OFFICIAL REPORT OF PROCEEDINGS

Sitting of 22nd January 1969

MR PRESIDENT in the Chair

PRESENT

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)
SIR DAVID (CLIVE CROSBIE) TRENCH, GCMG, MC
THE HONOURABLE THE COLONIAL SECRETARY
SIR MICHAEL (DAVID IRVING) GASS, KCMG
THE HONOURABLE THE ATTORNEY GENERAL
MR DENYS TUDOR EMIL ROBERTS, OBE, QC
THE HONOURABLE THE SECRETARY FOR CHINESE AFFAIRS
MR DAVID RONALD HOLMES, CBE, MC, ED
THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN (JAMES) COWPERTHWAITE, KBE, CMG
DR THE HONOURABLE TENG PIN-HUI, CMG, OBE
DIRECTOR OF MEDICAL AND HEALTH SERVICES
THE HONOURABLE ALEC MICHAEL JOHN WRIGHT, CMG
DIRECTOR OF PUBLIC WORKS
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, CBE
DISTRICT COMMISSIONER, NEW TERRITORIES
THE HONOURABLE DAVID RICHARD WATSON ALEXANDER, MBE
DIRECTOR OF URBAN SERVICES
THE HONOURABLE GEORGE TIPPETT ROWE
DIRECTOR OF SOCIAL WELFARE
THE HONOURABLE KAN YUET-KEUNG, CBE
THE HONOURABLE FUNG HON-CHU, OBE
THE HONOURABLE TSE YU-CHUEN, OBE
THE HONOURABLE KENNETH ALBERT WATSON, ORE
THE HONOURABLE WOO PAK-CHUEN, OBE
THE HONOURABLE SZETO WAI, OBE
THE HONOURABLE WILFRED WONG SIEN-BING, OBE
THE HONOURABLE ELLEN LI SHU-PUI, OBE
THE HONOURABLE WILSON WANG TZE-SAM
DR THE HONOURABLE CHUNG SZE-YUEN, OBE
THE HONOURABLE MICHAEL ALEXANDER ROBERT HERRIES, OBE, MC
THE HONOURABLE LEE QUO-WEI
THE HONOURABLE OSWALD VICTOR CHEUNG, QC

IN ATTENDANCE

THE DEPUTY CLERK OF COUNCILS
MR DONALD BARTON

PAPERS

THE COLONIAL SECRETARY: —By Command of Your Excellency, I lay upon the table a paper listed under my name in the Order Paper.

Subject

Sessional Paper 1969: —

No 2—Annual Report by the Commissioner of Police for the year 1967-68.

THE ATTORNEY GENERAL: —Sir, I lay upon the table nine items of subsidiary legislation which have been published in the *Government Gazette* since the last sitting of this Council.

Subject	*LN No*
Subsidiary Legislation—	
Merchant Shipping Ordinance.	
Merchant Shipping (Typhoon Shelters) Regulations 1969	1
Merchant Shipping Ordinance.	
Merchant Shipping (Control of Ports) (Amendment) Regulations 1969	2
Drug Addiction Treatment Centres Ordinance 1968.	
Drug Addiction Treatment Centres Ordinance 1968 (Commencement) Notice 1969	3
Drug Addiction Treatment Centres Ordinance 1968.	
Drug Addiction Treatment Centres Regulations 1969	4
Drug Addiction Treatment Centres Ordinance 1968.	
Tai Lam Addiction Treatment Centre Order 1969	5
Dangerous Drugs Ordinance 1968.	
Dangerous Drugs Ordinance 1968 (Commencement) Notice 1969	6
Auxiliary Forces Pay and Allowances Ordinance.	
Auxiliary Forces Pay and Allowances (Amendment) Regulations 1969	7
Visiting Forces Act 1952.	
Visiting Forces Act 1952 (Arrest of Members of United States Forces) Order 1969	8
Emergency (Principal) Regulations.	
Emergency (Principal) Regulations (Discontinuance) Order 1969	9

QUESTIONS

Anti-corruption

1. MR FUNG HON-CHU asked the following question: —

> Arising from the visit to Singapore some months ago by a Government representative presumably to study the methods used there to combat corruption, will Government tell us whether it plans to adopt their methods, bearing in mind the considerable success Singapore has had in controlling this evil?

THE ATTORNEY GENERAL: —Sir, government officers visited both Singapore and Ceylon last year to study methods used in these two countries to combat corruption. A Government Working Party was established to consider reports submitted by these officers. This Working Party has, in consultation with me, produced a draft bill which embodies very stringent provisions designed to make it easier to investigate allegations of bribery and to secure convictions for it. This bill has, as a first step, been submitted to the Advisory Committee on Corruption, which has been asked to express its opinion on the proposals contained in it.

