

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 24th August, 1960.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, K.C.M.G., O.B.E.

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR RODERICK WILLIAM MCLEOD, K.C.B., C.B.E.

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, C.M.G., O.B.E.

THE HONOURABLE THE ATTORNEY GENERAL

MR. ARTHUR RIDEHALGH, Q.C.

THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS

MR. JOHN CRICHTON MCDOUALL.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. ARTHUR GRENFELL CLARKE, C.M.G.

THE HONOURABLE ROBERT MARSHALL HETHERINGTON, D.F.C.

(Commissioner of Labour).

THE HONOURABLE HECTOR WILLIAM FORSYTH

(Acting Director of Public Works).

DR. THE HONOURABLE TENG PIN-HUI

(Acting Director of Medical and Health Services).

THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, M.B.E.

(Director of Urban Services).

THE HONOURABLE KWOK CHAN, O.B.E.

THE HONOURABLE DHUN JEANGIR RUTTONJEE, O.B.E.

THE HONOURABLE FUNG PING-FAN, O.B.E.

THE HONOURABLE RICHARD CHARLES LEE, O.B.E.

THE HONOURABLE KWAN CHO-YIU, O.B.E.

THE HONOURABLE GEORGE MACDONALD GOLDSACK.

THE HONOURABLE DONALD BLACK.

MR. ANDREW MCDONALD CHAPMAN (*Deputy Clerk of Councils*).**ABSENT:**

THE HONOURABLE NGAN SHING-KWAN, O.B.E.

MINUTES.

The minutes of the meeting of the Council held on 10th August, 1960, were confirmed.

OATHS.

MR. D. R. W. ALEXANDER took the Oath of Allegiance and assumed his seat as a Member of the Council,

H. E. THE GOVERNOR: —We welcome you to our Council, Mr. ALEXANDER.

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>
Mining Ordinance, 1954.	
Mining (General) (Amendment) Regulations, 1960	A. 84.
Pearl Culture (Control) Ordinance, 1958.	
Pearl Culture (Control) (Amendment) Regulations, 1960	A. 85.
The Hongkong and Shanghai Banking Corporation Ordinance.	
Special Resolution of shareholders	A. 86.
Urban Council Ordinance, 1955.	
Urban Council Elections (Procedure) (Amendment) Regulations, 1960	A. 87.
Urban Council Ordinance, 1955.	
Urban Council Elections (Registration of Electors) (Amendment) Regulations, 1960	A. 88.
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 3) Order, 1960	A. 89.

PENSIONS (AMENDMENT) REGULATIONS, 1960.

THE COLONIAL SECRETARY moved the following resolution: —

Resolved, pursuant to section 3(3) of the Pensions Ordinance, that the Pensions (Amendment) Regulations, 1960, made by the Governor in Council on the 9th day of August, 1960, under section 3(1) of the Pensions Ordinance, be approved.

He said: Sir, I rise to move the resolution standing in my name as Item 4(1) on the Order Paper.

I think it would be convenient if at this stage I mentioned the succeeding item as well, and with your permission, Sir, and the indulgence of the Council I will do so. Sir, the set of regulations for which approval is sought by this resolution, and the amending Bill which follows, are necessary in consequence of the recent salaries revision and of the decision that the pensionable emoluments of Government officers, into whose salaries the former cost of living allowance is now incorporated, will be ninety per cent of their substantive salaries, after 30th June, 1959.

Though the chief purpose of both the main and subsidiary legislation is to give effect to this change, opportunity has also been taken to make a number of other desirable amendments. Certain procedures connected with the award of pensions have become comparatively standardized over the years and it is thought unnecessary that these should remain in the statutory sphere of the Governor-in-Council. For instance the question of granting a pension or gratuity reduced or otherwise to an officer whose service is being terminated in the public interest is to be transferred from the Governor-in-Council to the Governor. So also is the grant of pension to the dependents of an officer who dies as the result of injuries sustained on normal duty or while on duty as a member of the Defence Force, the Auxiliary Police Force, or the Essential Services Corps. The minimum pension payable to a widow in these circumstances is to be raised from \$1,152 to \$1,344 a year.

I might add, Sir, that all the amendments proposed have been sanctioned by the Secretary of State.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

PENSIONS (AMENDMENT) BILL, 1960.

