

**OFFICIAL REPORT OF PROCEEDINGS****Meeting of 26th August, 1953.**

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**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 12th August, 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. 24—Annual Report by the Director, Royal Observatory for the year 1952/53.		
No. 25—Annual Report by the Stores Department and Sand Monopoly for the year 1952/53.		
The Merchant Shipping Ordinance, 1953.		
	The Merchant Shipping (Masters and Mates Certificates) Rules, 1953 .....	A. 108
The Merchant Shipping Ordinance, 1953.		
	The Merchant Shipping (Engineers Certificates) Rules, 1953 .....	A. 109.
The Merchant Shipping Ordinance, 1953.		
	The Merchant Shipping (Mercantile-Marine Office) (Fees and Forms) Regulations, 1953. ....	A. 110.
The Merchant Shipping Ordinance, 1953.		
	The Merchant Shipping (Control of Ports) Regulations 1953 .....	A. 111
The Merchant Shipping Ordinance, 1953.		
	The Merchant Shipping (Minor Fisheries) Regulations, 1953 .....	A. 112.
The Merchant Shipping Ordinance, 1953.		
	The Merchant Shipping (Explosives) Regulations, 1953 .....	A. 113.
The Merchant Shipping Ordinance, 1953.		
	The Merchant Shipping (Court of Survey) Regulations, 1953 .....	A. 114.

<i>Subject.</i>	<i>G.N. No.</i>
The Emergency (Requisition) Regulations, 1949.	
The Emergency (Requisition) (Use of Land by Her Majesty's Military Forces) No. 2 Order, 1953 .....	A. 115.
The Regulations governing the Grant, Forfeiture and Restoration of the Efficiency Decoration (Hong Kong) .....	A. 116.

## **FIRE AND MARINE INSURANCE COMPANIES**

### **DEPOSIT (AMENDMENT) BILL, 1953.**

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Fire and Marine Insurance Companies Deposit Ordinance, Chapter 34".

He said:—Sir: Prior to 1946 Fire and Marine Insurance Companies in the United Kingdom were required to make deposits in the form of securities as a guarantee of their standing. Similar legislation was enacted in the Colony in 1907 and 1917, which among other things provided that Companies which had made deposits under the United Kingdom Acts were exempt from making deposits in Hong Kong. The United Kingdom Assurance Companies Act of 1946, however, substituted for the deposit of securities certain other requirements which involve an assessment of the company's margin of solvency. This made it necessary to change the provisions of the law in Hong Kong, but there has been some delay in preparing legislation as lengthy consideration has been given to the possibility of applying the new United Kingdom requirements to local companies. This proposal, however, has now been abandoned, because of the difficulty and expense of making the necessary actuarial assessments in the Colony. The Bill now presented therefore retains the provision requiring a deposit, but grants exemption to companies which satisfy the Registrar of Companies that they have complied with the Assurance Companies Acts in the United Kingdom. There are certain other minor changes which are explained in the Objects and Reasons attached to the Bill. The local Insurance Companies have been consulted and the terms of the Bill are acceptable to them.

I beg to move that this Bill 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. Section 11 of the Fire and Marine Insurance Companies Deposit Ordinance, (Chapter 34 of the Revised Edition) amongst other provisions enables an insurance company which maintains a deposit in respect of insurance business under any enactment in force in the United Kingdom to be exempted to the extent to such deposit from making a deposit under the Ordinance. By the Assurance Companies Act, 1946, the necessity to making a deposit in England was removed and certain other requirements mainly relating to the amount of paid up capital and to a prescribed margin of solvency were substituted thereof.

2. In consequence, companies which in the United Kingdom now become exempt from making a deposit would have to maintain a deposit in the Colony. It is proposed by this Bill (Clause 2) to exempt all companies from the making of such deposits in the Colony if they have complied with the United Kingdom legislation. Provision is also made for the acceptance in the Colony of returns which a company would be required to make to the Board of Trade by the Assurance Companies Acts, 1909 to 1946. Opportunity has also been taken to abolish an obsolete rate of exchange used in calculating the Hong Kong dollar equivalent of other Commonwealth currencies, replacing it with provision for specific quotation of the appropriate commercial rate of exchange.

3. Clause 3 adds a new section to the principal Ordinance. The object of the new section is to excuse companies which have not conformed with the provisions of the principal Ordinance between the 25th December, 1941, and the 31st July, 1953, and to extend the time within which they may now comply.

**LIFE INSURANCE COMPANIES (AMENDMENT) BILL, 1953.**

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled “An Ordinance to amend the Life Insurance Companies Ordinance, Chapter 36”.

He said:—Sir: What I said of the previous Bill applies *mutatis mutandis* to this Bill. I therefore beg to 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. By section 31 of the Life Insurance Companies Ordinance, (Chapter 36 of the Revised Edition), the requirements of the Ordinance were made inapplicable to any life insurance company which made a deposit in the United Kingdom under the provisions of any Act relating to assurance companies. The Assurance Companies Act, 1946, did away with the necessity of making a deposit but substituted other requirements relating mainly to the amount of paid up capital and a prescribed margin of solvency. The aim of the Bill, therefore, is to bring the Ordinance in line with the Act of 1946 thus rendering deposits unnecessary provided a company is able to comply with the substituted requirements in clause 3.

2. Clause 2 amends section 7 of the Ordinance to remove doubts as to the need for complying with the provisions of the said section in respect of withdrawal of deposits by companies which become entitled to exemption under clause 3.