MR FUNG: —Sir, may I ask a supplementary question? Apart from what is reported and Government is doing, is Government considering the setting up of an independent anti-corruption department divorced from the Police.

THE ATTORNEY GENERAL: —Sir, this is one of the decisions which will have to be taken before the bill is brought into force.

MR FUNG: —Thank you, Sir.

Director of Protocol vacancy

2. MR Y. K. KAN asked the following question: —

> The recent advertisement by Government for the post of Director of Protocol lays down the following qualifications: —
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> "Candidate should
>
> (i) preferably be over 40 years and under 57 years of age;
>
> (ii) have a good general education, with preferably a British or Hong Kong University degree, or equivalent;

[MR KAN] **Questions**

(iii) have previous experience in a position of authority, together with proven organizational ability, and

(iv) be able to speak fluent English and preferably have a good knowledge of other languages, including French.

It is also stated that previous experience in the armed forces may be an advantage.

(1) Why is French singled out as a preferable foreign language?

(2) Why is knowledge of Chinese not a specific requirement or preference?

(3) Why is previous experience in the armed forces an advantage?

THE COLONIAL SECRETARY: —Sir, the answer to the first part of the question is that French is still the language of diplomacy. The Director of Protocol is responsible for liaison with the Consular Corps and for meeting and assisting important visitors from overseas. When these are not fluent in English, French is the most likely alternative.

The answer to the second part of the question is that a knowledge of Chinese is of no special advantage in the efficient performance of the duties of this particular post. The Director of Protocol has few, if any, dealings with those who speak only Chinese.

The answer to the third part of the question is that almost all ceremonial functions involve the participation of the Armed Services and are based on military ceremonial.

MR KAN: —Sir, the qualifications laid down give me the impression that they are thought up with someone in mind. Would that impression be a correct one?

THE COLONIAL SECRETARY: —Sir, that is not the case.

MR KAN: —Sir, is there in fact someone in mind for the job, such as a retired expatriate civil servant?

THE COLONIAL SECRETARY: —Sir, there in no one in mind. That is why we are advertising.

MR KAN: —Thank you.

Recreational facilities for schools

3. MR Y. K. KAN asked the following question: —

> Is it true that all recreational leases granted to clubs contain a condition requiring the clubs, in consultation with the Director of Education, to give reasonable facilities to schools to use the grounds; if so, in view of the lack of recreational facilities in many schools in the Colony, what efforts have been made by the Director of Education to enable and encourage the schools to make use of the grounds?

MR W. D. GREGG: —Sir, all but five of the present recreational leases contain provisions on the lines mentioned by my honourable Friend. It is also relevant to note that the Advisory Committee on Recreational Leases, whose Report is still under consideration, also recommends that grantees should make the property available for use by other parties for suitable recreational activities, namely, Schools, Youth Clubs and other approved Welfare Organizations provided such use does not interfere with proper care and maintenance of the ground or the grantee's own use. If the Committee's recommendations are adopted, all new recreational leases will contain similar provisions.

Club grounds, whose use is in any case restricted by consideration of care and maintenance, can only make very limited contribution to the overall problem of providing playgrounds for school use. However by arrangement the facilities of 9 clubs on recreational leases, including the South China Athletic Association, the Hong Kong Football Club and the Hong Kong Cricket Club, are used by school children for cricket, hockey, tennis, football, badminton, softball, athletic fixtures and physical education classes. This usage cannot, however, be intensive. For this reason, my Department's main preoccupation in this line centres around the allocation of some 64 public playgrounds and grass pitches comprising a wide range of facilities.

However, the Merchant Navy Club ground, which is held on an annual tenancy, has been made available to my Department for allocation to schools on a daily basis from 9.00 a.m. to midday for Physical Education. This arrangement has the advantage of imposing minimal wear and tear on the pitches. My Department is exploring the possibilities of securing wider facilities of this nature on other Club grounds held under recreational leases.

MR KAN: —Would my honourable Friend be prepared to supply Members of this Council with statistics of the use of these grounds. I am only referring to private club grounds with the terms which I have mentioned. Would he be prepared to let us have statistics of the use of these grounds say, within the last 12 months?

Questions

MR GREGG: —I will certainly provide honourable Members of this Council, Sir, with such information as I can. In general the arrangements are for individual schools to contact the clubs concerned and in general their approaches are met with a good deal of co-operation and goodwill. I will obviously have to go to individual clubs to find out whether they have a record of these arrangements. The only times when my own department seeks the co-operation of private clubs is generally when we are arranging joint meetings involving a number of schools, inter-school competitions and the like. I am sure that such information will be readily available but the kind of answer I can give will depend, I think, on the kind of records which clubs have kept. As I have said, of the private clubs involved I think I am right in saying that there are 14 which my professional officers consider are suitable and of these, 9 are actually being used, sometimes on a regular daily basis but on other occasions for special kinds of events on an average of once per month by schools and these organizations.