THE COLONIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to amend the Pensions Ordinance, Chapter 89."

He said: Sir, the remarks which I made on the previous item included my comments on this Bill and I think that there is nothing that I can usefully add to them at this stage.

THE ATTORNEY GENERAL 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 amendments made to the Pensions Ordinance, Chapter 89 (the principal Ordinance), by clause 2 and paragraph (a) of clause 5 of this Bill are consequential upon Government's acceptance of the revised scheme for salaries and allowances, known as the Salaries Revision, 1959, which has received the approval of the Secretary of State. By clause 2, the definition of the phrase "pensionable emoluments" in section 2(1) of the principal Ordinance is amended so that only ninety per cent of substantive salary after 30th June, 1959, shall be included in that phrase. By paragraph (a) of clause 5 the minimum amount of a pension payable under section 17(1) of the principal Ordinance is increased from one thousand one hundred and fifty-two dollars to one thousand three hundred and forty-four dollars from 1st July, 1959, in view of the increased pensionable emoluments provided by the Salaries Revision, 1959, from that date.

2. The purpose of the amendment to section 17(6) made by paragraph (b) of clause 5 of this Bill is to enable the dependants of a Government servant who may die as a result of injuries received in the course of and arising out of his employment with the Government to enjoy the choice between compensation under the Workmen's Compensation Ordinance, 1953, where applicable, and a pension under section 17 of the Pensions Ordinance. The present position is that no entrant to the Government service on or after the first day of December, 1953 (the date upon which the Workmen's Compensation Ordinance, 1953, came into operation), is entitled to the benefit of section 17 of the Pensions Ordinance in any case in which the provisions of the Workmen's Compensation Ordinance, 1953, apply. There does not seem to be any cogent reason why the enactment of the Workmen's Compensation Ordinance, 1953, should deprive Government service of one of its more attractive features, namely the possibility of the continuing security of a pension for the dependants of those who die as a result of injuries received in its service.

3. By clause 4, a new section 13A is added, giving to the Governor in Council the powers in relation to wilful suppression of material facts, etc. at present contained in regulation 33 of the Pensions Regulations. It is considered more appropriate that these powers should be contained in the Ordinance and it is proposed to revoke regulation 33.

4. The opportunity has been taken by clause 3 to transfer to the Governor the powers conferred on the Governor in Council by sections 7, 11, 17, 17A and 19.

INTERPRETATION (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Interpretation Ordinance, Chapter 1."

He said: Your Excellency, the purpose of this Bill is to effect two very simple amendments to the Interpretation Ordinance, which are explained in 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: —

This Bill seeks to amend two of the definitions contained in section 3(1) of the Interpretation Ordinance. Firstly, the definition of the word "Commonwealth" is amended so as to include therein the Republics of Pakistan and Ghana. The necessity for specific reference in this definition to members of the Commonwealth which are republics arises from the fact that since they are republics they are not "British possessions" as defined in section 3(1). Secondly, the definition of the words "Financial Secretary" is amended so as to include therein the offices of Economic Secretary and Deputy Economic Secretary.

JURY (AMENDMENT) BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Jury Ordinance, Chapter 3."

He said: Your Excellency, this Bill provides for the exemption from jury service of the wife of the Chief Justice and of a substantive puisne judge as well as the wife of a member of the Armed Forces serving on full pay. Further, the exemption presently granted to schoolteachers has been extended to include those teaching in schools exempted from registration under the Education Ordinance and also teachers in registered Post Secondary Colleges. It is also proposed that the Commissioner of Registration should replace the Registrar of the Supreme Court as the authority responsible for compiling the common jury list. Sir, apart from these proposals and one other for the removal of doubt about the effect of section 23 of the principal Ordinance which deals with majority verdicts, all the rest of the amendments are concerned substantially with procedure.

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 purpose of this Bill is to amend the Jury Ordinance to enable the list of common jurors to be compiled in the first instance by the Commissioner of Registration appointed under section 2 of the Registration of Persons Ordinance, 1960, instead of by the Registrar of the Supreme Court.

