

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 8th May, 1957.**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

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

HIS EXCELLENCY THE COMMANDER BRITISH FORCES

LIEUTENANT-GENERAL SIR WILLIAM HENRY STRATTON, K.C.B., C.V.O., C.B.E., D.S.O.

THE HONOURABLE THE COLONIAL SECRETARY

MR. CLAUDE BRAMALL BURGESS, O.B.E. (*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.

THE HONOURABLE THE FINANCIAL SECRETARY

MR. JOHN JAMES COWPERTHWAITTE (*Acting*).

DR. THE HONOURABLE YEO KOK CHEANG, C.M.G.

(Director of Medical and Health Services).

THE HONOURABLE JOHN FORBES, O.B.E.

(Acting Director of Public Works).

THE HONOURABLE DAVID CLIVE CROSBIE TRENCH, M.C.

(Commissioner of Labour).

THE HONOURABLE EDMUND BRINSLEY TEESDALE, M.C.

(Director of Urban Services).

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

THE HONOURABLE CHARLES EDWARD MICHAEL TERRY, O.B.E.

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

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

THE HONOURABLE DHUN JEHANGIR RUTTONJEE.

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

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

MR. RONALD THOMPSON (*Deputy Clerk of Councils*).**ABSENT:**

THE HONOURABLE KWOK CHAN, O.B.E.

MINUTES.

The Minutes of the Meeting of the Council held on 24th April, 1957, were confirmed.

PAPERS.

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

Subject. *G.N. No.*

Sessional Papers, 1957: —

No. 15—Annual Report by the Director of Agriculture,
Fisheries and Forestry for the year 1955/56.

No. 16—Annual Report by the Commissioner of Police
for the year 1955/56.

Judgments (Facilities for Enforcement) Ordinance.

Judgments (Facilities for Enforcement) (Dominion of New
Zealand) Order, 1957 A. 43.

Emergency (Provisional Resettlement Areas) Regulations, 1954.

Declaration under regulation 3 A. 44.

Emergency (Provisional Resettlement Areas) Regulations, 1954.

Declaration under regulation 3 A. 45.

**FACTORIES AND INDUSTRIAL UNDERTAKINGS
(RADIATION) SPECIAL REGULATIONS, 1957.**

MR. D. C. C. TRENCH moved the following resolution: —

Resolved that the Factories and Industrial Undertakings (Radiation) Special Regulations, 1957, made by the Commissioner of Labour on the 9th day of April, 1957, under subsections (2) and (5) of section 5 of the Factories and Industrial Undertakings Ordinance, 1955, be approved.

He said: These regulations are special regulations made under the powers conferred by the Factories & Industrial Undertakings Ordinance, 1955. As stated in the Explanatory Note, they are designed to ensure an adequate measure of protection to workpeople engaged on industrial processes involving the use of ionising radiations and radioactive substances; processes such as, for example, the luminising of watch and clock faces.

Although the dangers these regulations seek to forestall are quantitatively not great; in the sense that only a very small number of people are at present engaged in these dangerous processes; nevertheless the danger is a very real one—all the worse because they are not obvious ones and because the ill-effects of radiation poisoning may take years to develop. Workpeople are apt, I am afraid, to be impatient of measures designed for their protection when the dangers are, as in this case, not readily apparent; and it is for this reason that it has been thought desirable to lay down a definite code of procedure, by regulations, rather than to proceed merely by advice and admonition.

The protective measures required are in fact quite simple and inexpensive. Indeed, apart from a few items of equipment like overalls, glass screens and ventilated cabinets; and the use of detection devices such as film badges; the measures required are largely merely those of cleanliness and good housekeeping. I should, however, like to draw attention to Regulations 6(a) and (b) which limit the hours of exposure to radiation of a person engaged in one of these processes. The intention is that proprietors should train a suitable number of workmen over and above those immediately required and use them on the dangerous processes in rotation; employing them on other harmless tasks at other times; so that no one of them is exposed to an excessive dose of radiation.

These precautions should impose no undue burden on any employer and may mean the difference between life and severe illness or even death to his employees.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

HOUSING (AMENDMENT) BILL, 1957.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Housing Ordinance, 1954".