Material and equipment for public utilities

4. DR S. Y. CHUNG asked the following question: —

> Will Government inform this Council the nature and content of any qualifying country of origin requirements for the purchase of material and equipment stipulated in the franchise granted to any of the public utility companies?

THE FINANCIAL SECRETARY: —Sir, the only public utility franchises, in the strict sense of the term, which contain any stipulation as to the origin of materials and equipment are those of the two public transport companies. Their franchises are regulated by Chapters 317 and 318 of the Laws.[*] The relevant provisions are identical, requiring that every vehicle used shall be of British or British Commonwealth manufacture, referring disputes as to compliance to the Governor in Council and empowering the Governor in Council, on application by the company, to permit the use of vehicles of other origin upon such terms as he shall see fit.

There are also two quasi-public utility licences which contain a stipulation, those of Rediffusion and Commercial Radio. These require the purchase of equipment in Britain or in the Commonwealth in so far as that is consistent with efficiency.

MR HERRIES: —Sir, does not my honourable Friend mean two public bus companies?

[*] 1960 Hansard, pages 12-19 and pages 31-6.

THE FINANCIAL SECRETARY: —Sir, I do. Both the two laws that I have referred to both refer to the Kowloon and Hong Kong Public Transport Ordinances.

DR CHUNG: —May I ask a supplementary question, Sir? Will my honourable Friend the Financial Secretary explain to this Council the purposes for including such qualifying terms in the franchise to these public utility companies?

THE FINANCIAL SECRETARY: —I am afraid that I must confess that I have not done enough research to answer this question with certainty but I think it is perhaps significant that in the case of the two bus companies, the term appears first in their earliest franchise dated 1933 which was one year after the introduction of the Commonwealth Preference System and these clauses may well be a facet of that system.* For while we have, through the years and even now, obtained very great benefits from the system because of our duty free port, we have been unable to reciprocate to any great extent.

Gross national product index

5. MR WILFRED WONG asked the following question: —

> Has Government sufficient statistics available to have an index of Hong Kong's gross national product?

THE FINANCIAL SECRETARY: —Sir, if I am correct in assuming that by the word “available” my honourable Friend means easily extracted and compiled, the answer is "no".

In September 1962, Government provided the funds for a two year research fellowship at Hong Kong University, the object of which was “to make a general examination of the problems of measurement and assessment of National Income in the Colony, with reference to the particular difficulties and special circumstances, and an valuation of the possibility of presenting statistics”. The appointed Follow has not yet presented his final report although, of course, his fellowship lapsed some years ago. This, perhaps, is an indication of the intractability of the subject.

MR WONG: —A supplementary question, Sir. Will Government consider the eventual compilation of necessary statistics for making up an index of Hong Kong's gross national product?

THE FINANCIAL SECRETARY: —That will depend, I am afraid, on the report which is submitted by the Fellow I have spoken of and will

* 1932 Hansard, pages 208-9 and 217.

depend, I think, on the relationship between the value of such statistics and the time and effort both by Government and the public which will be required to produce them.

MR WONG: —Thank you, Sir.

STATEMENT

Merchant Shipping (Typhoon Shelters) Regulations 1969

Drug Addiction Treatment Centres Regulations 1969

THE ATTORNEY GENERAL: —Sir, among the items of subsidiary legislation laid on the table today* are two on which I should like to offer comment.

The Merchant Shipping (Typhoon Shelters) Regulations, 1969, are intended to enable the Director of Marine to exercise a tighter control cover typhoon shelters. In recent years, an increasing number of unauthorized craft have been moored within these shelters on a semi-permanent basis, thus occupying space which is, in typhoon conditions, required as a shelter for other vessels.

Under the regulations, prescribed vessels, which term includes ferries, launches, junks, lighters and other small boats, are allowed to enter and remain in a typhoon shelter. However, the Director of Marine is empowered to prohibit any class of prescribed vessel from using a shelter, or to exclude any particular prescribed vessel if he considers it to be of a design or size which might cause damage.

Craft other than these prescribed vessels can only enter the shelter in accordance with a permit issued by the Director of Marine.

These regulations impose a speed limit of three knots in shelters and give the Director power to order where a vessel shall moor inside them.

The Director is given authority to take possession of, and remove from, the shelter any vessel which enters when it has no right to do so, or which disobeys his direction as to mooring. The Director is obliged to give two weeks notice in writing before he exercises this power, except where a strong wind or local storm signal has been hoisted.

