

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 12th August, 1953.****PRESENT:**

HIS EXCELLENCY THE GOVERNOR

SIR ALEXANDER WILLIAM GEORGE HERDER GRANTHAM, G.C.M.G.

THE HONOURABLE THE COLONIAL SECRETARY

MR. RONALD RUSKIN TODD, *Acting*.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. BRIAN CHARLES KEITH HAWKINS, C.M.G, O.B.E, *Acting*.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. JOHN JAMES COWPERTHWAITTE, *Acting*.

THE HONOURABLE DOUGLAS JAMES SMYTH CROZIER

(Director of Education).

THE HONOURABLE KENNETH MYER ARTHUR BARNETT, E.D.

{Director of Urban Services}.

THE HONOURABLE ALEXANDER PROVAN WEIR

(Acting Director of Public Works).

DR. THE HONOURABLE JAMES MALCOLM LISTON

(Acting Director of Medical and Health Services).

DR. THE HONOURABLE CHAU SIK NIN, C.B.E.

THE HONOURABLE CEDRIC BLAKER, M.C, E.D.

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY.

THE HONOURABLE LO MAN WAI, O.B.E.

THE HONOURABLE DHUN JEHangIR RUTTONJEE.

THE HONOURABLE KWOK CHAN, O.B.E.

DR. THE HONOURABLE ALBERTO MARIA RODRIGUES, M.B.E.

MR. ROBERT WILLIAM PRIMROSE *(Deputy Clerk of Councils)*.**ABSENT:**

HIS EXCELLENCY THE COMMANDER

BRITISH FORCES MAJOR-GENERAL RALPH CYRIL CRUDDAS, C.B., D.S.O.

THE HONOURABLE NGAN SHING-KWAN.

MINUTES.

The Minutes of the meeting of the Council held on 15th July, 1953, were confirmed.

PAPERS.

THE COLONIAL SECRETARY, by Command of His Excellency the Governor, laid upon the table the following papers:—

<i>Subject</i>	<i>G.N. No.</i>
Sessional Papers, 1953:—	
No. 22—Annual Report by the Postmaster General for the year 1052/53.	
No. 23 —Annual Report by the Chief Officer, Fire Brigade for the year 1952/53.	
The New Territories Ordinance, Chapter 97.	
Labourers' Lines (N.T.) Rules, 1953	A. 100.
The Public Health (Animals and Birds) Ordinance, Chapter 139.	
Order Prohibiting Import of Cattle from Thatland	A. 102.
The New Territories Ordinance, Chapter 97.	
Markets and Market Areas (N.T.) (Amendment)	
Rules, 1953	A. 104.
The British Nationality (Miscellaneous Provisions) Ordinance, Chapter 186.	
British Nationality (Miscellaneous Provisions) Order, 1953	
	A. 105.

**BOARD OF INLAND REVENUE (SEIZURE OF
DEFAULTER'S MOVABLE PROPERTY) RULES, 1953.**

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Board of Inland Revenue (Seizure of Defaulter's Movable Property) Rules, 1953, made by the Board of Inland Revenue on 1st day of August, 1953, under section 85 of the Inland Revenue Ordinance, Chapter 112, be approved.

He said: Sir, section 74 of the Inland Revenue Ordinance provides for the recovery of tax in default by seizure and sale of the defaulter's property on the authority of a certificate by the Commissioner of Inland Revenue. This procedure has been used with effect in recent years. Section 74(2)(b) however lays down that "seizure shall be effected, in such manner as may be prescribed". No rules have in fact so far been made prescribing the manner of seizure, and it is desirable that such rules should be made as soon as possible. The Board of Inland Revenue has accordingly made rules which have already been submitted to Your Excellency, and now require the covering- approval of flu's Council. They are based on the Distress for Rent Ordinance with some necessary modifications. In particular, provision is made for access to the District Court by any person alleging that Ill's property has been improperly seized and for the holding of file property unsold pending a decision of the Court.

It has been suggested that the recovery by seizure in this manner is not an entirely appropriate method for recovering tax in default, and substitution of a simple form of recovery through the courts is one of the matters being considered in connexion with a revision of the Inland Revenue Ordinance.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 30th JUNE, 1953.

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the quarter ended 30th June, 1953 as set out in Schedule No. 1 of 1953/54, be approved.

He said: All items in this Schedule have been approved by Finance Committee and now require the covering approval of this Council.

