

OFFICIAL REPORT OF PROCEEDINGS.**Meeting of 5th November, 1958.**

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 EDRIC MONTAGUE BASTYAN, K.B.E., C.B.

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 PATRICK CARDINALL MASON SEDGWICK

(Commissioner of Labour).

THE HONOURABLE ALLAN INGLIS

(Director of Public Works)

DR. THE HONOURABLE DAVID JAMES MASTERTON MACKENZIE, C.M.G., O.B.E.

(Director of Medical and Health Services).

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

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

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

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

THE HONOURABLE JOHN DOUGLAS CLAGUE, C.B.E., M.C., T.D.

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

MR. MAURICE DEREK SARGANT *(Deputy Clerk of Councils).***ABSENT:**

THE HONOURABLE COLIN GEORGE MERVYN MORRISON

(Director of Urban Services).

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

THE HONOURABLE KWOK CHAN, O.B.E.

MINUTES.

The Minutes of the meeting of the Council held on 22nd October, 1958, 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, 1958 : —	
No. 25—Annual Report by the Controller of Stores and Sand Monopoly for the year 1957/58.	
No. 26—Annual Report by the Director of Social Welfare for the year 1957/58.	
No. 27—Annual Report by the Quartering Authority for the year 1957/58.	
No. 28—Annual Report by the Registrar of Co-operative Societies and Director of Marketing for the year 1957/58.	
Pensions Ordinance.	
Pensionable Offices Order, 1958	A. 65.
Prisons Ordinance, 1954.	
Tai Lam Prison Order, 1958	A. 66.
Air Armament Practice Ordinance.	
Air Armament Practice (Schedule Amendment) Order, 1958	A. 68.
Defences (Firing Areas) Ordinance.	
Defences (Firing Areas) (Schedule Amendment) (No. 2) Order, 1958	A. 69.
Hong Kong Tourist Association Ordinance, 1957.	
Hong Kong Tourist Association Rules, 1958	A. 70.

QUESTIONS.

MR. C. E. M. TERRY, pursuant to notice, asked the following questions: —

- (a) Is it a fact that signs in contravention of Section 30A of the Medical Registration Ordinance (as amended by Ordinance No. 19 of 1958), which became law four months ago, continue to be openly displayed in the Colony, and in some cases have re-appeared after a temporary removal subsequent to the passing of that Ordinance?
- (b) Have any prosecutions so far been initiated for offences against that Section?
- (c) If the answer to (b) is in the negative, will Government say what steps have been taken or are contemplated to enforce the provisions of this Section, the declared object of which is the curbing of the activities of "charlatans and quacks who do such dreadful damage to the eyes of the unfortunate who seek their help, gulled by misleading advertisements".

DR. D. J. M. MACKENZIE replied as follows: —

Sir, the answer to question (a) is "yes".

The answer to question (b) is also "yes". In terms of section 30A of the Medical Registration Ordinance there have been six prosecutions and six convictions. The honourable Member can rest assured that the Police are following closely the activities of unregistered persons who are holding themselves out as being competent to treat eye diseases. A considerable quantity of evidence is now becoming available which will form the basis of further prosecutions either now in hand or in the process of preparation.

**SUPPLEMENTARY PROVISIONS FOR THE QUARTER
ENDED 30TH SEPTEMBER, 1958.**

THE FINANCIAL SECRETARY moved the following resolution: —

Resolved that the Supplementary Provisions for the quarter ended 30th September, 1958, as set out in Schedule No. 2 of 1958/59, be approved.

He said: Sir, the total of the supplementary provisions set forth in the schedule comes to just over \$5 millions and one or two items in the Schedule are perhaps of more than usual interest.

Reflected in the schedule is the progress at last being made in the Development Division of the Public Works Department, which has been some considerable time getting under way. Provision is made for a further twenty-two posts in this Division, mainly survey staff, and provision is also made for the purchase of two diamond drilling rigs and other basic equipment. The results of the formation of the new Division are to be seen in the provision of two additional sums of \$150,000 and \$800,000 for work on the third stage of the Kwun Tong reclamation; this work involves the removal of a hill into the sea in accordance with the local practice. Plans for the full Stage three are still being worked out, and it may well be that the total cost of this third stage will exceed \$30 millions.

Mention has been made in the past of proposals to turn Plover Cove and Hebe Haven into fresh water lakes; Messrs. Binnie, Deacon and Gourley, who have been our water consultants, have been engaged to conduct the preliminary investigations and a sum of \$200,000 is provided for the purpose. I can assure Members that this work is being pressed on with the utmost speed.

Also included in the schedule is provision of \$330,000 for reconstruction of the Peak Tram bridge over Kennedy Road. Any hope, however dim, of turning Kennedy Road into a two-way thoroughfare cannot be realized until this bridge is replaced by one sufficiently wide to carry two lanes of traffic, but the present bridge, with the number of pedestrians, especially schoolchildren, always to be found there, is an obstruction even for one-way traffic.

I have to add, Sir, that all these items have been approved by Financial Committee.