The Drug Addiction Treatment Centres Regulations, 1969, deal with the administration of centres established under the Drug Addiction

* Page 24.

Treatment Centres Ordinance. Honourable Members will recall that this Ordinance empowered the courts to order a person found guilty of an offence to be detained in a drug addiction treatment centre*.

The regulations provide that the Commissioner of Prisons shall exercise general charge and supervision over all centres and shall appoint officers of his department as Superintendent and staff of a centre.

A Board of Review is to be established for each centre, consisting of the Deputy Commissioner of Prisons, the Superintendent of the centre and not less than three other prisons or public officers, one of whom would normally be a doctor.

This Board will meet at least once a month to review the progress of inmates and to make recommendations about their release or transfer to prison. The Board must interview an inmate not more than five months after the making of his detention order and must thereafter consider his case at least once a month.

The Superintendent may, if in his opinion an inmate is exercising a bad influence in the centre, bring him before the Board which will hear what the inmate has got to say, give him a chance to call evidence, and then decide whether or not to recommend to the Commissioner of Prisons that an application should be made to a magistrate for an order transferring the inmate to prison.

The Commissioner is under the regulations empowered to grant leave of up to 72 hours to an inmate. Other regulations deal with diet, religious and educational needs and disciplinary offences.

MINING (AMENDMENT) BILL 1969

Resumption of debate on second reading (8th January 1969)

Question again proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43.

* 1968 Hansard, pages 489-3, 521-4 and 555-6.

FACTORIES AND INDUSTRIAL UNDERTAKINGS (AMENDMENT) BILL 1969

Resumption of debate on second reading (8th January 1969)

Question again proposed.

DR S. Y. CHUNG: —Your Excellency, hitherto managements of new industrial undertakings have been in a dilemma because of unrealistic sections in the Factories and Industrial Undertakings Ordinance. For example, section 10 subsection (1)(*a*) of the Ordinance reads: —

> "The proprietor of any registrable workplace, in respect of which a certificate of registration or provisional registration is required to be obtained under section 9, shall—
>
> (*a*) if no such certificate is in force in relation to the registrable workplace, ... be guilty of an offence and shall be liable to a fine of five thousand dollars."

So, even if the management of a new registrable industrial undertaking has applied to the Commissioner of Labour for a certificate of registration or provisional registration of the registrable workplace long before it commences operation, it is never, and I repeat never, possible to obtain the required certificate of registration before the factory starts operation. This is not the fault of my honourable Friend, the Commissioner of Labour, because neither he nor any of his officers can decide on the safety and other conditions of the registrable workplace unless that workplace is practically in full operation. Very often, there is a time lapse of longer than one year between the date of application for a certificate of registration and the time the certificate is actually issued.

Under the present Factories and Industrial Undertakings Ordinance there is no protection for the management of a registrable workplace which is not in possession of a certificate because his application is still under consideration. Strictly speaking, such a factory is illegal and can be prosecuted and fined five thousand dollars. Worse still, the factory can be ordered to cease its operation until it is in possession of a certificate of registration or provisional registration.

I know, therefore, that industry will greatly welcome the proposal put forward by my honourable Friend, the Commissioner of Labour.[*] to rectify the anomaly in section 10 of the present Factories and Industrial Undertakings Ordinance by introducing a new subsection (1A) to protect the management of a registrable workplace against the possibility of prosecution for not being in possession of a certificate of registration or provisional registration in the event that its application is under consideration by the Commissioner of Labour.

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[*] Page 17.

At the request of their members the Federation of Hong Kong Industries and the Chinese Manufacturers Association have given careful consideration to the need for registered workplaces to apply to the Commissioner of Labour within prescribed periods ranging from one to two years for renewal of their certificates of registration. Having regard to the wide powers of inspection and investigation conferred on the Commissioner of Labour and his officers under section 4 and also the power of the Commissioner of Labour to cancel the certificate of registration of any registrable workplace under section 9 subsection (7)(*c*) of the current Ordinance and under section 9 subsection (7A) of the proposed amendment bill, these two major industrial associations feel very strongly that there is no real need for the regular renewal of certificates of registration by registered factories and industrial undertakings.

Lest honourable Members are under the impression that renewals of certificates of registration are revenue producing for Government, I hasten to advise that they are not. Quite the contrary, they are revenue consuming. Therefore, to dispense with the periodic renewal of certificates of registration will save expenditure on the part of Government in view of the fast-growing number of factories in Hong Kong and the tying down of staff for useless, non-productive purposes. The abandonment of the renewal procedure will thus help to relieve the staff shortage at the Labour Department which I understand has caused some concern to my honourable Friend, the Commissioner of Labour.

