

HONGKONG LEGISLATIVE COUNCIL.

15TH OCTOBER, 1891.

PRESENT:—

HIS EXCELLENCY THE ACTING GOVERNOR. Major-General
G. DIGBY BARKER, C.B.

Hon. W. M. GOODMAN, Acting Colonial Secretary

Hon. A. J. LEACH, Acting Attorney-General,

Hon. J. H. STEWART-LOCKHART, Registrar-General.

Hon. N. G. MITCHELL-INNES, Colonial Treasurer.

Hon. F. A. COOPER, Acting Surveyor-General.

Hon. P. RYRIE.

Hon. Ho Kai.

Hon. J. J. KESWICK.

Hon. T. H. WHITEHEAD.

NEW MEMBER.

Hon. F. A. Cooper, Acting Surveyor-general, was
sworn in as member.

MINUTES.

The minutes of the last meeting were read and
confirmed.

HIS EXCELLENCY'S SPEECH.

HIS EXCELLENCY said:—Honourable gentlemen,—We
meet again to-day to resume our common labours in the
interests of this colony, and though the time is probably
short during which I shall retain the privilege of co-
operating with you, there are several measures demanding
early consideration which I hope we may succeed in
passing and, in doing so, further the good of this
community.

This Council, and, I feel sure the community at large,
will regret with me the sad death of one of our members,
who has been so suddenly cut off in the midst of his career.

In the late Surveyor-general the colony possessed a
sealous and hardworking official, and his kindness of heart
secured for him the friendship of many during his
comparatively brief connection with Hongkong.

Since we last met a change has taken place in the
Governorship, and I think that you will all agree with me
that in losing Sir William Des Voeux this colony has lost
the able services of one who was thoroughly imbued with
the desire to promote the best interests of the colony, and
who achieved at least as large a measure of success in that
direction as any of his predecessors—if not larger.

You all join with me, I know, in hoping that the change
to an invigorating climate will restore to him that health the
failure of which unfortunately compelled him to relinquish
this Government.

Of the measures to which I have alluded a few have
already been under your consideration, others have been
prepared and will be immediately introduced, while some
are still in course of preparation.

As regards the Opium Ordinance, which was read a first
time shortly before our vacation, circumstances have since
shown the desirability of continuing to keep separate as
heretofore the law as regards raw and prepared opium
respectively, which it was proposed by the Bill to
amalgamate.

That Bill will therefore be withdrawn and two new
Ordinances will be at once introduced dealing separately
with these two matters—a course which will, I hope,
facilitate the rapid passing of both measures, which it is
important should become law at an early date.

I have every reason to hope that if the Government is
supported in its efforts to stop the smuggling of prepared
opium into this colony, the revenue on this head will not
only be maintained but may be largely increased.

The Ordinance to amend the law relating to bankruptcy
passed its second reading as long ago as last December. It
has since received the careful consideration of the Law
Committee to whom it was referred, and is now ready to
be dealt with by you.

The Merchant Shipping Consolidation Bill, which was
read a second time at our last meeting, will doubtless have
received during the recess the close attention of those who
are specially affected by its provisions; and, as it is
important that no more delay than is necessary should take
place in passing it, it will be placed before you again
immediately.

Of the Bills which have been prepared to be brought
before you perhaps none is more desirable in the
commercial interests of the colony than the Chinese
Emigration Consolidation Ordinance.

The continuous flow of emigration through this colony
is a large factor in the prosperity

of the port, and it is to be regretted that it has been from various circumstances so much checked of late.

I am informed by officers of the Government who have given attention to the subject that this is in a large extent due to the absence of satisfactory arrangements for the proper treatment of emigrants from the time of their leaving their native homes to the time of their return to China.

The measure which will be placed before you has as its object the improvement of the status of the emigrant, so far as the Government of this colony can improve it, and it is hoped that, by placing emigration on a satisfactory footing, it will benefit the commerce of the port.

Other measures which will be brought before you are:

1.—A Patent Ordinance for amending the Law relating to the grant in this Colony of Letters Patent for Inventions.

2.—An Ordinance for the Incorporation of the Senior Missionary in Hongkong of the London Missionary Society.

3.—An Ordinance to amend the Building Ordinance.

4.—A St. John's Church Ordinance for providing for the future maintenance and administration of the Cathedral, consequent upon the abolition of the post of Colonial Chaplain and the altered status of the Church of England in this colony.

5.—A Volunteer Ordinance.

The defence works of the colony being now practically completed and armed, the question of increasing the force of Volunteers and placing them on a more efficient and satisfactory footing has become urgent.

The machine guns ordered from England have arrived, and I shall have to invite the revival of the interest of the residents in the colony in the matter of auxiliary defence, about which enthusiasm has recently flagged. The difficulties in arranging for the promised reinforcement of regular troops have now been got over, and there is every reason to believe that the Garrison will soon be completed to its full establishment, but the need for an efficient system of Volunteers is still great.

