Menteri Pemodenan Pertanian, Tanah Adat dan Pembangunan Wilayah (Y.B. Datuk Amar Douglas Uggah Embas):** I listened patiently with a smile to see how cunning you are. Back to the document, there are 180 documents found and now there are in the process of digitization, currently done by the British National Archives Staffs, we expect it to be handed over to us at the end of this year. This is a very delicate job and once it is here and kept in the State Attorney-General's Chambers office it will be accessible to the public including Yang Berhormat dari Batu Lintang. Maybe DAP is not interested.

Tuan Speaker, I thank the Yang Berhormat from Ba'Kelalan as his support for the Motion is unequivocal without condition and gives the high level committee a chance because he has seen history. But our friend from Kota Sentosa and Padungan, mula-mula kata sokong after that casting all the doubts because they are scared and Padungan said "look at history". Why don't you look at history? Well our date for the Motion may be wrong on the 7<sup>th</sup> but that is not very far from the 8<sup>th</sup>. Its okay, we are prepared to admit it. Yes got 8<sup>th</sup> here. Typo error. So look at history. But you choose history that you want to abuse, you want to exploit. You are saying that nothing has happened; no success has been achieved after that Motion by Yang Berhormat dari Baleh. I don't know whether you were here but on the 30<sup>th</sup> November 2016 Allahyarham Datuk Patinggi Pehin Sri Adenan Satem gave a full report of part of the success we have made, please look back at the Hansard... *(Applause)* That is history. Sit down. You ask us to look at history, that is history.

**Tuan Speaker:** No interruption.

**Timbalan Ketua Menteri, Menteri Pemodenan Pertanian, Tanah Adat dan Pembangunan Wilayah (Y.B. Datuk Amar Douglas Uggah Embas):** So DAP is actually not supporting the Motion because you caveated just now. Let the public know the hypocrisy of DAP leadership in Sarawak... *(Applause)* Just now he was telling the Dewan I was the Minister in Kuala Lumpur when the Territorial Sea Act 2012 was tabled. Yes, I don't deny it. But YB Kota Sentosa was also a Member of Parliament at that time. Did you speak? You didn't even speak. You didn't even speak. This is the Hansard. You didn't even talk. You were scared to talk... *(Applause)* You have no courage. Look at this. Who spoke here. Two PBB members. Yes, no with reservation, you read, you read, where are you?. Where are the DAP MPs? *Di sini buat sendiri sebagai jaguh. Sana nak diam, takut dengan Lim Kiat Siang...* *(Applause)* Sekarang takut dengan Mahathir. *You know, you sokong Mahathir*, Mahathir for 22 years been a Prime Minister of Malaysia compared to what Datuk Seri Najib but have done for Sarawak not even one percent of what Najib has done for Sarawak... *(Applause)* But to you that is not important because what he did is to help the rural areas. That is why you are not interested. And then you come out with all the promises *50 peratus lah, itulah*. You know why, because now you remember history. You remember history when the late Tok Adenan fought for Sarawak's rights. That's how you almost lost all the seats, *tinggal sikit jak*.

So you kena baca history, you must know history. Don't just teach us history. You read history, the book we have all the history here and the Hansard. Not difficult to get. Apa lagi ya? Just now Yang Berhormat dari Ba'kelalan spoke on the official language. I'm glad that he appreciated our liberal policy which is also the policies of our Right Honorable Chief Minister now. No doubt we are still use English and English is a very important language in Sarawak. Not only that, Yang Amat Berhormat the Right Honorable also believe in freedom of religion and assisting all religions in Sarawak and that can be seen by the formation of UNIFOR in Sarawak. So Sarawak is different. Sarawak has no place for Pakatan for Harapan. No harapan at all. So *janji semua janji kosong. Janji yang tidak berguna. Pakatan sudah terkubur. Jadi nama lagi Harapan. Tidak ada harapan. Tak mungkin you kembali. ...*(Laughter) *Ada lagu itu.*

Tuan Speaker, let it be clear to all of Sarawakians that our Yang Amat Berhormat a man of vision, he has plans and he also planned to have financial independence. That's why we have DBOS. You know what is DBOS? We have Petros and many more plans that he wants to implement for Sarawak. I think when that day comes I'm sure all of you will cross over to this side.

Tuan Speaker, with that I appeal to all to support my Motion today for the interest of Sarawakians for the future of Sarawakians, for the happiness and prosperity of all. Don't listen to DAPs propaganda. Thank you very much.

**Tuan Speaker:** Ahli Yang Berhormat, I shall put the Motion to the vote. I shall direct the Secretary to count. Those in favor of the Honorable Deputy Chief Minister and member Bukit Saban's Motion, please raise your hand.