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

**FACTORIES AND INDUSTRIAL UNDERTAKINGS
(AMENDMENT) REGULATIONS, 1958.**

MR. P. C. M. SEDGWICK moved the following resolution: —

Resolved that the Factories and Industrial Undertakings (Amendment) Regulations, 1958, made by the Commissioner of Labour on the 28th day of October, 1958, under section 5 of the Factories and Industrial Undertakings Ordinance, 1955, be approved.

He said: Your Excellency, in rising to move the Resolution standing in my name, I feel that in view of the lengthy Explanatory Note attached to these Regulations I can confine my remarks to comments of a general nature.

In most countries nowadays there is machinery of some kind for ensuring that hours of work are reasonable in length and that there are regular opportunities for rest. For physiological reasons there is a special need for such protection to be given to women and young persons in industrial employment and this is almost invariably accorded by legislation of the kind for which honourable Members' approval is sought today. In Hong Kong the only restrictions designed to regulate the length of a working day in industry and to enforce a weekly day of rest have hitherto been under Regulation 6 of the Factories and Industrial Undertakings Regulations, 1955, which applies only to young persons between the ages of 14 and 16 and which lays down that they may not work more than 9 hours a day or for more than 5 hours at a stretch or for more than 6 days out of 7. There are restrictions under the existing Regulations 8 and 9 on the hours during which women and young persons of 16 and over may work but these are primarily intended not to restrict working hours as such but to prevent women and young children from being employed at night. As the present Regulation 8 stands, it is legal to employ a woman or young person of 16 or over in industry for 13 hours a day for 365 days of the year. In practice, of course no industrial employer does require women or young persons to work such long hours without any break and a comprehensive survey of all sections of Hong Kong industry carried out by the Labour Department last summer showed that the average hours worked by the 67,000

women employed in registered and recorded factories amounted to 9½ hours a day. An average period of an hour a day was given for rest or meal breaks and the average period of employment for women in Hong Kong industry was thus 10½ hours a day. Industries in which women customarily performed more than 10 hours of actual work a day were relatively few. These included the manufacture of garments and gloves in which the hours of work were 10½ and cotton weaving or spinning mills which operated on a single shift or double shift system in which the hours of work were either 11 or 11½ a day.

The survey disclosed considerable variation in the number of rest days given to women each month. A number of concerns closed down one day a week or gave their workers a day off each week in rotation. Others gave rest days every 10 or 14 days. A number shut down one day a month, while some operated continuously except for customary holidays. With some exceptions, the general pattern was, as might be expected, that the longer the normal working day, the more frequent the number of rest days given. It proved difficult, however, to obtain any satisfactory average figure for the number of rest days granted to women in industry each month, because many factories which either had no system of regular rest days or granted only one or two a month, were in the habit of granting casual leave freely to their women workers on application. Sample inquiries showed that women were in fact taking more days off than the number officially granted by most factories.

As honourable Members will be aware, considerable interest was aroused in the United Kingdom earlier this year concerning hours of work in the Colony's textile industry. The results of the survey which I have just quoted show that some of the more violent criticism was without foundation. But the Government is of the opinion, after consultation with Miss Ogilvie, Assistant Labour Adviser to the Secretary of State for the Colonies, who visited Hong Kong last July and made an extensive tour of local factories, that fresh legislation is urgently needed to ensure reasonable hours of work for women and young persons in industry. Work has already been proceeding for some time on the draft of an Employment Bill which will seek to clarify the law and to provide more effective safeguards in regard to terms of employment generally. Comprehensive legislation of this kind naturally takes time to prepare and Government has therefore decided that the

present regulations which relate to industrial employment only should be introduced as a first step in the implementation of its policy to raise minimum standards of employment generally. It will also serve to bring Hong Kong's factory legislation in this respect into closer conformity with that in other manufacturing countries in Asia, such as India, Pakistan and Japan. I have already had the benefit of the advice of the Labour Advisory Board and the employers' organizations in the industries principally affected by these new measures. I would like to take this opportunity of thanking these bodies for the assistance which they have given Government in examining the many problems which are bound to arise in any change of this type.

The main purpose of the present regulations for which honourable Members' approval is sought is to restrict the actual hours which women and young persons of 16 and over are allowed to work in industrial undertakings to a maximum of 10 a day and 60 a week and to provide that no proprietor of an industrial undertaking may employ any woman or young person on more than 6 days in any week. No stretch of continuous work may exceed 5 hours without an interval for a meal or rest of at least half an hour in the case of women and young persons of 16 or over or an hour in the case of young persons between 14 and 16. Night work by women and young persons is still prohibited. Within these limits employers are given considerable discretion in fixing actual working hours or breaks from work, which may be staggered if permission in writing is obtained. An employer is free to choose either to close his factory one day a week or to give women and young persons working for him their weekly day of rest in rotation. Overtime within the limit of 10 working hours a day or 60 hours a week may be worked without restriction, the employer merely posting up a notice in his factory on the day overtime is worked setting out the hours to be worked. Overtime bringing the hours of work up to 11 in a day or involving work between 8 p.m. and 9 p.m. can also be worked, provided that the total working hours in any week do not exceed 66 and that the Labour Department is notified. No special permission is required but overtime which has to be reported to the Labour Department must not take place in more than 25 weeks in the year and must not exceed 100 hours in aggregate during any year. There is provision for these limits to be relaxed in exceptional circumstances if the written permission of the Commissioner is obtained.

