

OFFICIAL REPORT OF PROCEEDINGS**Meeting of 15th November 1961**

PRESENT:HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)

SIR ROBERT BROWN BLACK, KCMG, OBE

HIS EXCELLENCY LIEUTENANT-GENERAL SIR RODERICK WILLIAM McLEOD, KCB,
CBE

COMMANDER BRITISH FORCES

THE HONOURABLE CLAUDE BRAMALL BURGESS, CMG, OBE

COLONIAL SECRETARY

THE HONOURABLE ARTHUR RIDEHALGH, QC

ATTORNEY GENERAL

THE HONOURABLE PATRICK CARDINALL MASON SEDGWICK

ACTING SECRETARY FOR CHINESE AFFAIRS

THE HONOURABLE JOHN JAMES COWPERTHWAITTE, OBE

FINANCIAL SECRETARY

THE HONOURABLE ALLAN INGLIS

DIRECTOR OF PUBLIC WORKS

DR THE HONOURABLE DAVID JAMES MASTERTON MacKENZIE, CMG, OBE

DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE KENNETH STRATHMORE KINGHORN

DIRECTOR OF URBAN SERVICES

THE HONOURABLE PETER DONOHUE

DIRECTOR OF EDUCATION

THE HONOURABLE KWOK CHAN, OBE

THE HONOURABLE HUGH DAVID MacEWEN BARTON, MBE

THE HONOURABLE DHUN JEANGIR RUTTONJEE, OBE

THE HONOURABLE FUNG PING-FAN, OBE

THE HONOURABLE RICHARD CHARLES LEE, OBE

THE HONOURABLE KWAN CHO-YIU, OBE

THE HONOURABLE KAN YUET-KEUNG, OBE

THE HONOURABLE WILLIAM CHARLES GODDARD KNOWLES

MR ANDREW McDONALD CHAPMAN (*Deputy Clerk of Councils*)

MINUTES

The minutes of the meeting of the Council held on 1st November 1961 were confirmed.

PAPERS

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

<i>Subject</i>	<i>GN No</i>
Sessional Papers, 1961: —	
No. 27—Annual Report by the Administrator of Japanese Property for the year 1960-61.	
No. 28—Annual Report by the Commissioner of Inland Revenue for the year 1960-61.	
No. 29—Annual Report by the Director of Broadcasting for the year 1960-61.	
No. 30—Annual Report by the Postmaster General for the year 1960-61.	
No. 31—Annual Report by the Registrar of Trade Unions for the year 1960-61.	
Merchant Shipping Ordinance, 1953.	
Merchant Shipping (Life Saving Appliances) (Amendment) Regulations, 1961	A 128
Registration of Persons Ordinance, 1960.	
Registration of Persons (Re-registration) (No. 17) Order, 1961.	A 131

QUESTIONS

MR DHUN J. RUTTONJEE, pursuant to notice, asked the following question: —

In view of the diversity of expert medical opinion regarding treatment methods for pulmonary tuberculosis in Hong Kong and the fact that these diverse opinions appear to be hindering progress and co-ordination in the development and management of an overall policy, would Government consider inviting an acknowledged expert or experts to visit the Colony to advise on a definite medical policy in this matter?

If the answer is in the affirmative will Government bear in mind that a large proportion of the anti-tuberculosis work in Hong Kong is performed by non-governmental institutions so that when these medical experts scrutinize the

matter, both the University and these non-governmental anti-tuberculosis institutions will be invited to participate in the discussions?

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

Your Excellency, in June 1960, at the request of the Senior Tuberculosis Specialist an application for funds from the Colonial Development and Welfare Central Research Fund was prepared for the purpose of a "fresh and impartial assessment" of the tuberculosis problem in Hong Kong. This application was forwarded to the Secretary of State in August, 1960. While I was in London last year I had the opportunity of discussing this application with the Secretary of State's Medical Advisers and with the Secretary of the Medical Research Council.

It was proposed then that the Secretary of State's Consultant in Tuberculosis, Professor HEAF, should be invited to revisit Hong Kong early this year to advise on the scope of the investigation requested. Honourable Members will recall that Professor HEAF visited Hong Kong in 1952 when he submitted a report to Government on the extent of the tuberculosis problem and made recommendations regarding the policy to be adopted to deal with it.