**Tuan Speaker:** Unanimous, unanimous. It is unanimous. I hereby declare that the Ministerial Motion in the name of the Honorable of Deputy Chief Minister, Minister for Modernization of Agriculture, Native Land and Region Development and Member for Bukit Saban is approved.

Ahli-ahli Yang Berhormat, we are going to have a long day. Under Standing Order 9, I determine that today's sitting goes beyond 6:30 p.m. We have a short break. Sitting resume at 6:00 p.m.

*(Mesyuarat ditangguhkan pada 5.40 petang)*

Usul daripada Ahli Dewan Biasa

**Tuan Speaker:** Ahli - Ahli Yang Berhormat, I had received a Motion dated 25 October 2017 from the Honourable Member for Ba'kelalan to seek leave to introduce a private members Bill under Standing Order 45. I shall now call upon the Honourable Member for Ba'kelalan to move his Motion

**Y.B. Encik Baru Bian:** Thank you Tuan Speaker. I rise to seek leave to introduce a private members Bill in this august House under Standing Order 45. The title of the proposed Bill may be cited at the Land Code (Amendment Bill 2017) Amendment of Section 2:

Section 2 of the Land Code (Cap. at 81) 93<sup>rd</sup> Edition, (herein after referred "the code") is amended as follows;

- a) By adding immediately after the definition of "charger" the following new definition.

"Communal Land" means native customary land or territorial domain created in accordance with the custom of the natives of Sarawak.

- b) By adding immediately after the word "customs" in the definition of Customary Law, the words "or practice of the Natives Community" and after the word "effect". The words "including the custom of communal native land or territory domain"

The living features of the Land Code Amendment Bill 2017 is principally to amend the provision of the code to spell out more clearly the definition of Native Customer Land which had been affirmed in the High Court, the Court of Appeal and the Federal Court in the cases listed below:

- 1) *(Madeli Salleh vs Superintendent of Land and Survey & Anor) [2005] 3 CLJ 697 the Court of Appeal;*
- 2) *(The Superintendent of Land and Survey in Miri Division & Anor vs Madeli Bin Salleh) [2007] 6 CLJ 509 at Federal Court;*
- 3) *(Luking Uding and others vs Land and Survey Kota Samarahan Division & Others) [2011] 7 CLJ 342;*
- 4) *(Superintendent of Land and Surveys Kota Samarahan Division & Other vs Luking Uding and Others / Pelita Sadong Sdn. Bhd. & Others Interveneous & Other Appeals) [2016] 5 CLJ 378*
- 5) *Tuai Rumah Gayan & 3 Others vs Vita Hill Sdn. Bhd. High Court Sibu Suit No. 21 - 4 - 2009;*
- 6) *Usang Anak Labit & 3 Others vs Rosdey Enterprise Sdn. Bhd. & 2 Others High Court Sibu Suit No. 21 - 1 - 2010;*
- 7) *Numpang Suntai & Others vs Kualitkong Controlling Berhad & Others [2012] 1 LNS 752;*
- 8) *Tuai Rumah Nyutan Anak Jamin & 2 others vs LCDA & 2 others High Court Kuching Suit No. 22 - 249 - 98 - 3 (1);*
- 9) *Jubang Anak Punjab & 3 Others vs First Binary Sdn. Bhd & 3 Others High Court Kuching Suit No. 221 - 10 - 2007 - 1(10);*
- 10) *A Superintendent of Land and Surveys Department Sibu Division & Another Appeal vs Usang Labit and Others [2014] 9 CLJ 370;*
- 11) *Ambah Baleh & Others vs Lembaga Pembangunan dan Lindungan Tanah & Others [2017] 1 LNS 1023. But which appears to have been cast in uncertainty by the recent decision of the Federal Court in Director of Forest Sarawak and others vs Tuai Rumah Sandah and others 2017 3 CLJ 1. I beg to move Tuan Speaker. Thank you.*

**Tuan Speaker:** Ahli-Ahli Yang Berhormat this application for leave violates the Standing Order because the Honourable Member for Ba' Kelalan is an advocate for NCR land cases had appeared in High Court, Court for Appeal and Federal Court for NCR land cases. In particular, the Honourable Member for Ba' Kelalan appeared as an advocate in the case of Director of Forests against Tuai Rumah Sandah at the High Court, Appellate and Apex Court.

The Honourable Member for Ba' Kelalan also appeared in Court on NCR case of (*Superintendent of Land and Surveys Kota Samarahan vs Luking Uding & Others*), (*the Pelita Sadong Sdn Bhd & others*).