The main items of interest are the purchase for \$200,000 of the residence in Kowloon known as "Saltash" as accommodation for teachers in training at Grantham Training College and 300,000 in additional fees to Messrs. Scott & Wilson, Consulting Engineers for the Kai Tak project. This increase was made necessary by recent proposals involving a major modification of the original scheme.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

RESOLUTION REGARDING THE TRAMWAY

ORDINANCE, CHAPTER 107.

MR. A. P. WEIR moved the following resolution: —

WHEREAS the Hong Kong Tramways Limited is desirous of constructing one new tramway turning-circle branching from the main track near the junction of King's Road and North Point Road and extending along North Point Road into and along Chun Yeung Street and Tong Shui Road to rejoin the main track laid in King's Road, the said new tramway turning-circle being delineated on a plan deposited with the Director of Public Works and signed by him and on behalf of the Hong Kong Tramways Limited and dated the 3rd day of March, 1953;

AND WHEREAS the Hong Kong Tramways Limited is desirous of constructing the new tramway turning-circle aforesaid in substitution for the existing tramway turning-circle at the junction of Yee Wo Street, Caroline Road and Causeway Road as delineated on a plan deposited with the Director of Public Works and signed by him and on behalf of the Hong Kong Tramways Limited and dated the nth day of March, 1953 which existing tramway turning-circle it is desired to remove;

AND WHEREAS the plans aforesaid have been previously deposited in the office of the Director of Public Works;

AND WHEREAS the Hong Kong Tramways Limited has caused to be published in three consecutive issues of the following newspapers namely the South China Morning Post, the Hong Kong Standard, the China Mail, the Kung Sheung Yat Po and the Wah Kiu Yat Po commencing with the issues of these newspapers on the 5th day of February, 1953 notice of its intention to apply to the Governor in Council for approval of the works aforesaid;

AND WHEREAS the Governor in Council in exercise of the power conferred by subsection (4) of section 3 of the Tramway Ordinance on the 28th day of July, 1953 approved the works aforesaid;

AND WHEREAS subsection (4) of section 3 of the said Ordinance provides that the said approval shall require confirmation by a resolution of the Legislative Council.

Now THEREFORE it is RESOLVED pursuant to subsection (4) of section 3 of the Tramway Ordinance that the approval of the Governor in Council aforesaid be confirmed.

He said: Sir, this resolution, if adopted, will enable the Tramway Company to provide a much more frequent tram service for the many residents of North Point.

The travel of the city dwellers wishing to use the public swimming pools which it is planned to provide at the East end of the Causeway Bay Recreation Centre when the reclamation is completed, will be greatly facilitated.

The removal of the tramway turning-circle from the junction of Yee Wo Street, Caroline Road and Causeway Road will eliminate the existing traffic congestion at that busy junction.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

TRADE MARKS REGISTER (RECONSTRUCTION)

(AMENDMENT) BILL, 1953.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Trade Marks Register (Reconstruction) Ordinance, Chapter 262". He said: Sir, this Bill provides for one purely formal amendment to the Trade Marks (Reconstruction) Ordinance, and there is nothing that I can usefully add to the statement of Objects and Reasons.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The "Objects and Reasons" for the Bill were stated as follows:—

In 1952, sections 3 and 7 of the Trade Marks Register (Reconstruction) Ordinance were amended by extending from two years to seven years and ten months the period within which trade marks that were on the "old" Register, kept by the

Registrar of Trade Marks prior to 25th December, 1941, might be registered in the “new” Register. Through an oversight the period of two years in section 8(3)(b), within which renewals of expired registrations of such trade marks could be effected, was not similarly extended. The purpose of this Bill is to remedy that oversight.

**VERANDAHS AND BALCONIES (INCLOSURE FOR OFFICE
ACCOMMODATION) (AMENDMENT) BILL, 1953.**

MR. A. P. WEIR moved the First reading of a Bill intituled “An Ordinance to amend the Verandahs and Balconies (Inclosure for Office Accommodation) Ordinance, Chapter 263”. He said: Sir, the principal Ordinance authorizing the Director of Public Works to grant permits for the inclosure of verandahs and balconies over unenclosed Crown Land or streets for the purpose of providing office accommodation was enacted in 1947 and was originally effective until 31st December, 1951.

In October, 1951, the Ordinance was amended in order to delay its expiry until the 31st December, 1953.