2. The reason for this measure is one of administrative convenience, arising from the fact that the Commissioner of Registration already has the duty of compiling the Register of Electors for the Urban Council elections held in each alternate year in accordance with the provisions of the Urban Council Ordinance, 1955. The effect of these amendments will be to enable the Commissioner of Registration to link the compilation of the list of common jurors with that of the electoral register and publish one comprehensive list every alternate year. In addition to this convenience, the facilities available to the Commissioner of Registration will enable future lists of common jurors to be maintained with greater accuracy than is at present the case.

3. Opportunity has been taken to relieve the Governor in Council of the burden of settling the list of common jurors which in recent years has been steadily increasing in length and is expected to increase still further under the proposed administrative reorganization.

4. Three further amendment to the principal Ordinance proposed by this Bill require mention, namely—

- (a) an amendment to section 5 in order to extend the list of persons exempted from jury service to include the wife of the Chief Justice and the wives of substantive puisne judges;
- (b) an amendment to section 23 inserted for avoidance of doubt regarding certain majority verdicts given by juries; and
- (c) the addition of a new subsection to section 27 adapted from section 3 of the United Kingdom Juries Act, 1922, to enable the Registrar of the Supreme Court to excuse jurors from attendance upon any particular jury who apply for good cause to be so excused before the date upon which their services are required.

**KADOORIE AGRICULTURAL AND LOAN FUND
(AMENDMENT) BILL, 1960.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Kadoorie Agricultural Aid Loan Fund Ordinance, 1955".

He said: Sir, the purposes of this Bill are explained in the statement of objects and reasons, and the main proposals are two in number. The first will enable interest to be charged on loans. When the Fund was first set up it was agreed at the request of Messrs. Lawrence and Horace Kadoorie that loans should be interest free, and this is specifically provided for in sections 6 and 13 of the Ordinance. It is now felt, however, in view of this Government's greatly increased interest in the Fund by way of capital contribution, and in view also of the fact that the cost of administration of the Fund is borne entirely by the Government, that the time has come when there should be power to charge interest. This is effected by clause 4 of the Bill whereby section 6 of the principal Ordinance is replaced and also by clause 7 whereby section 13 is repealed.

Sir, the second main proposal is that the trustee of the Fund should be enabled to borrow money for the purpose of increasing the amount available for making loans. It is thought that occasions may well arise, for example, in circumstances of extensive flood damage, when the Government, while not wishing to make a grant in perpetuity to the Fund, would be prepared to lend money for a limited period to cater for particular circumstances. The amendment to cover this point will also enable the trustee to borrow money from other sources if he so wishes.

These are the two principal provisions of the Bill. The others are sufficiently explained in 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: —

The purpose of this Bill is to amend the Kadoorie Agricultural Aid Loan Fund Ordinance, 1955 to enable—

- (a) interest to be charged on loans made from the Fund under section 6;
- (b) capital loans to the Fund to be raised by the trustee for the purposes specified in section 6; and

- (c) to extend the meaning of the expression "agriculture" as used in section 6 to include the cultivation of oysters for food.

2. Opportunity has been taken to amend the references in sections 4 and 5 to the Director of Agriculture, Fisheries and Forestry, to refer to the Director of Agriculture and Forestry consequential upon the recent alteration in the official title of his department; and also to bring section 11, which refers to the submission and auditing of the annual statement of the accounts of the Fund, into line with the corresponding provisions relating to other similar Funds and to require that the statement of the accounts be laid on the Table of Legislative Council, instead of being submitted to the Governor, in accordance with the practice prevailing in the case of other such Funds.

DIRECTOR OF EDUCATION INCORPORATION BILL, 1960.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the Director of Education, and for matters connected therewith."

He said: Sir, this Bill provides for the incorporation of the Director of Education as a corporation sole, so as to enable him in that capacity to act as trustee of trusts created for purposes or objects connected with education or with the work of the Education Department. He may, however, only accept a trust with the prior approval of the Colonial Secretary. Sir, the Bill contains all other provisions usually included in a measure of this kind, a recent example of which is the Director of Social Welfare Incorporation Ordinance, No. 4 of 1959.

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 object of this Bill is to provide for the incorporation of the office of the Director of Education and to empower the corporation subject to the prior approval of the Colonial Secretary to act as trustee of any trust "created for purposes or objects connected with education or with the work of the Education Department" (see clause 4).