Under Standing Order 82, I quote, "*No Member shall appear before the Dewan or any Committee thereof in any capacity for which he is to receive a fee or reward or as an advocate for any party.*" This is repeated under Section 31(1) of the Dewan Undangan Negeri Privileges and Powers Ordinance 2007. Section 31(1) reads, "*No Members shall in the Dewan or any Committee without leave of the Speaker or Chairman of the Committee raise articulate or solicit support among the Members for any matter or proposal or scheme on behalf of any client or person for which he acts in a professional capacity or for reward in monetary or any other forms*". Erskine May Parliamentary Practice 24th Edition page 80 Declaration of Interest in Debate:-

*"In a debate, a Member is required to declare any relevant particularly interest of benefit of whatever nature whether direct or indirect that he may or may be expecting to have thus the rule relating to declaration of interest is broader in scope than the rules relating to legislation in require declaration of both relevant and past interest and relevant interest which the Member may be expecting to have in the future. It is the responsibility of the Member having regard to the rule of the House to judge whether a financial interest is sufficiently relevant to require a declaration."*

Ahli-Ahli Yang Berhormat, the Motion expressly state 11 decided case on NCR and on the interpretation of *Pulau Galau* and *Pemakai Menua*. Contrary to what the Bill says that is, there appears to be uncertainty by the decision of the Federal Court in the (*Director of Forest & another vs Tuai Rumah Sandah*), the Apex Court is clear on *Pulau Galau* and *Pemakai Menua*.

The Federal Court is the Apex Court, is the highest Court in the country and it had made a decision, the latest decision on *Pulau Galau* and *Pemakai Menua* in the case of (*Director of Forest vs Tuai Rumah Sandah*).

The minority view that is the dissenting judgement by the learned Federal Court judge, Her Ladyship Zainon Ali, on page 66 dissenting judgement in the Federal Court Malaysia appellate jurisdiction, Civil Appeal No. 01(F)-27-04/2015(Q). On page 66 of her judgement, Her Ladyship said and I quote, "*the statement of law by the Court Of Appeal in Nor anak Nyawai that the rights of the natives is confined to the area where they settled and not where they forage for food is a misconception.*" This is what she said, is a misconception.

The Federal Court judge concluded and this is important, I quote, "*it cannot be disputed that Pemakai Menua Pulau Galau continues to exist from time in memorial in the community of Iban.*" She continues, "*such custom is certain reasonable and acceptable by the community of Iban. It must be recognised and appalled by this Court.*" That is the dissenting view of the Federal Court judge, Zainon.

The majority of the learned Federal Court judges upheld the decision of the Court of Appeal in Nor anak Nyawai. On page 42 in the Federal Court of Malaysia appellate jurisdiction Civil Appeal No. 01-27-04/2015(Q), the Lordship said, and I quote, "*the Court of Appeal decision in Nor anak Nyawai that the rights of the natives is confined to the area where they settled and not where they forage for food is a correct statement of law relating to the extent of the native rights to land, claim under Native Customary Rights in Sarawak.*" So that is the majority view.

I cannot help but say the dissenting judgement stressed that *Pemakai Menua Pulau Galau* as her Ladyship said, is confined to the Iban community. So, you have the dissenting view you have the majority view.

**Tuan Speaker:** This Bill fails to resolve the dichotomy between the majority view and the dissenting view and create polemics, because NCR is multifarious and multifaceted, the Sarawak Government needs time to draft a more comprehensive and in-depth amendment to the Land Code. Now, I put to the vote because this is an application for leave from the Dewan, not application for leave from The Speaker.

The question before the Dewan is that the Motion on application for leave to introduce a Private Members Bill in the Order paper in the name of the Honourable Member for Ba'Kelalan. So, those who are in favour of granting leave to the Honourable Member for Ba'Kelalan, for the Honourable Member to proceed with the Private Members Bill, please raise your hand. Okay, those Honourable Members who are against the granting leave to the Honourable Member for Ba'Kelalan, no leave should be granted for the application, please raise your hand.

Ahli-ahli Yang Berhormat, the number of votes for those who agreed to grant leave to the Honourable Member for Ba'Kelalan, ten (10). Those who are against the granting leave, fifty-eight (58). Leave is therefore denied. Motion is therefore dismissed.

Ahli-ahli Yang Berhormat, I received a Motion dated 24<sup>th</sup> October 2017 from the Honourable Member for Pelawan. I shall now call upon Honourable Member for Pelawan to read his Motion.