During our discussions with the Secretary of the Medical Research Council, it was agreed that Dr Wallace Fox who was in charge of the Tuberculosis Research Project in Madras at that time should also pay a preliminary visit to Hong Kong to acquaint himself with the systems of ambulatory chemotherapy and the BCG vaccination which have been in use here since 1952 and to advise the Medical Research Council on the most profitable lines of assessment by a Medical Research Council team of the data accumulated over the past 9 years.

Unfortunately unforeseen commitments prevented both Professor HEAF and Dr Fox coming to Hong Kong in the spring of this year but information was received last week that Professor HEAF hopes to visit Hong Kong in January next and that Dr Fox will also arrive during the three weeks Professor HEAF will be here.

My Honourable Friend is given the assurance he seeks that there will be full discussions both with the University and with non-governmental institutions engaged in tuberculosis work.

I should like to make it quite clear that there is a definite medical policy which is being followed by Government. What is proposed now is an impartial review of this policy in the light of the information accumulated over the past nine years and the precise knowledge of the population structure revealed by the census taken earlier this year. If there is revealed any fundamental diversity of expert opinion which hinders a co-ordinated plan for the future, then undoubtedly this impartial assessment will bring it to light and indicate the correct lines of action necessary to achieve the aim common to all concerned with the problem of tuberculosis in Hong Kong.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL, 1961

THE ATTORNEY GENERAL moved the First reading of a Bill intituled "An Ordinance further to amend the Factories and Industrial Undertakings Ordinance, 1955."

He said: Sir, the purposes of this short amending Bill are very fully explained in the statement of Objects and Reasons. The amendments seek to repair deficiencies in the principal Ordinance.

In clause 2 of this Bill, the proposed new definition of "employment", in so far as women, young persons, and children are concerned, follows that of the United Kingdom Factories Act of 1937. This change, together with that set out in clause 5, should give better protection to these classes of workers in respect of improper employment.

Clause 3 of the Bill seeks to incorporate into our law obligations entered into on behalf of Hong Kong under international labour convention No. 81, the Labour Inspection Convention of 1947. Sir, the International Labour Organization's committee of experts drew attention in recent years to the absence of legislation requiring labour inspectors to treat the source of any complaint or information as absolutely confidential. The proposed new section 4A remedies the position.

Clause 3 also proposes the new section 4B which it is hoped will give some protection to workers who have helped official inquiries in connexion with contraventions of the Ordinance or who have given evidence in Court.

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 the Factories and Industrial Undertakings Ordinance, 1955 (the principal Ordinance) in four respects.

- (a) From time to time, difficulty has been experienced, in prosecutions for a contravention of those provisions of the regulations made under the principal Ordinance that control the employment of women, young persons or children in industrial undertakings, in establishing that the woman, young person or child in question was "employed". This difficulty has been overcome in the United Kingdom by the provisions of section 152(4) of the Factories Act, 1937, which provide, in effect, that a woman, young person or child who works in a factory, whether for wages or not, in a process carried on therein or in any process incidental thereto or connected therewith or in attending to any machinery therein shall be deemed to be employed therein for the purposes of the Act or any proceedings thereunder. It is considered that similar provisions should be inserted in the principal Ordinance, and clause 2 of this Bill seeks to add to section 2 of the Ordinance a new subsection which provides accordingly.
- (b) The provisions of the new section 4A, to be added to the principal Ordinance by clause 3, are designed to give effect to certain of the requirements of Article 15 of International Labour Convention No. 81 (Labour Inspection Convention, 1947). Subsections (1) and (2), respectively, prohibit public officers from disclosing the name or identity of a person who has made certain complaints and from disclosing to the proprietor of an industrial undertaking or any employer carrying on business in an industrial undertaking that a visit to the undertaking was made in consequence of any such complaint. Subsection (3) prohibits a public officer from disclosing any commercial secret or working process that may have come to his knowledge in the course of the enforcement of the principal Ordinance or the regulations made thereunder. The provisions of subsections (1) and (3) are subject to the provisions of subsection (4), which empower a court or magistrate to order, in the interests of justice, the disclosure of the name or identity of the complainant or the disclosure of the secret or process.
- (c) The provisions of the new section 4B, also to be added to the principal Ordinance by clause 3, are designed to afford to employees who give evidence or agree to give evidence in proceedings under the principal Ordinance or who assist public

officers in inquiries made for the purpose of the enforcement of that Ordinance a measure of protection against termination of their employment or discrimination by reason thereof.