Honourable Members will note that transitional provisions to cover the case of concerns, more particularly those in the textile industry at present working two 12 hours shifts a day, allow the Commissioner to grant special permission for a period of 6 months for women and young persons of 16 and over to work a maximum of 11 hours a day and 66 hours a week provided at least two ½ hour intervals occur in the course of the day shift. In order to give employers time to familiarize themselves with the new regulations and for the Labour Department to make the necessary preparations for enforcement, it is proposed that the new regulations should come into force on 1st January, 1959

The Labour Department survey shows that most factory proprietors should experience little difficulty in complying with the new regulations as far as hours of work are concerned, since their normal hours do not exceed the new maximum of 10 a day. There are however two main groups where adjustment may present temporary difficulties. In the garment manufacturing and glove knitting trades the average hours worked in a single shift are 10½ and a reduction of half an hour will be necessary. Apart from these trades, the only major adjustments required will be in cotton weaving mills working either a long single shift or two 11½ hour shifts, where less than 15% of the Hong Kong's women industrial workers are employed. To continue to operate 24 hours a day it will be necessary for the managements to switch from two shifts to three. Experience elsewhere has shown that shorter shifts increase productivity and the adoption of the three shift system which is already in operation in half our cotton spinning mills and in some of the larger weaving establishments should react to the long term advantage of Hong Kong industry. A change of this kind will naturally create problems during the transition period but given goodwill and commonsense on the part of both workers and employers, I am confident that these problems can be overcome. To this end the Labour Department through the Labour Inspectorate which is being specially augmented for this purpose will give whatever advice and assistance it can.

A regular weekly day of rest for women and young persons will involve a certain amount of re-organization of the work force in many factories but once the system is introduced, it should prove beneficial and requests for casual leave to deal with personal affairs should decrease.

The new regulations will not bring hours of work for women and young persons in Hong Kong completely into line with internationally accepted standards and, as I have already suggested, positive advances will have to be made in due course. The sudden introduction, however, of the widely prevalent 9 hour day and 48 hour week would create serious dislocation to large sections of Hong Kong industry. The regulations now before honourable Members nevertheless represent a considerable step forward (even if it is only the first step) in Hong Kong's labour legislation and one which will not only safeguard the health and working conditions of a large section of our industrial population but which is also in the long term interests of the industries which now play so important a part in Hong Kong's economy.

Owing to a clerical error three words were inadvertently omitted from the text of Regulation 10D of the regulations which I made on 28th October, 1958. The error has been corrected in the text of the regulations now before honourable Members. The Regulation originally made referred to "a register of all young persons". The amended text is "a register of such women or young persons".

THE COLONIAL SECRETARY seconded.

The question was put and agreed to.

DEFENCE REGULATIONS (CONTINUATION) BILL, 1958.

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance to make provision for the continuation in force of certain enactments made pursuant to powers conferred by the Emergency Powers (Defence) Acts, 1939 to 1945, and for purposes connected therewith".

He said: Sir, the enactments to which this Bill relates are at present continued in force by an Order of the Governor made under the Supplies and Services (Transitional Powers) Act of the United Kingdom, which Act is a temporary measure renewable yearly by Her Majesty upon an Address of each House of Parliament. It is obviously better that the life of these emergency enactments should be under local control and that is the purpose of this Bill. The enactments are continued in force, unless sooner revoked, until the 31st day of December, 1959, and thereafter for

such further periods not exceeding one year at any one time as may be approved by this Council. By clause 3 the Governor in Council is enabled to revoke any of the scheduled enactments at any 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: —

At present certain Defence Regulations and the Defence (Finance) Regulations remain in force by virtue of the Defence Regulations (Continuation and Modification) (No. 1) Order, 1948. This Order was enacted by virtue of the powers in that behalf conferred upon the Governor by subsections (1) and (2) of section 1 and by section 3 of the Supplies and Services (Transitional Powers) Act, 1945, as extended and applied to the Colonies by the Supplies and Services (Transitional Powers) (Colonies etc.) Order in Council, 1946. It is considered necessary to continue certain Defence Regulations and the Defence (Finance) Regulations in force independently of the Supplies and Services (Transitional Powers) Act, 1945. The object therefore of this Bill is to enable certain of these regulations and enactments made under them to continue in force until 31st December, 1959, and thereafter for such further periods not exceeding one year at any one time, as may be authorized by resolution of the Legislative Council. The regulations and other enactments which are to be continued in force by virtue of this Bill are set forth in the Schedule.

ADJOURNMENT.

H. E. THE GOVERNOR: —Gentlemen, that concludes the business for today. When is it your pleasure that we should meet again?

ATTORNEY GENERAL: —May I suggest this day two weeks?

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