3. Clause 4 is intended to absolve companies from failure to comply with the obligations imposed by the principal Ordinance during and immediately after the war, and to adjust the period of time which may elapse before a further actuarial investigation shall be made.

**POLICE OFFICERS (SPECIAL CASES) PENSIONS BILL, 1953.**

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled “An Ordinance to provide for the grant of a supplementary pension to certain police officers who on transfer to service in this Colony whilst under military administration lost pension rights acquired by service in various county, borough and city police forces in the United Kingdom”.

He said:—Sir: The Police Force was dangerously understaffed at the end of the war, and in order to remedy the position applications to join the Hong Kong Force were invited from members of the various United Kingdom forces, and a number of officers were recruited in this way.

The Metropolitan Police Force is controlled by the Home Secretary, and its pensions are paid from funds voted by Parliament. Service in it is accordingly recognized as public service under the United Kingdom Superannuations Act, 1892, and (the Hong Kong Pensions Ordinance, 1949, and those who transferred from that Force retained their full pension rights just as if they had transferred to Hong Kong from another Colonial Police Force.

The position is different in the cases of those who resigned from county or borough forces. They lost their pension rights and all they received from their local authorities was the refund of the contributions they had made themselves towards their pensions. In the circumstances there seems to be a clear moral obligation on this Government to rectify this anomaly so far as is practicable, particularly as there are some doubts as to the exact understanding on which some of the officers concerned accepted transfer.

The purpose of this Ordinance is to provide those officers with supplementary pensions to the extent of the pension rights they had earned in their former police forces at the time they resigned. The grant of this supplementary pension is made conditional on the payment to this Government of the contributions refunded to them on resignation, and there is provision that the total of this supplementary pension and the pension they earn in Hong Kong should not exceed the maximum which can be earned under the Pensions Ordinance.

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. At the end of the occupation of the Colony by the Japanese there was a shortage of personnel in the Police Force. To help remedy this shortage, a number of officers then serving in various police forces in the United Kingdom were recruited.

2. The pension rights acquired by such of the officers who had been in the employ of the metropolitan police force while so serving were automatically preserved, because service in that force is “public service” within the meaning of section 2 of the Pensions Ordinance. Not so in the case of police officers formerly serving in county, city and borough police forces who upon engagement in the Colony lost for pension purposes the advantage of all their previous service.

3. It is considered wrong that officers recruited from county, city and borough police forces should be in a much less advantageous position than their colleagues recruited from the metropolitan police, and this Bill therefore attempts to bridge the gulf by proposing that they should on retirement from the Colonial Service be granted a pension additional to that earned in the Colonial Service. This supplementary pension represents in each case the amount of the pension which would have been payable had the officer finally retired at the date of his transfer to Hong Kong and there had been no provision in the previous rules applicable which made the pension contingent upon a minimum period of service. This proposal is sought to be achieved by clause 3 of this Bill, the names of the officers concerned and the amount of the supplementary pension being set out in the schedule.

4. As the officers concerned were, on termination of their services in the United Kingdom, refunded their pensions contributions, clause 4 of this Bill makes it a condition precedent to the payment of the supplementary pension that they should pay over the amount of these refunds to the Government.

### **TRADE MARKS REGISTER (RECONSTRUCTION)**

#### **(AMENDMENT) BILL, 1953.**

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled “An Ordinance further to amend the Trade Marks Register (Reconstruction) Ordinance, Chapter 262”.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause by clause.

Clauses 1 and 2 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Trade Marks Register (Reconstruction) (Amendment) Bill, 1953 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.

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

MR. A. P. WEIR moved the Second reading of a Bill intituled "An Ordinance to amend the Verandahs and Balconies (Inclosure for Office Accommodation) Ordinance, Chapter 263".

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Second time.

Council then went into Committee to consider the Bill clause to clause.

Clauses 1 and 2 were agreed to.

Council then resumed.

MR. A. P. WEIR reported that the Verandahs and Balconies (Inclosure for Office Accommodation) (Amendment) Bill, 1953 had passed through Committee without amendment and moved the Third reading.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a Third time and passed into law.



**DISEASE PREVENTION (FOOD AND DRINKS)  
(AMENDMENT) BY-LAWS, 1953.**

MK. K. M. A. BARNETT moved the following resolution:—

Resolved that the Disease Prevention (Food and Drinks) (Amendment) By-Laws, 1953, made by the Urban Council on the 25th day of August, 1953, under section 5 of the Public Health (Food) Ordinance, Chapter 140, be approved.

He said:—Sir: I move the resolution standing in my name. The purpose of these amendments is fully set forth in the explanatory note, to which I have nothing to add.

DR. J. M. LISTON seconded.

He said:—In seconding the motion, Sir, I have very little to add to what has already been said, but I would refer to the provisions in By-Law 4. The incidence of typhoid fever in the city at present is a greater public health problem than that of cholera in regard to which there already exists provision for the compulsory preventive inoculation of food handlers.

Inoculation against typhoid fever, useful though it undoubtedly is, particularly in areas of high incidence of the disease and for those to whom immunization can be given systematically and economically, is no substitute for the efficient and thorough supervision of food handling practices, which must, in spite of this measure, be maintained by those concerned, with all vigour.

The question was put and agreed to.

**ADJOURNMENT.**

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

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

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

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