- (d) Clause 5 seeks to amend section 13 of the principal Ordinance by the insertion therein of a further presumption. The effect of the new presumption will be that, where the defendant in proceedings in respect of a contravention of those provisions of the regulations made under the principal Ordinance that control the employment of women, young persons or children is the proprietor of the industrial undertaking in which, or in respect of which, the offence was committed, the women, young persons or children to whom the proceedings relate shall, until the contrary is proved, be presumed to have been employed by such proprietor. In the vast majority of cases, persons working in an industrial undertaking are employed therein by the proprietor of the undertaking.

HOTEL PROPRIETORS BILL, 1960

THE ATTORNEY GENERAL moved the Second reading of a Bill intituled "An Ordinance to amend the law relating to inns and innkeepers."

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.

Clause 1.

THE ATTORNEY GENERAL: —I beg to move the deletion of this clause and the substitution of that shown on the table of amendments which is in the hands of Honourable Members.

Proposed Amendment

Clause

- 1 Leave out the clause and substitute the following—

"Short title and comment. **1.** This Ordinance may be cited as the Hotel Proprietors Ordinance, 1961, and shall come into operation on the 1st day of February, 1962. "

Clause 1 as amended, was agreed to.

Clauses 2 and 3 were agreed to.

Clause 4.

THE ATTORNEY GENERAL: —I beg to move the three amendments to this clause which are shown on the table of amendments which is in the hands of Honourable Members.

Proposed Amendment

- 4 (1) In sub-clause (2), leave out the comma and words ", or any horse or other live animal or its harness or other equipment".
- (2) In paragraph (b) of sub-clause (3), after the words "by the depositor" add the following—
 "and when property is deposited in accordance with the provisions of this paragraph, the liability of the proprietor as an innkeeper to any one guest in respect of the loss of or damage to property so deposited shall not exceed the value thereof as declared by or on behalf of the guest at the time of deposit".
- (3) In paragraph (c) of sub-clause (3), leave out the words "wished so to offer the property in question but, through the default of the proprietor or a servant of his, was unable to do so:" and substitute the following—
 "endeavoured to offer the property in question but, through the default of the proprietor or a servant of his, was unable to do so: Provided that the provisions of this paragraph shall not apply where the value of the property as declared by or on behalf of the guest when offered for deposit exceeds the sum of ten thousand dollars:".

Clause 4 as amended, was agreed to.

Clauses 5 and 6 were agreed to.

Schedule.

THE ATTORNEY GENERAL: —I beg to move the deletion of the Schedule from the Bill and to substitute for it the Schedule contained in the table of amendments.

Proposed Amendment

Schedule Leave out the Schedule and substitute the following—

"SCHEDULE.

[s. 4.]

NOTICE.

Loss of or Damage to Guests' Property.

The liability under the Hotel Proprietors Ordinance, 1961 of an hotel proprietor to make good loss or damage to a guest's property—

- (a) extends only to the property of guests who have engaged sleeping accommodation at the hotel;

- (b) is limited to DOLLARS ONE THOUSAND (\$1,000.00) for any one article and a total of DOLLARS TWO THOUSAND (\$2,000.00) in the case of any one guest, except—
- (i) in the case of property which has been deposited for safe custody in which case such liability is limited to the declared value of the property; or
 - (ii) in the case of property, the declared value of which does not exceed DOLLARS TEN THOUSAND (\$10,000.00), which has been offered for deposit;
- (c) does not cover motor-cars or other vehicles of any kind or any property left in them.

This notice does not constitute an admission either that the Ordinance applies to this hotel or that liability thereunder attaches to the proprietor of this hotel in any particular case.

關於旅客財物之遺失或損壞事

根據一九六一年酒店東主條例所載，酒店東主對賠償旅客財物遺失或損壞之責任規定如下—

- (甲) 祇限於在該酒店內住宿旅客之財物;
- (乙) 對每一物件之賠償額最高以一千元為限; 而對任何一位旅客之賠償總額則最高以貳千元為限, 惟下開情形則不在此限—
 - (一) 對於業經存放作安全保管之財物, 則此項責任, 祇以存放該財物時所報稱之價值為限; 或
 - (二) 對於經已提請存放之財物而所報稱價值係不超過一萬元者;
- (丙) 並不包括汽車或任何種類之其他車輛或遺留在其內之任何財物。

本佈告並非謂在某種情形之下, 上述條例之規定及責任盡皆適用於本酒店或酒店之東主.”

The Schedule as amended, was agreed to.

Council then resumed.

THE ATTORNEY GENERAL reported that the Hotel Proprietors Bill, 1960, had passed through committee with certain amendments 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.

ADJOURNMENT

HE 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?

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