Since the passing of the Ordinance the greatest number of permits issued authorizing inclosure of balconies and verandahs has been 298, but since the completion of the first stage of Alexandra Building there has been some slight easement of the situation. Nevertheless there are still in existence 214 permits and appreciable relief will not be felt until the complete scheme for Alexandra House, the redevelopment of the Hong Kong Hotel and the Mercantile Bank sites have been completed.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The “Objects and Reasons” for the Bill were stated as follows:—

The Verandahs and Balconies (Inclosure for Office Accommodation) Ordinance (Chapter 263), which enables the Director of Public Works to authorize the inclosure of verandahs and balconies for use as office accommodation, is due to expire on 31st December, 1953. New legislation relating to the construction of buildings is at present under consideration, and it is proposed to include therein provision allowing the inclosure of verandahs and

balconies under certain conditions. In the meantime, it is considered expedient to extend the life of Chapter 263 until 31st December, 1955, and that is the purpose of this Bill.

WORKMEN'S COMPENSATION BILL, 1953.

THE SECRETARY FOR CHINESE AFFAIRS moved the First reading of a Bill intituled "An Ordinance to provide for the payment of compensation to workmen who are injured in the course of their employment." He said: Sir, I think I may fairly say that the Bill now before Council is a land mark in tin history of social legislation in Hong Kong. It is a land mark which but for the unfortunate interruption of the war would have been erected many years ago and, even allowing for that interruption, its preparation has been slow. There have been several unavoidable hold-ups in the work due to shortage of staff and absence on leave of the officers principally concerned, but the major factor has been the complexity of the legislation itself and the difficulty of adapting United Kingdom standards to local circumstances. Anyone who is familiar with the United Kingdom Workmen's Compensation Acts, on which the Model Ordinance prepared by the Colonial Office for use in the Colonies is based, will know that they represent a specialized and intricate brand) of legislation which has during the course of years accumulated an enormous mass of case law and judicial decisions, of the greatest value in interpreting the meaning of the Acts, and which make it extremely desirable to follow the United Kingdom Model as closely as possible. On the other hand when such legislation is to be enacted in a Colony such as Hong Kong, which while bearing a close superficial similarity to the large industrial towns of the United Kingdom, vet has underneath so many lines of divergence in tradition, culture, outlook and material circumstances, a certain amount of alteration of the Model is essential to adapt our legislation to local needs. It has been necessary, therefore, to study not only the Model Ordinance, but also similar legislation already enacted in other Colonies, and to compare the various enactments clause by clause so as to decide on what was inapplicable and what could usefully be incorporated in the Law of Hong Kong. It is this preliminary work of careful comparison, sorting and adaptation that has absorbed so much time and I should like to pay a tribute to the Acting Commissioner of Labour who bore the brunt of this initial drudgery, to the meticulously careful consideration that has been given by the Members of the Labour Advisory Board, employers and workers alike, to

the manifold problems that have arisen at all stages during the preparatory work and finally to the officers of the Legal Department who have knocked the rough draft into shape.

The Bill is accompanied by a very full statement of Objects and Reasons and also by a Table of Comparison which shows and explains the variations from the Model clause by clause. It is not my purpose to repeat in detail the information so conveyed, and I will confine myself to dealing broadly with a few main points of general interest. In the first place with regard to the general administration of the law. From the beginning it has been an aim of policy to keep the machinery for claiming and recovering compensation as simple as possible and at one time it was thought that the adjudication of disputes might be dealt with administratively and without recourse to legal action. It soon became apparent, however, that this would not work, for when disputes did arise the points at issue were likely to involve questions of law which would be far better dealt with by a court. The institution of the District Courts made possible the recasting of the Bill into its present form whereby all cases of fatal accidents and all cases in which the claim is disputed for any reason whatsoever will be dealt with by the District Court while at the same time provision has been retained for the settlement of undisputed claims by agreement between employer and workman without recourse to legal process and subject only to the approval of the Commissioner of Labour and to compliance with the scales of compensation provided in the Bill. Experience over the past few years has shown that the majority of employers has been willing to pay compensation on the lines laid down in this Bill and while of course there will be many disputed claims yet it is hoped that the bulk of the cases will be settled by agreement with the help of the Labour Department. In this connexion I should perhaps say that the help of the Labour Department will be freely available to all parties and that advice and assistance will be given to workers to prepare and present their claims in court. It will be appreciated, however, that in certain circumstances it will be very much to the advantage of the worker to have the benefit of professional legal aid and I venture to suggest that the provision of such legal aid is a matter that might with advantage be taken up by Trade Unions for the benefit of their members.