2. By clause 5, the corporation is authorized to invest trust funds in accordance with the Trustee Ordinance, Chapter 29, or by depositing the same in a bank or savings bank approved by the Governor.

**LIGHT DUES (BAHAMAS AND LEEWARD ISLANDS)
(REPEAL) BILL, 1960.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to repeal the Light Dues (Bahamas and Leeward Islands) Ordinance, Chapter 79."

He said: Sir, this Bill removes from the Statute Book an Ordinance which has now become redundant for the reason given in 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: —

The Colonial Light Dues (Revocation) Order, 1960 having revoked the dues to be levied in respect of certain lighthouses on or near the coasts of the Bahamas and the Leeward Islands on the owner or Master of every ship which passed the lighthouses and derived benefit therefrom, Chapter 79 which authorized the collection of such dues in Hong Kong has become redundant.

SUPPLEMENTARY APPROPRIATION (1959-60) BILL, 1960.

THE FINANCIAL SECRETARY moved the First reading of a Bill intituled "An Ordinance to authorize a supplementary appropriation to defray the charges of the financial year ended the 31st day of March, 1960."

He said: This Bill, Sir, seeks formal authority for the supplementary expenditure, during last financial year, of \$40½ millions, spread over 25 different heads of expenditure. The details are set forth in the Schedule.

This excess expenditure was offset by savings, on the remaining expenditure heads, totalling \$23½ millions, so that the net over-expenditure during the year came to \$17 millions. But, under Colonial accounting rules, it is necessary for the gross excess to be formally approved by legislation.

This Bill, Sir, represents the final stage in disposing of the accounts of the last financial year.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read a First time.

LIFTS AND ESCALATORS (SAFETY) BILL, 1960.

MR. H. W. FORSYTH moved the First reading of a Bill intituled "An Ordinance to provide for the maintenance in safe working order of lifts and escalators, for the examination and testing thereof and for matters connected with the purposes aforesaid."

He said: Your Excellency, this Bill affords protection to those who use lifts and escalators by ensuring the safety of their operation.

The Regulations of the Buildings Ordinance, 1959, determine minimum standards for the design and construction of lifts and escalators but there is no satisfactory legislation concerning the regular maintenance, inspection and testing of them, although there is brief reference to these aspects.

Fortunately in the past the safety of lifts and escalators has not been in doubt due, largely, to the practice of responsible owners of carrying out routine servicing in conjunction with the suppliers of this type of equipment.

The aim of this Bill, Sir, is to interfere as little as possible with that current and commendable practice and seeks only to make such maintenance, inspection and testing obligatory on the owners with provision for the Director of Public Works to supervise the testing in certain specified circumstances.

Further and detailed explanation is set out at length in 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: —

The object of this Bill is to make new provisions designed to ensure, so far as possible, that lifts and escalators are maintained in safe working order. At present, the only provisions in this respect are those contained in subsections (4) and (5) of section 34 of the repealed Buildings Ordinance (Cap. 123), which were continued in force notwithstanding the repeal of that Ordinance, by the proviso to subsection (1) of section 35 of the Buildings Ordinance, 1955. It has long been felt that those provisions are inadequate, and the vast increase in the number of lifts in use in the Colony has served merely to emphasize the urgent need for more comprehensive provisions. Although the provisions of this Bill are very much more onerous, from the point of view of the

owner of a lift, than the existing provisions, it is true to say that the provisions relating to the maintenance, and the examination and testing, of lifts do not require anything which is not already done in practice by responsible owners of lifts. The aim which has been pre-dominant throughout the preparation of this legislation has been to interfere as little as possible with the current practice of responsible lift owners in conjunction with the companies responsible for the installation of the lifts. Thus, it is not intended that the examination and testing of lifts or escalators will, primarily at least, be a duty of Government officers. The position of the Director of Public Works is that of a supervising authority, with powers, *inter alia*, to examine and test lifts and escalators in specified circumstances only.