Early last year the Chairman of the Federation of Hong Kong Industries and the President of the Chinese Manufacturers Association wrote a joint letter to the Commissioner of Labour strongly urging my honourable Friend to take the necessary measures to rescind the provision requiring regualr renewal of certificates of registration for registered workplaces. I should emphasize that the request from industry is solely for registered factories and not for provisionally registered factories which may not be situated in a suitable location.

It is regrettable that this particular amendment requested by industry cannot be included in the present amendment bill, although my honourable Friend himself has stated that certificates of registration for registered industrial undertakings are now automatically renewed. However, in order not to hold up the other amendments proposed by the Commissioner of Labour, the two major industrial associations agree to the amendment to paragraph (*b*) of subsection (2) of section 9, but only as a temporizing measure. Industry, nevertheless, would like to see the provision for the periodic renewal of certificate of registration repealed as soon as possible.

[DR CHUNG] **Factories and Industrial Undertakings (Amendment) Bill—resumption of debate on second reading (8.1.69)**

Turning to another aspect of this Ordinance, the First Schedule gives a list of dangerous trades, and one of the so called dangerous trades listed is the manufacture or manipulation of aluminium, or of any article wholly or partly made of aluminium. Since the end of the Second World War the popularity of aluminium has grown tremendously and it is nowadays difficult to find a hardware article which is not partly made of aluminium. Similarly it is difficult to find a factory making hardware products which is not using aluminium in one way or another.

I should like my honourable Friend to explain, therefore, what greater danger is involved in the manufacture or manipulation of aluminium or of any article wholly or partly made of aluminium than that made of, say, copper, brass, zinc, lead, iron, steel, etc.? I realize that aluminium in a very fine powder form and in very large quantities could produce a fire hazard but such fine powders are not generated from normal processing and certainly not in Hong Kong. In fact, it is very difficult to produce such extremely fine powders of aluminium without special methods and equipment. As the present First Schedule stands, the manufacture of articles partly made of aluminium such as cigarette lighters, cameras, telescopes, kitchen utensils, metal furniture, padlocks, household fitting, and a host of Hong Kong products are considered as dangerous trades. This is absurd. I therefore request my honourable Friend to consider the deletion of the word "aluminium" under item (*g*) of the First Schedule.

Another item in the First Schedule requiring revision is "glass working" under item (*c*). It is also difficult to understand the reason for classifying the process of glass working as a dangerous trade. If high temperature is the criterion for classification, then steel melting and iron founding are equally dangerous. If the type of chemical compound used in glass working is the reason for its classification as dangerous trade, then one does wonder why the manufacture of vitreous or porcelain enamels and chemical paints which uses similar chemical compounds is not included in the First Schedule. I therefore suggest that glass working should also be removed from the First Schedule.

In moving the second reading of this amendment bill, my honourable Friend indicated that further amendments to the subsidiary regulations would be made reasonably soon. It is, therefore, appropriate for me at this juncture to draw the attention of the honourable Members to some deficiencies and defects in the regulations of the Factories and Industrial Undertakings Ordinance.

One of the measures of success in an industrialized community is the regular rise of real labour wages. In order to combat rising

labour cost in production, it is necessary to acquire higher degrees of mechanization in the production processes, thus requiring greater outlay of capital equipment per labour. This development will gradually change labour-intensive industries into capital- intensive industries, and this calls for shift work in order to make fuller utilization of the productive equipment. Both the textile and electronic industries in Hong Kong are good examples of this development. Other industries such as plastics and metal products are likely to follow this trend of development.

Regulation 12 of the Factories and Industrial Undertakings Regulations governs employment on shift work. Paragraph (*c*) of this regulation specifies that any scheme of shift work must have compulsory rotating shifts. I presume the original intention of compulsory rotation of shifts was to make it fair to those women and young persons engaged in shift work. However, experience has shown that the compulsory rotation of shifts is not welcomed by the workers themselves.

Many workers, particularly the younger ones, work in factories in the morning and go to school in the late afternoons or vice versa. Others may want to attend to domestic chores at a specific time, particularly if they have young children, and work in factories in the other. These workers do not want to rotate their shift work regularly but prefer to stay on the shift of their own choice without change. Therefore, both labour and management would like to see an early repeal of the paragraph (*c*) of regulation 12.

At present we are in the second phase of the five-phase programme for the reduction of hours of work. During this second phase the period of employment covering work, rest and meal period firstly for young persons under the age of sixteen is limited to nine hours and secondly for female workers is limited to eleven hours in any period of 24 hours. Even in the final phase of the phased programme which comes into operation on December 1, 1971, the maximum period of employment covering work, rest and meal periods for young persons will be nine hours and that for women ten hours in any day. However, for employment on shift work, paragraph (*d*) of regulation 12 stipulates that no period of employment shall exceed eight hours in any period of 24 hours for any woman or young person.