Turning now to a specific clause in the Bill I would invite attention to the definition of "workmen" in Clause 2. This definition restricts the application of the Bill to those workmen engaged in the employments specified in the First Schedule.

This restriction has been imposed deliberately as a measure of practical politics because it was felt that in existing- circumstances in this Colony if no restriction were imposed, the sudden impact of this legislation upon small employers of labour might be so heavy as to defeat the end of the legislation itself. It is not intended that the present restricted definition should be permanently retained, and it will be an aim of policy of the Government to remove the restrictive element in the definition after experience has been gained in the working of the Ordinance and as soon as it is felt that the step can be taken without imposing undue hardship on the small employers. In the interim, if it is found that any employment has been omitted from the Schedule which on the evidence of injury incidence should have been included, provision is made under clause 33 for amendment of the First Schedule by regulation. While on the subject of workmen I should perhaps give a word of warning regarding proviso (b) to Clause 2(1). It is a common practice in Hong Kong, particularly in Chinese industrial circles to refer to daily paid factory workers as casual workers and a careless reading of the above proviso might give the impression that such workers were excluded from the benefits of this Bill. A careful reading will show that the exclusion applies only to a person whose work is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business. It is obvious from this that daily paid factory workers are included within the definition of workmen.

Another point to which reference should be made is the omission from the Bill of a Schedule of occupational diseases. Such a Schedule was originally included, but for various reasons it was decided to defer its inclusion for the time being pending a thorough medical survey of industries in the Colony. If during the course of this survey it becomes apparent that industrial diseases are in fact prevalent in any of the local industries, amending legislation will be introduced. In this connexion I should perhaps mention that notwithstanding the absence of this Schedule if a workman can prove that a disease which he has contracted is a consequential result of accidental circumstances arising out of and in the course of his employment, he will be eligible to recover compensation under the Ordinance.

The question as to whether or not this Bill should contain provision for compulsory insurance by employers was the subject of much debate and of considerable divergence of opinion. After careful consideration it was decided not to include such provision at the present time, but to keep the situation under constant

review. If it should be found that the fundamental purpose of this legislation is being thwarted by the wilful negligence of employers to provide for the carrying out of their statutory obligations then the law may have to be amended to make such provision compulsory. In view of the fact that this Bill is of considerable general interest and that its provisions will affect a large number of persons it has been decided to allow a period of at least one month to elapse between the first and the second readings of the Bill.

Sir, I referred earlier to this Bill as being a land mark in the social legislation of Hong Kong, but I should not like that reference to be construed to mean that before the introduction of this legislation there has been no system of compensation payments in this Colony. On the contrary it gives me great pleasure to record that over the last few years the Labour Department has received progressively increasing proof of the willingness of employers to pay compensation to their workers for injuries received in the course of their employment.

There are many employers to-day who are voluntarily paying compensation in respect of temporary incapacity on a scale more generous than the legal minimum provided in this Bill. It is the knowledge of this ready co-operation in the past which gives me confidence in the future success of the measure which is now before us.

I am under no illusions about the difficulties which will be encountered in administering this Bill and securing a smooth working of the law. I know that we shall find many imperfections and loopholes in the legislation and that we shall meet with opposition due to ignorance and apathy and dislike of change. On the other hand there will be hard cases and many disappointed claimants who fail to qualify under the law. The legal provisions can be stringent and many of them are not easy to explain. Nevertheless the basis of the Bill is social justice and I am confident that this will be generally recognized and accepted and will form a sure foundation for continuing success.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The “Objects and Reasons” for the Bill were staged as follows:—

1. Although the majority of employers in Hong Kong have been making voluntary payments to the dependants of workmen fatally injured and to workmen temporarily or permanently injured in the course of their employment it is considered that Hong Kong should now conform with established practice in other industrialized communities and enact legislation expressly governing the field of Workmen’s Compensation.

2. The present Bill is based on the Workmen’s Compensation (East and West Africa) Model Ordinance will) features imported from similar legislation in Kenya and Ceylon and certain new provisions introduced principally on the recommendations of the local Labour Advisory Board. The Comparative Table indicates where the Bill varies from the model, and the reason for such variation.