**Y.B. Encik David Wong Kee Woan:** Thank you Tuan Speaker. Whereas Sarawak Development is far behind Peninsular Malaysia counterparts, and whereas Sarawak has contributed much to the Federal Government in terms of Oil and Gas over the past 40 years, and whereas Sarawak has contributed much to the GDP of Malaysia and yet we are still one of the poorest states in Malaysia, using the BR1M entitlement as a yardstick, and whereas Sarawak Revenue is less than 2.5% of the Federal Government's revenues, and our Sarawak budget is less than 3.12% of the Federal Budget in 2017. Therefore, it is moved that this House hereby resolves that:

- (1) That State Government demands the Federal Government to reimburse 50% of all tax revenues (including the GST) collected in Sarawak, share to the Sarawak State Government.
- (2) That the reimbursement of the tax revenues to apply retrospectively from 2015. Thank you.

**Tuan Speaker:** Ahli Yang Berhormat, finance including taxes is a Federal matter in the Federal List under the Ninth Schedule of the Federal Constitution Article 74, 77), List I, item 7(h). Standing Order 23(6) reads "*No Motion relating to a matter contain in the Federal list shall be in order*". Motion is dismissed. Ahli-ahli Yang Berhormat, I have received a Motion dated 24<sup>th</sup> October 2017 from the Honourable Member of Pelawan. I shall call upon the Honourable Member for Pelawan to read his Motion.

**Y.B. Encik David Wong Kee Woan:** Thank you Tuan Speaker. Whereas Sarawak due to its vast size and lack of roads connectivity, requires air services in rural Sarawak. Whereas Rural Air Services (RAS) has been assigned to MASwing especially making a monopoly since 2007, and whereas air fares charged by MASwing are outrageous making air travel not accessible to many Sarawakians, and whereas Federal Government

allocated RM190 million to the Rural Air Services in Sabah and Sarawak and whereas the Federal Government in the process of reviewing the whole RAS in Sarawak. Therefore it is moved that this House hereby resolve that:

- (1) That State Government to set up its own airline company Air Sarawak to take over RAS in Sarawak as well as Sarawak Sabah route and to provide affordable air fares to benefit the rakyat;
- (2) Asking the Federal Government to allocate RM200 million to Air Sarawak annually for RAS;
- (3) To invite Air Asia to be a partner in Air Sarawak to take into its expertise and its huge customer base, to promote Sarawak internationally.

**Tuan Speaker:** Ahli-ahli Yang Berhormat, communication and transport including airways, aircraft and air navigation, civil aerodromes, provision for the security of aircraft are in the Federal list under the Ninth Schedule of the Constitution Article 74, 77 item 10. Standing Order 23(6) reads "no Motion relating to a matter contain in the Federal list shall be in order". Standing Order 23(4) reads, "A Motion seeking a grant, charge or expenditure of public money shall not be proceeded with unless the recommendation of the Government thereof is signified writing by the Minister charged with the responsibility for finance." Standing Order 23(5) reads "A Motion which directly or indirectly involves any such grant, charge, expenditure, release remission or compensation shall be treated as seeking grant, charge, expenditure, release, remission, or compensation unless the said Minister signifies in writing that it does not go beyond what is incidental only and not of substantial nature having regard to the purposes of the Motion. Motion is dismissed.

**Y.B. Encik David Wong Kee Woan:** Tuan Speaker, maybe this news will change it. Its today's news "no more MASwings, KK-Miri, Kuching-KK, Kuching-Sibu flight by next year". This was announced by the Federal Transportation Minister in dewan Rakyat last night. So we cannot have uninterrupted RAS services, we cannot get MASwing and the Federal Government do whatever they want and Sarawak people are hanging in the air what are we going to do next year? That's why I said that we have to set up own Air Sarawak. It's feasible and anyway at this moment all the RAS, all the flight and the plane are subsidised, fully subsidised by Federal Government and not asking the State Government to come out with money, finance it. How do they treat us?

Tuan Speaker, no more KK-Miri, no more Kuching-KK, no more Kuching-Sibu flight by next year and they don't give us a solution. They are talking about reviewing the whole RAS. Its time that Sarawak Government step in the vacuum, its time to take it back for Sarawak's sake, Tuan Speaker.

**Tuan Speaker:** Honorable Member, I am bound by the Standing Orders. You can bring this up in your address on the budget speech. Ahli-ahli Yang Berhormat, I have received notice of Motion dated 27<sup>th</sup> October 2017 from the Honorable Member for Bukit Assek. I shall call upon her to read out the Motion.