He said: Sir, when the Colonial Secretary laid the Second Interim Report of the Special Committee on Housing on the table of this Council, he indicated that the Government had accepted a recommendation for the appointment of a Commissioner for Housing, and that appointment has now been made. This Bill, Sir, implements another recommendation contained in that Report to the effect that the Commissioner for Housing should be an *ex-officio* member of the Housing Authority established under the principal Ordinance, and should become the principal executive officer of the Authority in place of the Chairman of the Urban 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 object of this Bill is to enable the Commissioner for Housing to sit as a member of the Housing Authority and to exercise such of the powers and functions of the Chairman as principal executive officer of the Authority as are delegated to him.

TELECOMMUNICATION (AMENDMENT) BILL, 1957.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Telecommunication Ordinance, Chapter 106".

He said: Sir, the Telecommunication (Amendment) Ordinance, 1955, contains a general provision whereby a body corporate which is guilty of an offence against the Ordinance is liable to a maximum fine of twice the amount of the fine prescribed for that

offence. When this Ordinance was examined in the Colonial Office, this provision was criticized on the footing that it seemed wrong in principle that for the same offence the penalty should be higher for one class of offender than for another, merely on the supposition that the first may be richer than the second. In reply to this criticism, it was pointed out that the purpose of the provision was to cover the case where an offence attracted both a monetary penalty and the penalty of imprisonment, the latter of which of course cannot be inflicted on a body corporate. After discussion with the Legal Adviser at the Colonial Office I agreed to put forward an amendment which would limit the higher monetary penalty to offences punishable with both fine and imprisonment, and that is the effect of this Bill.

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: —

Section 38(2) of the Telecommunication Ordinance, Chapter 106, provides that where a body corporate is convicted of an offence it shall be liable to a maximum fine of twice the amount of the fine prescribed for the offence. It is considered that this provision should be in respect only of offences for which the offender is liable to imprisonment, a penalty which cannot be imposed upon a body corporate, and that, in respect of offences for which the offender is liable to a fine only, the fine should be the same for a body corporate as for a natural person. This Bill seeks to amend section 38(2) accordingly.

MASONIC BENEVOLENCE FUND INCORPORATION (AMENDMENT) BILL, 1957.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled “An Ordinance to amend the Masonic Benevolence Fund Incorporation Ordinance, Chapter 297.”

He said: Sir, this Bill and the next one on the Order of Business are designed to correct defective terminology which has been pointed out by the Secretary of State in amendment Ordinances which were passed in 1955.

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 wording of paragraph (a) of subsection (4) of section 2 of the Masonic Benevolence Fund Incorporation Ordinance, Chapter 297, so as to substitute the words "the Government of any part of the Commonwealth" for the titles "British Government, British Commonwealth Government or British Colonial Government" which are considered somewhat inaccurate and imprecise.

**ZETLAND HALL TRUSTEES INCORPORATION
(AMENDMENT) BILL, 1957.**

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to amend the Zetland Hall Trustees Incorporation Ordinance, Chapter 321."

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 wording of paragraph (a) of subsection (5) of section 2 of the Zetland Hall Trustees Incorporation Ordinance, Chapter 321, so as to substitute the words "the Government of any part of the Commonwealth" for the titles "British Government, British Commonwealth Government or British Colonial Government" which are considered somewhat inaccurate and imprecise.

MERCHANT SHIPPING (AMENDMENT) BILL, 1957.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the Merchant Shipping Ordinance, 1953".

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 to 3 were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Merchant Shipping (Amendment) Bill, 1957 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.

CROWN PROCEEDINGS BILL, 1957.

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the law relating to the civil liabilities and rights of the Crown and to civil proceedings by and against the Crown, to amend the law relating to the civil liabilities of persons other than the Crown in certain cases involving the affairs or property of the Crown and for purposes connected with the matters aforesaid."

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.

H. E. THE GOVERNOR: —I suggest, Gentlemen, we take this Bill in blocks of five clauses.

Clauses 1 - 6 were agreed to.