The period of employment means, as I have indicated, the period inclusive of the time allowed for meals and rest within which persons may be employed on any day. Since the total time allowed for meals and rest is usually one hour, the total hours worked in any day for employment on shift work will be limited to only seven hours per shift. Compared with the nine or 9½ hours of work permissible to those female workers not employed on shift work, the limitation of the female shift

[DR CHUNG] **Factories and Industrial Undertakings (Amendment) Bill—resumption of debate on second reading (8.1.69)**

workers to about 7 hours of work per day does reduce their income earning capability substantially.

I am afraid I cannot understand why female workers who work on the early or (morning) shift in factories that operate two shifts should be restricted to a maximum eight-hour period of employment, and are thus not allowed to work the same number of hours as female workers in single-shift work. After all they both work in the day time.

As it is quite reasonable for women who happen to work in the morning shift in a two-shift operation to want, like women who work in a single-shift operation, to put in overtime also, it can be seen that this eight-hour limit regulation is, in effect, an inhibiting factor. Seen in another light, the regulation may even be discriminatory.

In answering a question in this Council last year, my honourable Friend, Mr HETHERINGTON, gave assurance that he would favourably consider any application from factories for permission to work overtime by those female workers employed on shift work[*]. I feel that it is only fair to allow those workers on shift work, at least those on the morning shift if not both shifts, to have the same period of employment as their fellow workers who are engaged in factories with one shift operation.

Sir, whilst talking about employment on shift work I would like to bring up the subject of night shift operations for women, which are totally prohibited in Hong Kong. Some industries are very capital-intensive and also very sensitive to technological changes. It is therefore usual practice for such industries to work around the clock on a 3-shift basis. The textile industries in Hong Kong are already running on the 3-shift system, but due to the local labour legislation, only male workers are allowed to work in the night shift. However, experience has shown that in certain operations, men are such less dexterous than women and that both the quality of the product and the efficiency of the operation suffer when men are engaged in them. At the moment only men may be employed in the night shift. The ban on night work for women is governed by Convention 89 of the International Labour Organization, which up to August 1968 has been ratified by forty-eight countries. The United States is not a signatory to this Convention and therefore in those states where the textile and electronic industries make up an important segment of the economy, state law does not impose a ban on night work for women.

In the electronic industries few male workers are found suitable, and therefore most Hong Kong factories in this trade employ female

[*] 1968 Hansard, page 360.

labour and operate on a one-shift or two-shift system. In the USA where it is permissible in many states for female workers to work during any hour of the day, electronics industries, particularly those similar to the ones we have in Hong Kong, run three full shifts with women workers. This 3-shift operation has a great effect not only on the cost of production but also on the location and siting of the electronics industry.

I would like to emphasize that the principal reason behind the ILO Convention 89 for banning the employment of women at night is the protection of morals. This is reflected in the exception in Convention 89 which allows women to work at night in undertakings where only members of the same family are employed. These so called morality grounds are no longer valid in a modern society, especially when we are advocating so strongly complete equality for the two sexes. The prohibition on night work appears to be a case of discrimination against women in that it denies them the opportunities of decent work which they may choose to do, without adversely affecting either their health or morality at all. In the medical field, nurses work at all hours of the day and night. In the show business and motion picture industry there is no ban on night work for the actresses.

Among the 48 countries which are signatory to the ILO Convention 89, there are many industrially-advanced countries which are not on the list. Notable ones, in addition to the USA, are Canada, Germany, Sweden, Australia, and Japan. Although the United Kingdom is not a signatory to Convention 89, 1 am given to understand by my honourable Friend, Mr HETHERINGTON, that it is Convention 83, and not 89, which is really relevant. Convention 83 deals with the labour policy in its applications in non-metropolitan territories, of which United Kingdom is a signatory. Since Hong Kong is a dependent territory we in Hong Kong, I understand, have to fulfil the commitments made by the United Kingdom. I however very much believe that labour legislation must be made in accordance with local conditions and it is wrong to adopt British labour laws in Hong Kong when conditions of the two territories are so very different.

One must not overlook that in both the textile-spinning and electronics industries in Hong Kong, the working conditions for labour are among the highest in the world. Workplaces are fully air-conditioned all year round. In the electronics industries the work areas are in fact dust free, vibration free, extremely well lit, colourful and practically noise free. Those of my honourable Friends who have visited factories in these two industries will no doubt be able to bear this out. Fringe benefits for workers are also very substantial in these two particular industries. In this regard, I do not think there can be any external criticism of these two industries in Hong Kong.