**Y.B. Puan Irene Mary Chang Oi Ling:** Thank you, Tuan Speaker. My Motion is this whereas that though there is no official record of the numbers of stateless children in Malaysia, it is believed that the numbers are in the thousands. That Sarawak is not spare and there are many children who are stateless because their biological parents cannot be located. That Malaysia is the signatory of the UN Convention on the Rights of the Child whereby Article 7 states inter-alia that children have the right to a legally registered name

and nationality. That Malaysia ratified the UNCRC in 1995 including Article 7 to uphold her commitment to the protection and welfare of children.

The Article 7 of UNCRC is in conformity with Federal Constitution, in particular, Article 14 1(b), Section 1(e) and 2(3) of Part II of the Second Schedule and Section 19B of Part III of the Second Schedule and the National Laws, in particular, the Adoption Act, 1952. That the Home Ministry should change its policy to granted citizenship to children who have been legally adopted by Malaysians parents as it is in the best interest even though the biological parents cannot be located. And this House hereby resolved that the State Government directs one of the Federal Ministers from Sarawak to table a Motion in parliament at the earliest opportunity to grant automatic citizenship under Article 15A of the Federal Constitution with children legally adopted by Malaysian parents.

**Tuan Speaker:** Ahli-ahli Yang Berhormat, this Motion is within the purview for the Federal Government and the Federal Constitution. Paragraph 3, 4 and 5 of the Motion mentioned about Article 7 of United Nation Convention on The Rights of Children, 1995. This is on welfare of the children that they are to have legally and registered names. Although this is a pertinent issue, the subject matter is within the purview of the Federal Government and not the State Government. This is clearly spelled out under the Ninth Schedule (Articles 74, 77) List 1. External affairs, including:-

- (a) Treaties, agreements and conventions with other countries and all matters which bring the Federation into relation with any other country;
- (b) International organizations; participation and international bodies and implementation of decision taken thereat;
- (c) Paragraph 5 mention the Federal Constitution in particular Article 14(1)(b), Section 1(e) and Section 2(3) and so forth.

All these are within the ambit of the Federal Government. Pursuant to this Paragraph 6, states that Home Ministry should change its policy. As Expresses slated in Paragraph 6 the subject matter is within the exclusive domain of the home ministry. The Motion resolved that a Federal Minister from Sarawak is to introduce a Motion in the dewan Rakyat. The Federal Minister like the state Ministers perform their duties and responsibilities on the principal of collective responsibility. Federal Ministers from Sarawak or elsewhere do not introduce a Motion that made torpedo the unity of their colleague without full discussion and sanction from the cabinet. The resolution seeks to grant automatic citizenship under Article 15A of the Federal Constitution. However, Article 15A is subject to Article 18 of the Federal Constitution. Article 18 read as follows:-

- (1) No person of over the age of 18 years shall be registered as citizen under this Constitution unless he has taken the oath set out in the First Schedule;
- (2) Except with the approval of the Federal Government, no person who has renounced or who has deprived of citizenship under this Constitution or who has been renounced or has been deprived of Federal citizenship or citizenship of the Federation before Merdeka Day under the Federation of Malaya 1948 shall be registered as a citizen under this Constitution. So it is very clear, that this is within the domain of the Federal Constitution and the Federal Government. Anyway you can bring this up in your budget address. The Motion is dismissed.

Ahli-ahli Yang Berhormat, I had received three (3) Motions from the Honorable Member for Pujut. This is a very dynamic Motion. Maybe it is accumulated, the period during the judgement of the High Court and the Notice of Court of Appeal. I shall now call upon the Honorable Member for Pujut to read his Motion. There are three (3), you choose which one.

**Y.B. Dr Ting Tiong Choon:** Thank you Tuan Speaker, As mentioned, I got three (3) Motions.

**Tuan Speaker:** You read all the three and I take, I reply all, together, one by one.

**Y.B. Dr Ting Tiong Choon:** Motion number 6, Tuan Speaker, this is accumulated from the last sitting and every Member in this House knows why wasn't presented. Whereas, there are currently seven (7) bus routes servicing by 22 buses in the whole of Miri, stretching from Kuala Baram in the North to Taman Tunku in the south. The average monthly passenger trip is estimated to be approximately 100,000 per month. Whereas the public transport services in Miri is closely inadequate and that the bus companies are unwilling to increase bus services due to financially routes and that the people of Miri suffer significantly due to the lack of public transport. And to improve the public transport infrastructure in Miri and to assist the people of low income individuals and families. Therefore it is moved that this House hereby resolve that:

1. The Sarawak Government to consider taking step to implement a variable public transport system in Miri, and;
2. The Sarawak Government is to consider taking step to implement a variable school student transport in Miri, and;
3. The Sarawak Government is to consider taking step to increase bus route to major transportation hub such as airport, intra state bus terminal, hospital and clinics, UTC and public utilities. Thank you, Tuan Speaker.