2. Part II of the Bill provides for the keeping of registers of lift engineers and escalator engineers, and for disciplinary proceedings against such engineers. These engineers are the persons by whom lifts and escalators will, in the first instance, have to be examined and tested. Their services will be engaged, as they are at present, by agreement between them or their employers and the owners of lifts or escalators. It will be observed that the effect of clause 5(2) is that, unless in his discretion the Director of Public Works decides to include any other person in the respective registers, a person will not be eligible for inclusion therein unless he is, or is employed by, a registered lift contractor or a registered escalator contractor. These contractors, who are registered under the Buildings Ordinance, 1955, are normally companies whose business it is to install lifts and escalators. It is considered that, for the time being at least, it is desirable that the lift and escalator engineers should either be registered contractors or should be in the employment of such contractors, since this will help to ensure the maintenance of adequate standards of examination and testing.

3. Parts III and IV of the Bill contain the substance of its provisions.

(a) Part III provides for the examination of new lifts and escalators and the testing of the safety equipment provided therefor (clause 12), and also provides for the examination and testing of lifts and escalators to which major alterations have been made in order to ensure that those parts of the lifts or escalators which have been affected by the alterations are in safe working order (clause 13). When the registered engineer by whom examination and testing was carried out is satisfied that the lift or escalator or those parts thereof affected by the alterations, as the case may be, is or are in safe working order, he must deliver his certificate to the owner of the lift or escalator, and, when such certificate is delivered to the Director of Public Works (hereinafter referred to as the Director), he

must, if he is himself satisfied as to those matters, permit the new lift or escalator to be used and operated or permit the resumption of the use and operation of the lift or escalator to which the alterations have been made, as the case may be. Since, by virtue of the provisions of clauses 12(3)(b) and 13(3)(b), the Director could refuse to give his permission although a registered engineer had given his certificate, it is considered reasonable that the owner of the lift or escalator should have a right of appeal against the Director's decision. Clauses 15 to 18 inclusive make the necessary provisions in this regard. The procedure which is applicable where the Director has refused to give his permission and there is no appeal against his decision is prescribed in clause 14.

The enforcement of the provisions of clauses 12 and 13 is provided for by subclauses (1), (2) and (4) of clause 29. If a new lift or escalator is used or operated, or the use or operation of a lift or escalator to which major alterations have been made is resumed, without the permission of the Director, the owner of the lift or escalator will be guilty of an offence unless he shows to the satisfaction of the court that the lift or escalator was used or operated without his knowledge or consent and that he had taken all reasonable steps to prevent its use and operation.

- (b) Part IV of the Bill provides for the periodic maintenance and examination of lifts and escalators and for the periodic testing of the safety equipment provided therefor—see clause 19 and clauses 21 to 24 inclusive. The procedure which is to be followed upon any examination or test under clauses 21 to 24 inclusive is prescribed in clause 26. If the registered engineer who carried out the same is satisfied that the lift or escalator or the safety equipment provided therefor, as the case may be, is in safe working order, he must deliver his certificate to the owner of the lift or escalator, who must, in turn, deliver it to the Director (clause 26(1)). If the registered engineer is not so satisfied, he must follow one of two courses depending on his assessment of the danger involved in the further use and operation of the lift or escalator. If he considers that any further use and operation thereof would be, or would be likely to be, dangerous, he must forthwith report to the Director that he is not so satisfied (clause 26(2)(a)). If, on the other hand, he considers that the lift or escalator can be used and operated with safety in the meantime, he must report that he is not so satisfied to the owner thereof and if, within fourteen days of such report, the lift or escalator is put in safe working order to his satisfaction, he must give his certificate to the owner.

If, however, the lift or escalator has not been put in safe working order within that period, he must forthwith report to the Director that he is not satisfied that the lift or escalator or the safety equipment provided therefor, as the case may be, is in safe working order (clause 26(2)(b)).

The provisions of clause 19 and clauses 21 to 24 inclusive, together with the provisions of clause 26, are the basic provisions. They are supplemented in most important respects by the provisions of clauses 25 and 27—these being the clauses by means of which the Director exercises his supervisory control. In the ultimate resort the sanction which is most likely to induce compliance with the basic provisions is the stopping of the use and operation of the lift or escalator in question, and clause 27 provides accordingly. It is, however, considered that it is rather too drastic to prohibit the use and operation of a lift or escalator in the first instance in the event of a failure to comply with clauses 21 to 24 inclusive. Clause 25 provides, therefore, that if, upon the expiry of a period of five weeks from the date when a lift or escalator should have been examined or the safety equipment provided therefor should have been tested, the Director has neither received a certificate from a registered engineer nor been notified that the lift or escalator is not in safe working order, he may issue an order requiring the lift or escalator to be examined or the safety equipment provided therefor to be tested, or both, as the case may be.