[DR CHUNG] **Factories and Industrial Undertakings (Amendment) Bill—resumption of debate on second reading (8.1.69)**

Sir, I wish to make it clear at this juncture that I am not speaking of night work in all industries irrespective of the need and conditions. Each industry must be looked at separately especially in regard to prevailing conditions for workers and I strongly believe that the time has come for Government to take a hard, realistic and practical look at this particular aspect for the textiles and electronics industries.

It is not necessary to make any change in the labour legislation. The Commissioner of Labour, by virtue of paragraph (4) of section 7 of the Factories and Industrial Undertakings Ordinance, already has the power to exempt any industrial undertaking from any regulation made under the Ordinance as he may think fit. I understand that the cotton-spinning industry has already submitted a request for such exemption, and the electronics industry is about to make representations to the Commissioner of Labour. I would like to see that these requests are favourably considered by Government.

MR R. M. HETHERINGTON: —Sir, when I spoke in this Council two weeks ago[*], I was confident that at least one honourable Member was following me closely and not losing his way in the side streets of the Factories and Industrial Undertakings Ordinance. Outside the Labour Department my honourable Friend Dr CHUNG probably knows more about this Ordinance than any other person. Consequently, I am always most interested to hear what he has to say on the subject.

I am pleased to learn that he supports the introduction of new subsection 1A of section 10 which protects a proprietor of a registrable workplace from prosecution while waiting for a decision on an application for registration. I note that, nevertheless, he recommends that, at least for fully registrable workplaces, the present system of registration should be abandoned and a new system of notification introduced. The United Kingdom Factories Act requires that a person shall serve a notice of intention to occupy or to use any premises as a factory not less than one month before doing so. I and some of my senior officers favour a similar procedure and we are sympathetically examining the problems which would arise from a change in the system. I am not in a position to elaborate further at this stage but I would like to assure Dr CHUNG that I have no objection in principle to his proposal. We have been thinking along these lines for some time but we have not formulated the practical details of a scheme to make the change-over. In this event, the month's prior notice now incorporated in new paragraph (*b*) of subsection 2 of section 9 would not be a temporizing measure, as Dr CHUNG suggests, but would be, in a slightly different context, a permanent feature of the new system.

[*] Pages 15-9.

The schedule of dangerous trades is no longer satisfactory because it covers some which are done on a very small scale and some which are imprecisely defined and cover innocuous trades. A small departmental working party has drawn up a revised schedule and this is being considered with a view to amending the schedule. Both the manufacture of aluminium and glass-working, to which Dr CHUNG refers, have been reviewed. I am advised that there is little danger from aluminium but, as Dr CHUNG has mentioned, aluminium dust can, in certain circumstances, cause an explosion and this hazard must not be overlooked. I am also advised that glass-working can be dangerous because of the great heat used in some processes and because silicosis and cataract and, possibly, glass-blowers' lung are occupational diseases associated with some of those working with glass. Dr CHUNG and I will probably find common ground if the trade is more precisely defined or restricted to particular processes.

I think that Dr CHUNG may have overlooked one aspect of the legislation about dangerous trades. Although paragraph (*a*) of subsection 1 of section 7 of the Factories and Industrial Undertakings Ordinance empowers the Commissioner of Labour to make regulations for controlling the employment of all persons in dangerous trades, no regulations have yet been made. However, regulation 6 of the Factories and Industrial Undertakings Regulations prohibits the employment of any female person of any age and any male young person under sixteen years of age in any dangerous trade except with the written permission of the Commissioner of Labour. Consequently, it would be a retrograde step to remove any existing statutory protection for women, young girls, and young boys under sixteen years of age in those trades which are potentially dangerous without the most careful consideration.

It may be that the remaining points in Dr CHUNG's speech are not strictly relevant to the subject under discussion which is an amending bill to the principal Ordinance. He deals with certain aspects of the subsidiary regulations. I said, two weeks ago, that, subject to this bill being passed, it was my intention to introduce amending regulations towards the end of February. However, as Dr CHUNG has raised several interesting points about the regulations, I hope, Sir, that you will consider that it is not inappropriate for me to refer briefly, at this stage, to two of them.

On the subject of the compulsory rotation of shifts, the relevant regulation is paragraph (*c*) of subsection 2 of regulation 12. I no longer insist on its observation and I have already decided to propose its repeal in the next group of amendments. It is not convenient, simply for practical reasons, to make this amendment at present.