**Tuan Speaker:** Under Standing 23(4)(a) which reads:-

“A Motion seeking a grant, charge or expenditure of public money shall not be proceeded with, unless the recommendation of the Government thereto is signified in writing by the Minister charged with the responsibility for finance.”

Under Standing Order 23(5) reads:-

“A Motion which, directly or indirectly, involves any such grant, charge, expenditure, release, remission or compensation shall be treated as seeking grant, charge, expenditure, release, remission or compensation, unless the said Minister signifies in writing that it does not go beyond what is incidental only and not of a substantial nature having regard to the purposes of the Motion.”

As this Motion infringes Standing Order 23(4)(a) and does not comply with Standing Order 23(5), the Motion is dismissed. Second Motion.

**Y.B. Dr Ting Tiong Choon:** Second Motion, out of the track. Whereas in a fire on a business premises in beautiful Jade Commercial Centre, Miri, on the 6<sup>th</sup> January 2017, a young woman who try to escape from the fire, end in tragedy. Four other adult suffer in serious injury in the same incident. It was reported that the fire spread rapidly to other five premises in the same row before the Fire and Rescue personnel arrived on the

scene. And whereas many of the shop houses in Sarawak has allowed residential purposes on the highest floor and many of these premises have not allowed emergency exit route or basic fire safety and whereas the Sarawak Building Ordinance 1994 provide exemption to some of the existing buildings. And it is crucial that the fire safety measures are taken to prevent further tragedy to occur again in term of both emergency exits for the victims and the present of fire wall to prevent the rapid spread of fire.

Therefore, if is moved that the house here by resolve that the Sarawak Government to consider, to consider, not to spend money, to consider taking steps to implement appropriate fire safety regulations to the shop houses, built prior to the Sarawak Building Ordinance taking effect in Sarawak. Number 2, the Sarawak Government to implement the regular inspections and to enforce the fire safety regulations in accordance to the Sarawak Building Ordinance, 1994. Thank you.

**Tuan Speaker:** Section 66 of the Building Ordinance 1994 provides:-

“Buildings which on the date of commencement of this Ordinance have been erected, or in the course of being erected or have not been erected but plans have been submitted and approved, and which according to by law 112 of the Building By laws contained in the Fourth Schedule shall within the classification of place of assembly, shop, office, other residential buildings exceeding 18.5 metres and buildings which are classified as hazardous or special risks shall be modified or altered to comply with Parts VI and VII of the Building By laws contained in the Fourth Schedule within –

- (a) one year from the date of commencement of this Ordinance, in the case of buildings up to three storeys; and
- (b) three years from the date of commencement of this Ordinance, in the case of buildings exceeding three storeys.”

Part VI and VII of the Building By laws deal with the Fire Requirement and fire alarms, fire detection, fire extinguishment and fire fighting access. In other words, there is already specific provision as stated in section 66 of the Building Ordinance 1994 and Building By laws to cover the resolutions sought by the Honourable Member for Pujut. Therefore, there is no necessity in having another Fire Safety Regulation as suggested. Motion dismissed.

**Y.B. Dr Ting Tiong Choon:** Motion number 8 and I hope every Member in this House will support this because we have two, Member for Ba'kelalan and the Deputy Chief Minister talking about the importance of English in Sarawak. Whereas, both English and Bahasa Malaysia are the official language for the state of Sarawak, and whereas in the statement by our Chief Minister on the 22<sup>nd</sup> January 2017, the Yang Amat Berhormat Chief Minister has reiterate that the State Government will continue its policy of adopting English as the official language of the State. And there should not be any issue due to prioritise English at the same level as Bahasa Malaysia and whereas that English is the universal language and our ability to communicate in English in overseas conferences and in digital economy is an advantage to Sarawak, for Sarawak. Therefore, it is move that this House hereby resolve that all letters and correspondences originating from the State and local Governments, all departments and agencies to have printed in Bahasa Malaysia and English. Number two, all official reports and memos are to be in both Bahasa Malaysia and English. Thank you.

**Tuan Speaker:** On 22<sup>nd</sup> January 2017, Yang Amat Berhormat Chief Minister Datuk Patinggi (Dr) Abang Abdul Rahman Zohari Tun Datuk Haji Openg said he will continue

the late Datuk Patinggi Adenan Satem's policy to make English the second official language in Sarawak. Yang Amat Berhormat Chief Minister said:

"Our education system is still open. In Sarawak, our English is still good. That is why Tok Nan mentioned that besides Bahasa Malaysia, English is the official language of Sarawak."