Clause 7.

THE ATTORNEY GENERAL: —Clause 7, Sir. I beg to move the amendment standing in my name.

Proposed Amendment.

7. In subclause (2), leave out the commas and words “, not being a telegram,”

Clause 7, as amended, was agreed to.

Clauses 8 to 34 and the First, Second and Third Schedules were agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Crown Proceedings Bill, 1957 had passed through Committee with one 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.

CUSTODIAN OF PROPERTY (TERMINATION OF FUNCTIONS) BILL, 1957.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to vest in the Crown certain unclaimed property held under the custody, supervision or control of the Custodian of Property."

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 to 6 and the Preamble were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Custodian of Property (Termination of Functions) Bill, 1957 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.

COMMONWEALTH PREFERENCE (MOTOR VEHICLES) BILL, 1957.

THE FINANCIAL SECRETARY moved the Second reading of a Bill intituled "An Ordinance to make amended provision for increased trade between the Colony and other parts of the Commonwealth".

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 to 10 were agreed to.

Council then resumed.

THE FINANCIAL SECRETARY reported that the Commonwealth Preference (Motor Vehicles) Bill, 1957 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.

MUNSANG COLLEGE INCORPORATION BILL, 1957.

MR. NGAN SHING-KWAN moved the First reading of a Bill intituled "An Ordinance to provide for the incorporation of the Council of the Munsang College, Hong Kong."

He said: Sir, this Bill is framed along the form of legislation of a similar nature, and contains the usual provision for bills incorporating boards of trustees of educational institutions. The Objects and Reasons are clearly set out in the Bill, and I do not think there is anything that I can usefully add to them.

DR. A. M. RODRIGUES 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 Munsang College was founded in 1926 by the late Dr. S. W. T'so, Mr. Mok Kon Sang and other public-spirited citizens of the Colony to provide Chinese youths with a modern liberal education and to encourage them to lead a Christian life.
2. The Council of the College now desires to be incorporated in order to ensure perpetual succession and to facilitate dealings with the property and funds of the college.
3. Clause 2 incorporates the Council of the Munsang College.
4. Clause 3 states the purpose of the corporate body.
5. Clause 4 limits the number of members of the Council, provides for the election of officers and term of office and defines the duties of the Council.
6. Clause 5 enumerates the first members of the Council.
7. Clause 6 provides for the appointment and removal of Principals of colleges and schools established and run by the corporation.

8. Clause 7 defines the powers of the corporation.
9. Clause 8 provides for the execution of deeds, documents and other instruments by the corporation.
10. Clause 9 vests in the corporation on the coming into operation of the Ordinance all properties and effects of the unincorporated Council and properties held by trustees on its behalf.
11. Clause 10 empowers the Council to make rules in respect of the matters therein mentioned.
12. Clause 11 provides for the registration with the Registrar of Companies of certain documents and provides for fees in respect thereof.
13. Clause 12 prohibits the payment of dividends and bonuses except by way of prize, reward or special grant to students.
14. Clause 13 contains the usual provision saving the rights of the Crown.
15. The Schedule contains the rules for the administration and management of the corporation and for matters ancillary thereto.

ADDRESS BY THE GOVERNOR.

H. E. THE GOVERNOR: —Honourable Members: during the past few weeks much tribute has been paid, and rightfully so, to Mr. Hawkins for his very great service to the Colony of Hong Kong. That tribute has been paid at public gatherings, at semi-public gatherings and at private gatherings and I imagine that every member of this Council has attended one or other of those functions. But as a Council, as the Legislative Council of Hong Kong, we have not yet paid our tribute to Mr. Hawkins. This is now the last occasion on which we can do so, because at the end of this week he leaves our shores.

Speaking for the Legislative Council of Hong Kong I say to you, Mr. Hawkins, that we are deeply appreciative of all you have done for our community. You are a very fine example of

the Service to which you belong and when you go away, you and Mrs. Hawkins will take with you the warmest and sincerest wishes of us all for many many years of happiness. (*Applause*).

MR. HAWKINS: —Sir, thank you very much indeed.

ADJOURNMENT.

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