

OFFICIAL REPORT OF PROCEEDINGS

Meeting of 10th April 1968

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID CLIVE CROSBIE TRENCH, KCMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
MR MICHAEL DAVID IRVING GASS, CMC
THE HONOURABLE THE ATTORNEY GENERAL (*Acting*)
MR GRAHAM RUPERT SNEATH, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR DAVID RONALD HOLMES, CBE, MC, ED
THE HONOURABLE THE FINANCIAL SECRETARY
MR JOHN JAMES COWPERTHWAITTE, CMG, OBE
DR THE HONOURABLE TENG PIN-HUI, CMG, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE WILLIAM DAVID GREGG, CBE
DIRECTOR OF EDUCATION
THE HONOURABLE ROBERT MARSHALL HETHERINGTON, DFC
COMMISSIONER OF LABOUR
THE HONOURABLE TERENCE DARE SORBY
DIRECTOR OF COMMERCE AND INDUSTRY
THE HONOURABLE KENNETH STRATHMORE KINGHORN
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE GEORGE PERCY NORTON
ACTING DIRECTOR OF PUBLIC WORKS
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE ALASTAIR TREVOR CLARK
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE DHUN JEHANGIR RUTTONJEE, CBE
THE HONOURABLE LI FOOK-SHU, OBE
THE HONOURABLE TANG PING-YUAN, OBE
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, OBE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE GEORGE RONALD ROSS
THE HONOURABLE SZETO WAI, OBE
THE HONOURABLE WILFRED WONG SIEN-BING, OBE
THE HONOURABLE ELLEN LI SHU-PUI, OBE
THE HONOURABLE JAMES DICKSON LEACH, OBE
THE HONOURABLE WILSON WANG TZE-SAM

ABSENT

DR THE HONOURABLE CHUNG SZE-YUEN, OBE

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

MINUTES

The minutes of the meeting of the Council held on 27th/28th March were confirmed.

OATHS

MR GEORGE PERCY NORTON and MR ALASTAIR TREVOR CLARK took the Oath of Allegiance and assumed their seats as Members of the Council.

HIS EXCELLENCY THE GOVERNOR:—May I welcome new Members to this Council.

PAPERS

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

<i>Subject</i>	<i>LN No</i>
Subsidiary Legislation:—	
Revised Edition of the Laws Ordinance 1965.	
Annual Revision 1967	26
Sessional Papers 1968:—	
No 11—Annual Report by the Secretary for Chinese Affairs for the year 1966-67.	
No 12—Annual Report by the Commissioner of Registration of Persons for the year 1966-67.	
Reports:—	
Report of the Working Party on Social Security.	
Hong Kong Trade Development Council Annual Report 1966-67.	

He said: —Sir, amongst these papers is the Report of the Working Party on Social Security.

This Working Party, composed of officers of the different departments most closely associated with social security, was appointed in February 1966 to examine what is already being done in Hong Kong in this field and to suggest what improvements might be made. The Report represents their personal views.

I think that honourable Members will find much of interest in this Report. It sets out clearly the present arrangements in respect of workmen's compensation, sickness allowance and medical care; indicates those contingencies which are at present inadequately covered; and makes recommendations for further protection in the future.

This is a useful report, on which we shall welcome the comments of honourable Members and of the public, and it is already being studied by the departments concerned.

I must, however, sound a word of warning. Honourable Members will not, I think, imagine that all the suggestions in this Report will, upon closer examination, prove possible or capable of implementation, or indeed prove beneficial in the circumstances of Hong Kong. Some of them may well prove to be financially impossible.

Nevertheless, there are various proposals which we may find it practicable to implement, at least in certain respects, and these are now being carefully examined. I refer in particular to the recommendations in Chapter 27 of the Report on medical care (27.2), and to the suggestion for legislation relating to maternity protection (27.3), employment injury (27.4) and security of employment (27.5).

I agree with the Working Party that we should explore new ways of assisting widows, especially those with young children, (27.11) and also the proposal for social insurance for employment injury benefit (27.12), although I doubt whether we could go so far as to substitute commercial insurance by national insurance.