Our previous Chief Minister, the late Datuk Patinggi Adenan Satem had announced on Civil Service Day 2015 on 18<sup>th</sup> August 2015 that English is to be used alongside Bahasa Malaysia. With this declared policy, English as an official language of Sarawak is well established. With this fait accompli the need to introduce this Motion does not arise. The usage of both languages is not an issue in Sarawak as the State is given special rights under Article 161(2)(c) which recognised the usage of English in the Legislative Assembly or other official purposes (including the official purposes of the Federal Government). There is no Parliament in Malaysia or maybe in the world where the Members are allowed to speak English, Malay and any native language. This is entrenched in our history, in our document as so forth. So this Motion is not necessary because it's already there. The Sarawakian love English, it is the language of science and technology and also language of trade and commerce. Ya.

**Y.B. Dr. Ting Tiong Choon:** Tuan Speaker, I am not talking about, I am not saying that English can't be used in any department. I am talking about all the correspondence, all the letters that is originating from the Government department can have in both languages.

**Tuan Speaker:** Yes.

**Y.B. Dr. Ting Tiong Choon:** That's to improve both the English and Bahasa Malaysia languages. The bank send out the information and notices in three languages.

**Tuan Speaker:** Allowed, both English and Bahasa Malaysia.

**Y.B. Dr. Ting Tiong Choon:** So if we want to improve, if we are serious about English as our official language, we need to do this and it start from us, start from the Government. You can't talk one thing and not doing it. Start from the Dewan. I wrote English, I ask question in English and my answer was back in Bahasa Malaysia. I can understand, I can, but why?

**Tuan Speaker:** So the Motion to introduce this does not arise, isn't it? Now I come to ...*(Interruption)*

**Y.B. Dr. Ting Tiong Choon:** You are not serious about English as official language. You just talk only.

**Tuan Speaker:** Now I come to the... *(Interruption)*

**Y.B. Dr. Ting Tiong Choon:** *Cakap-cakap saja.*

**Tuan Speaker:** Highly publisize Motion of Honourable Member for Kota Sentosa. This is about quarry.

**Y.B. Dr. Ting Tiong Choon:** You can speak that, outside Dewan.

**Y.B. Encik Chong Chieng Jen:** Tuan Speaker, this is my Motion whereas:

- i. It is a requirement said by the Ministry of Natural Resources and Environment that the safety zone for housing estate from the quarry is 600 metres.
- ii. The 7 Mile of quarry next to Kuching 7 Mile bazaar is situated less than 250 meters from the housing estate at Jalan Stakan, Mei Lee Garden;
- iii. The Batu Stigang Quarry at Jalan Datuk Mohammad Musa, Samarahan is situated less than 315 meters from the housing estate at Lorong Bukit Stigang;
- iv. The regular blasting carry out by the two quarries may undermined the foundation and structure of the houses in the vicinity and constitute a threat to the safety of the residence there;
- v. Recently landslide claiming eleven lives had occurred in Penang at Tanjung Bunga, construction side which is more than 700 meters from the blast side of a quarry and it was alleged that the landslide was caused by the close proximity of the construction side to the quarry; and
- vi. We do not wish similar incident to happen to the two residential areas which are less than 350 meters from the nearby quarries.

Therefore, it is move that this House hereby resolved that the State Government shall issue that all blasting of rock at the two quarries namely the CMS Quarry Sdn Bhd and Kuching 7 Miles Quarry and Stigang Resources Sdn Bhd, Batu Stigang Quarry.

**Tuan Speaker:** Ahli-Ahli Yang Berhormat Central to the argument and theme of the Motion is the first paragraph of the preamble that reads:

*“It is a requirement set by the Ministry of Natural Resources and Environment that the safety zone of a housing estate from a quarry is 600 metres.”*

The said 600 metres is the distance set by the Federal Authorities. Quarrying is a state matter and the State Ministry of Resources and Environment has not laid down any specific rule on the exact distance between the housing estate and the quarry.

All quarry activities are set under the instructions and guidelines of NREB (Prescribed Activities) Order 1994. The condition prior to the issuance of the licence is the appointment of a trained officer *Pegawai Pembedil* (Shot Firer Officer) under Arms Act 1950 and Explosive Ordinance 1957. Under these instructions and guideline, the licensee must produce a Blast Management Plan.

All stones including quarry are within the jurisdiction of the State Government and the guidelines and instructions are not the same as these under the Ministry of Resource and Environment Malaysia.

STABAR Quarry (the licence was under the name of Sara Qua Kuari Sdn. Bhd.) is operated by CMS Quarries Sdn. Bhd. and is situated at Jalan Penrisen, Batu 7, Kota Sentosa. The licence was issued as early as 30<sup>th</sup> November 1988 whereas the approval for the development of Taman Mei Lee was recently made on 30<sup>th</sup> April 2005.