3. One of the principal features of the Bill is the definition of “workman” in clause 2 which *inter alia* restricts the application of the Bill to those “workmen” engaged in the employments specified in the First Schedule. The employments presently scheduled have been selected on the basis of the degree of risk-involved, but the application of the Ordinance to all forms of employment is contemplated after experience has been gained in its operation. Both manual and non-manual “workmen” in the scheduled employments are covered, but the non-manual workman whose earnings exceed \$700 per month is excepted under clause 2(1) (a).

4. In clause 3 “earnings” is defined widely in order to meet those cases which are not infrequent in Hong Kong, where the wages paid to a workman form only a small part of his actual earnings. In the same clause “member of the family” is also defined widely in order to accord as far as possible with local Chinese Law and Custom. Clause 4 applies the Bill with certain specified exceptions, to persons in the employ of Government and who are otherwise “workmen”. The proviso to clause 4, together with certain amendments to the Pensions Ordinance (Cap. 89), which will come into operation contemporaneously with this Ordinance, gives “workmen” already in Government Service before the commencement of this Ordinance, the option, of receiving compensation either under this Ordinance or under the Pensions Ordinance but not both, while persons who join

Government service after the commencement of this Ordinance cannot claim benefits under the Pensions Ordinance if they are entitled to compensation under this Ordinance.

The exceptions refer to persons who are already protected by the terms of their particular service in respect of death or injury in such service.

5. Clause 5 establishes the workman's right to compensation if he suffers personal injury by accident arising out of and in the course of his employment, provided always that he is a "workman" within the meaning of that term as defined in clause 2(1).

Clause 6 fixes the amount of compensation payable in fatal cases which varies according to whether the deceased leaves dependants and if so whether such dependants were wholly or only partially dependant on the deceased's earnings.

Clauses 7, 8 and 9 deal with the amount of compensation payable in cases where death does not ensue, such amounts vary according to the nature and extent of the injury but the basis of computation is the same in all cases, *i.e.* the primary consideration is to compensate the workman for that incapacity to earn which is due to the injury.

6. Clause 10 provides for the calculation of "earnings" with the object of ascertaining the monthly earnings over the period of 12 months previous to the accident. In order to ensure a reasonable minimum of compensation in all cases, a "workman" is deemed for the purposes of the Ordinance to have "earnings" of fifty dollars per month.

Clause 11 requires that payment of compensation shall be made to or for the benefit of the injured workman, and in the case of death, only to those dependants living at the date when the order for payment is made.

Under clause 12 the Court is made responsible for the receipt and distribution of all compensation, save by virtue of the proviso to sub-clause 4 the Commissioner of Labour may direct that agreed periodical payments in respect of temporary incapacity be paid by the employer to the workman without reference to the Court.

7. Although the great importance to an employer of receiving early advice of the occurrence of an injury to a workman is appreciated, it is considered that many workmen in Hong Kong may inadvertently and through ignorance or illiteracy fail to give

the appropriate notice within the specified time. Accordingly under clause 13, although the obligation on the workman to give notice to his employer is mandatory, no special form of notice is required and the Court is given a wide discretion to dispense with the requirements as to notice.

In order to facilitate the work of the Labour Department an employer is obliged under clause 14 to inform the Commissioner of Labour of any accident resulting in the personal injury to one of his workmen.

Clause 15 empowers an employer to require an injured workman to submit to a medical examination and provides for sanctions against a workman who fails to comply with such a request.

8. Past experience in Hong Kong suggests that a large number of claims for compensation will be agreed between workman and employer and clause 16 establishes the machinery for effecting such agreements subject to the approval of the Commissioner of Labour and with further safeguards for the protection of an illiterate workman. Where no agreement is reached under clause 16 the workman may have recourse to the Court under the provisions of clause 17 for the purpose of enforcing his claim to compensation.

9. Clause 18 provides for a Court review of any periodical payment of compensation on the application of either party, and clause 19 precludes an employer from making any arbitrary decrease or termination of such payments. Clause 20 together with the definition of "Court" in clause 3 vests in the District Court jurisdiction in all workmen's compensation matters. It is considered that the Court should have the right to submit a question of law for the decision of the Full Court and clause 21 so provides. Clause 22 deals with appeals to the Full Court.

10. In certain circumstances under clause 23 a principal is made liable to pay compensation to a workman employed by a contractor as if such workman had been immediately employed by the principal.

Under clause 24 a workman is given remedies against both his employer and a stranger but is not entitled to recover both compensation and damages.