As pointed out above, the provisions of clause 27 provide the real sanction, apart from prosecution for an offence under clause 29(3), for the enforcement of those provisions of the Bill which are designed to ensure that lifts and escalators can be used in safety. By subclause (1) of this clause, the Director is empowered, in the cases specified, to issue an order prohibiting the use and operation of a lift or escalator. Subclause (2) of that clause provides that such an order shall continue in operation until the Director permits the use and operation of the lift or escalator to be resumed, which he may do only when he has received the appropriate certificate, depending on the ground on which he issued the order. If a lift or escalator is used or operated during the continuance in force of such an order, the owner thereof will be guilty of an offence unless he shows to the satisfaction of the court that the lift or escalator was used or operated without his knowledge or consent and that he had taken all reasonable steps to prevent its use and operation (clause 29(3) and (4)) and the Director may disconnect the supply of electricity to the lift or escalator (clause 39).

- (c) It is considered necessary to ensure that all major alterations to lifts or escalators and any other lift works or escalator works which may affect the safe working of a lift and escalator, respectively, are carried out by registered lift or escalator contractors. Lifts and escalators must be installed by such contractors and no distinction, from the safety aspect, can be drawn between installation works and major alterations or other works which may affect the safe working of a lift or escalator. Clause 20 provides accordingly. The provisions of this clause will be enforced by orders under subclause (2) or (3) of clause 25 requiring the lift or escalator to be examined or the safety equipment provided therefor to be tested, or both, according to the circumstances, since, in these cases too, it is considered rather too drastic to prohibit the use and operation of the lift or escalator forthwith. Clauses 26 and 27 apply to orders under subclause (2) or (3) of clause 25 as they apply to orders under subclause (1) thereof. The procedure under these clauses has already been dealt with in paragraph (b) above.

4. Part V of the Bill contains provisions for offences and penalties therefor. No further comment is called for in respect of clause 29, and the only other clause in this Part which calls for comment is clause 30. It is considered that section 4 of the Prevention of Corruption Ordinance (Cap. 215) will not apply to registered engineers who are not employed by a registered lift or escalator contractor and that that section may not apply in other cases. In the circumstances, it is felt that it is desirable to make specific provisions with respect to the offering of bribes to, or the taking of bribes by, registered engineers.

5. Part VI of the Bill contains supplementary and miscellaneous provisions, some of which are not of sufficient importance to merit specific mention herein. Clause 33 provides for the numbering of lifts and escalators where more than one is installed in any building, and for the deposit with the Director of a plan showing the lifts or escalators and the numbers so marked thereon. The numbering of lifts and escalators in such cases is necessary in order to enable a particular lift or escalator to be identified as that to which a certificate, order or report given or made under the Bill relates. Clause 37 provides for the delegation by the Director of his powers or functions under the Bill, and clause 38 provides for entry to premises for the purposes of the Bill by the Director or public officers authorized by him. Clause 40 provides for the issue by the Director of certificates as to the date on which a lift or escalator was last examined and its safety equipment last tested. The owner of a lift or escalator is required to keep the certificate posted in the lift or on the escalator. Clause 44 places certain limitations on the liability of the Government and public officers.

Although clause 3(1) has the effect of exempting from the Bill certain special types of lift, there may be other individual lifts for which some of its provisions are not suitable or are more onerous than is necessary in the interests of safety. Subclause (1) of clause 45, therefore, empowers the Director to exempt lifts from the provisions of certain clauses of the Bill if he is satisfied that to do so is consistent with safety. Since it is considered that in the case of power-driven lifts which are used for carrying persons all the provisions of the Bill will always be appropriate, that subclause will not apply to such lifts (clause 45(2)).

ADJOURNMENT.

H. E. THE GOVERNOR: —That concludes the business for to-day, gentlemen. When is it your pleasure that we should meet again?

THE ATTORNEY GENERAL: —May I suggest this day two weeks, Sir.

H. E. THE GOVERNOR: —Council stands adjourned until this day two weeks.