We propose also to examine more closely the wider-reaching proposals on social insurance for sickness benefit (27.8), although here I must confess that I see some formidable difficulties in devising a scheme which would not be susceptible to fraud or be impossibly expensive. In the Hong Kong context I have serious doubts also about the practicability of the proposal for social insurance for medical care (27.9) and about the general acceptability of the proposal for social insurance for old age and survivorship benefit (27.10).

The Working Party finally recommends, as general aims for the future, social insurance for cash maternity benefit (27.13), invalidity benefit (27.14) and unemployment benefit (27.16) and the establishment of a redundancy fund (27.15). I cannot hold out much hope of our being able to finance such schemes in the foreseeable future. As regards public assistance (27.19), however, we are already reviewing current policy.

While, as I have said, we now intend to examine these proposals in turn in greater detail, I do not consider that such examination would be assisted by the appointment of a full-time commission (27.18) as the Working Party suggested. I am, on the other hand, fully in agreement with the proposal to set up a research unit to obtain further basic information upon which any schemes of this nature must surely be founded (27.20). I hope that it may be possible to obtain some specialist assistance in this field.

[THE COLONIAL SECRETARY]

The Working Party may be thought to have strayed beyond its terms of reference in suggesting minimum wage legislation (27.21) especially when such a policy could well result in unemployment. I agree, however, with the final recommendation that public expenditure on social services should be reviewed (27.22).

Sir, I hope that this brief survey will indicate that there is much in this Report which is valuable but that there is also much which lies at present outside our capabilities.

SUPPLEMENTARY PROVISIONS FOR THE QUARTER ENDED 31ST DECEMBER 1967

THE FINANCIAL SECRETARY moved the following resolution:—

Resolved that the Supplementary Provisions for the Quarter ended 31st December 1967, as set out in Schedule No 3 of 1967-68, be approved.

He said:—Sir, the Schedule for the third quarter of the 1967-68 financial year covers supplementary provision totalling \$33.4 million. Of this sum \$21 million was required for Public Works Non-Recurrent; \$2.8 million represented revotes of funds unexpended in the previous financial year; \$8.8 million was required for new projects; and \$5.7 million for accelerated progress on a wide range of other projects. A further \$4.4 million was needed for expenditure on the Services' Building Programme for which only a very tentative figure had previously been voted.

All the items in the Schedule have been approved by Finance Committee and the covering approval of this Council is now sought.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

HOLIDAYS (AMENDMENT) BILL 1968

THE SECRETARY FOR CHINESE AFFAIRS moved the First reading of:—
“A Bill to amend further the Holidays Ordinance.”

He said:—Sir, this short Bill is related to the Bill which Mr HETHERINGTON is to move as the next item upon today's Order of Business, both being concerned with the General Holidays.

It is considered that the phrase “Lunar New Year” is more appropriate for formal usage than “Chinese New Year”; honourable Members

will recall that the phrase has already been officially used in this year's issue of New Year postage stamps. The usage in the Chinese language is not affected. Opportunity is taken to correct another small defect in the principal 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:—

The Bill amends section 3 of the principal Ordinance. The object of the Bill is to change the references to the titles of certain public holidays so as to bring them more closely into accord with local usage.

INDUSTRIAL EMPLOYMENT (HOLIDAYS WITH PAY AND SICKNESS ALLOWANCE) (AMENDMENT) BILL 1968

MR R. M. HETHERINGTON moved the First reading of:—"A Bill to amend the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance."

He said:—Sir, the Industrial Employment (Holidays with Pay and Sickness Allowance) Ordinance provides for six statutory holidays each year for all workers in industrial employment. These holidays are spaced fairly evenly throughout the year and coincide with traditional Chinese festivals.

The Holidays Ordinance provides for general holidays some of which also fall on days associated with traditional Chinese festivals.

One purpose of the Bill now before Council is to ensure that the same nomenclature for describing traditional festivals is used in both Bills and that, as far as possible, the industrial holiday and the general holiday fall on the same day. This is achieved by amending section 5(1) of the Ordinance as now proposed. One significant change which will occur as a result of this amendment is to introduce an industrial holiday on the day following the Chinese Mid-Autumn Festival instead of the day of the festival itself. The nature of the traditional celebrations at that time is such that the day following the celebrations is a more suitable time for a holiday than the day before.