Where an injury is caused by the personal negligence or wilful act of an employer clause 25(1) gives a workman the choice of accepting compensation, or proceeding against the employer independently of this Ordinance. If the workman proceeds

independently of this Ordinance, but fails to establish the liability of the employer, then under clause 25(2) provided the employer is liable to pay compensation under this Ordinance, the workman is entitled to ask the Court to assess and award such compensation. The workman's interests are further protected where he has proceeded independently of this Ordinance but by reason of his own contributory negligence been awarded only reduced damages, then by virtue of clause 25(3) he can again choose to have compensation assessed and awarded in lieu of such reduced damages. The provisions of clause 25 together with section 4 of the Law Reform (Miscellaneous Provisions) Ordinance, 1951, gives the workman in Hong Kong the same advantages of election as are open to the workman in U.K.

11. Under clause 28 the application of the Ordinance to employment on ships is confined to persons employed on a Hong Kong ship which is defined to include only those ships in respect of which the Court has jurisdiction to enforce if necessary the payment of claims for compensation. Clause 30 precludes the assignment, charging or attachment of compensation.

12. There have been cases in Hong Kong where an employer has made compulsory deductions from his workmen's earnings for the purpose of insuring himself against compensation claims; Clause 31 prohibits this practice. Under clause 32 the Governor in Council is given power to make regulations and in particular comprehensive returns may be required from both employers and insurance companies. Insurance by employers is not made compulsory under the present Bill, but such returns together with the Labour Department's records will provide statistical information on which the desirability of compulsory insurance may be assessed more accurately than is possible at present.

PENSIONS (AMENDMENT) BILL, 1953.

THE SECRETARY FOR CHINESE AFFAIRS moved the First reading of a Bill intituled "An Ordinance to amend the Pensions Ordinance, Chapter 80". He said: Sir, the purposes of this Bill are clearly set out in the Objects and Reasons attached and I move that it be read a first time.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

Objects and Reasons.

The “Objects and Reasons” for the Bill were stated as follows:—

1. In order that persons who come within the Workmen’s Compensation Ordinance (or their dependants in the case of death) should not receive compensation twice in respect of the same injury, it is considered that future entrants to the service should be dealt with under the Workmen’s Compensation Ordinance where it is applicable and should not then receive the benefit of the Pensions Ordinance; and that serving officers should be excluded from workman’s compensation benefits if pension or gratuity has in fact been paid under the injury provisions of the pensions law.

2. This purpose is achieved in the case of officers already in the service of Government before the commencement of the Workmen’s Compensation Ordinance by the operation of the proviso to section 4 of that Ordinance and in the case of officers joining Government service after the commencement of the Workmen’s Compensation Ordinance, by the operation of this amendment to the Pensions Ordinance together with consequential amendments to the Pensions Regulations.

3. The Workmen’s Compensation Ordinance, 1953, does not come into operation until such date as the Governor shall notify by proclamation in the *Gazette*.

ADDRESS BY DR. CHAU SIK-NIN, C.B.E.

DR. CHAU SIK-NIN: Your Excellency, this is the first Council meeting since the announcement was made that your term of office has been extended and before we adjourn I should like to express on behalf of my colleagues, indeed on behalf of all the people of Hong Kong, the great pleasure and gratification it gives us to learn that you will be with us for a further year. You have guided the affairs of this Colony through seasons of prosperity and through seasons of trial and no matter what the next few years may hold in store for us, we are reassured by the knowledge that you will be at the helm and we are confident therefore that we shall weather any storms.

Your Excellency has established a record of Governorship, not merely in terms of time but in terms of service also. You have endeared yourself to the people of this Colony as none of your predecessors has done; be assured, Sir, the Colony is grateful to you and to Lady Grantham for your decision to remain with us for yet another year. (*Applause*).

REPLY BY H.E. THE GOVERNOR.

DR. CHAU, AND GENTLEMEN: I am deeply touched by the remarks that you, Sir, have made and I thank you very much for them. I feel however, I do not deserve all the nice things that you have said about me but I do know that I would not have achieved the little I have achieved if I had not had the wholehearted support and the friendship of many, many people in Hong Kong and notably *my* colleagues on this Council. I can assure you, Sir, that I will continue to do my best for the Colony in the knowledge that I will have your continued support. (*Applause*).

ADJOURNMENT.

H.E. THE GOVERNOR:—When is it your pleasure that we shall meet again ?

THE ATTORNEY GENERAL:—May I suggest this day fortnight.

H.E. THE GOVERNOR:—Council will adjourn to this day fortnight.