Therefore, the record proves that after the licence for the quarry was approved on 30<sup>th</sup> November 1988 and only after 16 YEARS and 5 months that the development of Taman Mei Lee was approved. It is not the quarry moving closer to the Housing Estate. It is rather the development of the housing estate is moving closer to the quarry.

Similarly, STIGANG QUARRY (licenced under Stigang Resources Sdn. Bhd.) situated at Jalan Datuk Mohammad Musa was issued way back on 1<sup>st</sup> November 1976 whereas the approval for the development of housing estate at Lorong Bukit Stigang was made most recently on 28<sup>th</sup> May 2005. Therefore, the quarrying activities have been going on for 28 years and 6 months before the housing estate was constructed.

These facts have to be emphasized and re-emphasizing failing which will give the impression that the quarry is done after the construction of the housing estate and is located within an uneasy proximity of the housing estate.

It must be equally emphasized that, in carrying out quarrying activities what is more important is not the proximity between the quarry and the housing estate, but the approval of a Blast Management Plan (BMP). This is vital. Let me quote the manner in which the Blast Management Plan is to be observed and executed.

*“Zon penampapan keselamatan selebar 600 meter dari tapak operasi kuari perlu diwujudkan untuk memastikan operasi pengkuarian dapat dijalankan dengan selamat, efisien dan produktif serta mesra alam. Apa-apa aktiviti pembangunan lain dalam kawasan ini juga hendaklah dikawal. Walau bagaimanapun aktiviti pertanian, perikanan dan penternakan yang tidak mempunyai struktur kekal boleh dijalankan di dalam zon ini. Jika terdapat kawasan kediaman, industri atau kemudahan awam di dalam kawasan ini, kawal selia ke atas operasi pengkuarian hendaklah dipertingkatkan untuk menjamin keselamatan dan kesejahteraan awam.”*

So this quarry is were done, the licence was issued where back 20 years back, 28 years back before the housing estate was constructed. It is the expansion of the housing estate that is moving to the quarry. It is not the State Government is constructing a quarry in the midst of housing estate. Therefore, Motion is dismissed.

**Y.B. Encik Chong Chieng Jen:** Thank you Tuan Speaker, it does not matter whether the quarry was there first or the residential estate was there first. Now that the fact is that both were there. Both are there now and there should be a safety zone. If what is set by I am sure there are some rationale of the 600 metres zone set by the Federal Ministry on the distance between residential estates and quarry. Now, I, with such a ruling from your Tuan Speaker, are you saying that while it may be unsafe for other states to have housing estates situated within 600 metres from a quarry but for Sarawak it is safe to have housing estates situated within the 600 metres zone.

If that is the case, I mean, I will urge the Ministry also after 20, 30 years of blasting of rocks there may be, there will be some destruction done to the rock layer of the area around, and there should be concern environmental inspection on the areas and the safety the structure safety of the structure of the road structure in the vicinity, so that the people the residence in the area can have the safety of their mind that their land will not sink or their house will not collapsed one day.

**Tuan Speaker:** Ya, but you cannot say they exist simultaneously and therefore, the blasting has to stop because the facts on the ground and the history is that, there is an encroachment of the housing estate towards the quarry side. Maybe now you can put up a proposal as an Member of Parliament or ADUN of this House to the Ministry but the

facts are is not what it appears to be. It is not the Government approved a quarry in the midst of the housing estate, no, it is not.

**Y.B. Encik Chong Chieng Jen:** But Tuan Speaker, it is also the Government who are approved the housing estate in the area, yes it is so, so, since, since, I am not putting blame on anyone but we are talking about the safety of the residence. You do not want to have a house you know where there is a constant blasting, so I think given that the situation is like is that is the sticky situation, then, I mean there should be a solution to ensure the safety of the residence. Thank you Tuan Speaker.

**Tuan Speaker:** Ya, we must deal with the perception first. The quarry does not move, the quarry is stationary there. It is the housing estate is expanding. Having expanded that maybe you can write to the Ministry and so forth, but there is a BMP (Blast Management Plan) how you blast the stone. There is a plan. So you have an officer there, expert you know to control. Sarawak I believe is quite careful is quite careful but when I saw the pictures appending I felt sorry. Motion is dismissed.

Ahli – Ahli Yang Berhormat sitting is now adjourned and the House will resume its sitting tomorrow at 9:00 a.m.

*(Mesyuarat ditangguhkan pada jam 7:11 malam)*