[MR HETHERINGTON]

Out of the six statutory industrial holidays it is permissible for an employer, on two occasions, to give notice of alternative holidays. On the first occasion, the choice lies between the Chinese Winter Solstice Festival and the first day of January. It is not proposed to change this arrangement. On the second occasion, the choice lies between the day before Lunar New Year's Day and the second day of Lunar New Year. It is now the common practice to give a holiday on the second day of Lunar New Year and the alternative is rarely, if ever, selected. It is considered appropriate that the alternative should now be deleted. The proposed amendment to section 5(2) makes this change.

The Labour Advisory Board has been consulted on all these proposals and has endorsed the amendments proposed in this Bill.

The Bill takes into account certain amendments to the Holidays Ordinance incorporated in the Bill which has just been given a first reading by the Council.

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 the Bill is to make the day following the Chinese Mid-Autumn Festival Day a statutory holiday in lieu of the day of the Chinese Mid-Autumn Festival and to dispense with the provision permitting the grant of an alternative holiday on the day preceding Chinese New Year's Day in lieu of the second day of the Chinese New Year.

The Bill also substitutes references to Lunar New Year's Day for existing references in the Ordinance to Chinese New Year's Day, to accord with a similar amendment to the Holidays Ordinance.

CREMATION (AMENDMENT) BILL 1968

MR D. R. W. ALEXANDER moved the Second reading of: —"A Bill to amend further the Cremation Ordinance."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read the Second time.

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

Clauses 1 and 2 were agreed to.

Council then resumed.

MR D. R. W. ALEXANDER reported that the Bill before Council 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 the Third time and passed.

**PUBLIC HEALTH AND URBAN SERVICES (AMENDMENT)
BILL 1968**

MR D. R. W. ALEXANDER moved the Second reading of:—"A Bill to amend further the Public Health and Urban Services Ordinance."

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

The Bill was read the Second time.

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

Clauses 1 and 2 were agreed to.

Council then resumed.

MR D. R. W. ALEXANDER reported that the Bill before Council 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 the Third time and passed.

**THE ST. STEPHEN'S GIRLS' COLLEGE COUNCIL
INCORPORATION BILL 1968**

MR P. C. Woo moved the First reading of:—"A Bill to provide for the incorporation of The St. Stephen's Girls' College Council."

[MR Woo]

He said: —Sir, the main object of incorporating the Council, which is the governing body of The St. Stephen's Girls' College, is that the Council shall, when incorporated, hold the leasehold properties of the said College, which are at present registered in the name of The Church Missionary Trust Association Ltd. in Hong Kong, so that the College may become the owner thereof.

This Bill follows the standard form of incorporation by Ordinance of schools and colleges in the Colony.

MR SZETO WAI 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. The object of this Bill is to incorporate The St. Stephen's Girls' College Council.

2. St. Stephen's Girls' College has been in existence since the year 1906. The object of the College is to offer, primarily to Chinese girls, a sound general education conducted upon Christian principles.

3. It is the desire of The Church Missionary Trust Association Ltd. in Hong Kong and of the College Council that the properties be held in the College's own name. Since the College is not a corporate body and cannot, therefore, hold any property in its own name, it is thought desirable that it should become a corporate body, in order to enable it to own property in its own name and otherwise to carry out its aims and objects more effectively. Not being a corporate body it is also handicapped in other ways in the carrying out of its functions.

4. The leasehold properties now occupied by the College as its premises are the College's own properties, but have to be registered in the name of The Church Missionary Trust Association Ltd. in Hong Kong, because neither the College nor its Council is a corporate body.

ADJOURNMENT

THE COLONIAL SECRETARY moved the adjournment.

THE ATTORNEY GENERAL seconded.

The question was put and agreed to.

NEXT MEETING

HIS EXCELLENCY THE GOVERNOR:—Council will accordingly now adjourn. The next meeting will be held on 1st May.