[MR HETHERINGTON] **Factories and Industrial Undertakings (Amendment) Bill—resumption of debate on second reading (8.1.69)**

On the subject of overtime of women working shifts of eight hours, I have fully honoured the undertaking, which I gave in this Council on 23rd August 1968 in reply to a question by Dr CHUNG, that I would be willing to examine any application made to me for permitting overtime beyond the first shift of eight hours in special cases[*]. Since then, I have received only two applications, both made several months ago, and I approved both of them. It seems to me that, on this evidence, the subject is neither a source of complaint nor a lively issue for employers. Clearly, a woman who is employed on an eight-hours shift works for a shorter time than a woman on a nine-hours shift which is, at present, permitted. Both must be given a minimum interval of rest for half an hour after every continuous spell of five hours. By December 1971, all women in industrial employment will be restricted to a standard working day of eight hours. Even then, those on a three-shifts system will normally work at least half an hour less than those on a single-shift system because the statutory interval for rest will fall in their case within the period of employment of eight hours. In a day of 24 hours, the maximum duration of three equal shifts in that period is eight hours. The day is unfortunately not long enough to equate a three-shifts system of eight hours of employment which allows a period of only seven and a half hours of work because of the statutory half-hour interval for rest with a single-shift system in which the period of employment can be eight and a half hours made up of eight hours of work and a statutory interval of rest of half an hour. This could be partly overcome if overtime was worked after the first shift of eight hours but, as I have just said, there are no indications that there is any demand for such a practice.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order No 43.

LAW REVISION (MISCELLANEOUS REPEALS) BILL 1969

Committee stage

Council went into committee to consider the bill clause by clause.

Clauses 1 and 2 and the Schedule were agreed to.

Council then resumed.

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[*] 1968 Hansard, pages 358-60.

THE ATTORNEY GENERAL reported that the bill before Council had passed through committee without amendment.

Bill ordered to be set down for third reading pursuant to Standing Order No 47.

Third reading

THE ATTORNEY GENERAL moved the third reading of the bill.

Question put and agreed to.

Bill read the third time and passed.

ADJOURNMENT

Motion made, and question proposed. That this Council do now adjourn—THE COLONIAL SECRETARY.

Question put and agreed to.

HIS EXCELLENCY THE PRESIDENT: —Before we adjourn, I am sure this Council would want me to express our thanks to the Colonial Secretary, Sir Michael GASS, for all he has done during his time in Hong Kong and to convey to him our congratulations on his promotion and our best wishes for every success in his new appointment.

Sir Michael has been Colonial Secretary here during a particularly difficult period, and the Colony will especially remember his leadership during the summer of 1967. Although, as I say, during the greater part of his time here very much attention and effort had to be diverted to individual situations of pressing urgency, nevertheless the general administration of the Colony made great progress under his supervision; and we in this Council have particular cause to thank him I think for the part he played in modernizing our procedures and in framing the new Standing Orders under which we are now operating.

I personally, of course, have had the pleasure of working with Sir Michael for longer than most, and I shall in particular always remember with appreciation the thoughtful care with which he deals with any problem before him, and the courteous co-operation which he unfailingly gives to all.

Our loss is the Western Pacific's gain, Sir Michael, and we thank you and trust that you will have a very happy and successful term of office as High Commissioner.

MR Y. K. KAN: —Sir, Unofficial Members of this Council wish to associate themselves most sincerely with all you have just said.

Sir Michael GASS came to Hong Kong 3½ years ago* with an established reputation of an able and experienced administrator. We soon found out that he also had that rare quality—a deep understanding of human problems. This together with his quiet charm has earned him great respect and confidence from all those who came into contact with him.

I think the people of Hong Kong will remember Sir Michael for his able services as a Colonial Secretary, and particularly, as you rightly pointed out, Sir, just now, for his resolute leadership during our troubles in 1967.

I, Sir, for one, will miss Sir Michael very much indeed, I do not think I should ever be able to find a Colonial Secretary who is more patient, who is more tolerant when I am sometimes in a very difficult mood on Finance Committee.

Sir, I wish to thank, I am sure all my colleagues, my Unofficial Colleagues, join with me in thanking Sir Michael for all he has done for Hong Kong and we wish him godspeed and we wish him every success in his new high office.

THE COLONIAL SECRETARY: —Sir, it has been for me a privilege and a pleasure to be a Member of this Council for the last 3 years and I am most grateful for the support and co-operation I have had throughout from all Members of it and I too would like to wish Members of this Council a very prosperous future. Thank you.

NEXT MEETING

HIS EXCELLENCY THE PRESIDENT: —Council will accordingly adjourn. The next meeting will be held on 5th February.

Adjourned accordingly at twenty-five minutes past Three o 'clock.

* 1965 Hansard, page 542.

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