With regard to the question of affording further space for the interment of Chinese which has occupied the attention of the Government for some time past, and at which the present-colonial Treasurer, while acting as Registrar General, and the Registrar-general since his return from leave, have worked with much energy, it has at last been found possible to devise means to carry out this very necessary object by resorting to the Chinese practice of exhumation and "urning" of the bones.

I have not ceased to use my best endeavours to induce the High Chinese Authorities of the neighbouring province to suppress gambling in the Chinese towns and villages on our borders, which has increased with the diminution of the

vice in this colony produced by the Gambling Ordinance which you recently passed.

My representations have been met by the Chinese authorities with a laudable desire to co-operate, and stringent measures have been taken to attain the desired object, but I regret to say that the main difficulty in totally suppressing the evil there arises from the shelter and facilities afforded to the gamblers by the neighbourhood of Hongkong and the easy means of transport. The earnest attention of the Government is being directed to this phase of the matter.

On the other hand it may interest you to learn that from a report furnished me by the Police Magistrate, the effect of the new Gambling Ordinance here has been most satisfactory, as evidenced not only by the total suppression of the gambling houses but the consequent diminution of all classes of crime.

The Commission appointed under the Squatters Ordinance is continuing the labours of the Commission appointed, previous to the Ordinance, to enquire into the claims of the original squatters in this colony, but recent experiences have shewn that not only the question of original squatters but that of squatters in general requires immediate attention, and the whole subject is under the consideration of the Government.

The construction of the Gap Rock Lighthouse has satisfactorily progressed, and I hope that in a few months it will reach completion. In the meantime arrangements have been made for establishing a temporary light on the rock, which is already in operation.

At the instance of the Chamber of Commerce a proposal has been submitted to the Secretary of State for the Colonies for connecting the lighthouse with Victoria by a telegraph cable. It is expected that definite arrangements will shortly be concluded for carrying out this work, which, with the concurrence of the Inspector-General of Chinese Imperial Customs, is considered to be an essential adjunct to the lighthouse, and you will then be asked to approve of the continuance of the special Gap Rock Light Dues for such period as will be necessary to cover the cost of it, which is estimated at about \$86,000.

A further improvement in the lighting of the approaches to this Harbour is to be looked for in the near future in the erection of a lighthouse in the Island of Waglan. Steps have been already taken with that object in view by the Chinese Government.

From despatches which have been already laid before you, you have been made aware of the decision to commence the construction of a new gaol, which is rendered necessary by the extremely overcrowded state of the existing prison.

Great difficulty has been experienced in selecting a site for a wing of what will ultimately be

an entirely new gaol. As the new prison must be built with a view of serving its purpose for a great many years to come, it is not easy to find a site which is at once easy of access from the town, large enough to admit of future extensions, which will inevitably become necessary with the growth of population, and free from sanitary objections. It is, moreover, of course desirable to avoid placing such a building in a position where it would be likely to interfere with the extension of the residential suburbs of the town.

I have given this matter much consideration, and I hope soon to be in a position to settle the question.

A public work which though small in itself is still one of very considerable importance has lately been commenced in the Vaccine Institute.

You are all aware how important a precaution against epidemic disease vaccination is in a colony like this, and it was the failure of the supply of lymph in 1887 which first drew the attention of Sir William Des Voeux to the subject of the desirability of establishing in the colony a permanent source of vaccine lymph supply. Much time and labour was spent by the Colonial Veterinary Surgeon in making experiments with a view to the cultivation in the colony of vaccine lymph, and these were so successful that the Sanitary Board strongly recommended the establishment of a Vaccine Institute.

A site having been selected on the recommendation of the Sanitary Board, work on the building—which, with furniture, &c. is estimated to cost \$3,500—was commenced a short time ago, further delay being very undesirable as it is necessary that the Institute should be in working order by November as the lymph can only be cultivated in the cool season.

A detailed statement of all the works which it is proposed to undertake in the ensuing year will shortly be submitted to you in connection with the estimates.

I may mention one of these which is likely to be of special interest to you inasmuch as it will prove a boon to the community at large. I allude to the proposed extension of the accommodation at the Civil Hospital for private paying patients.

The able management of the Hospital and the high efficiency of the trained Nursing Staff have rendered the Institution deservedly popular.

A limit has at the same time been placed on the amount of such accommodation to be offered, and the question of increasing the fees is under consideration.

Proposals will also be submitted to you for the construction of new roads both in this island and in Kowloon.

I have received by telegraph the approval of the Secretary of State of the scheme for the extension of the Recreation Ground and sanitary improvements at the Happy Valley, and this work which is calculated to prove of great advantage to the public will be at once taken in

hand.

Sanction of the Secretary of State has also been obtained for proceeding with the construction of the Central Market.

I have, in consultation with the Executive Council, been recently considering the method by which the licensing of jinrickshas has hitherto been conducted, and a change is in contemplation by which, I believe, not only will considerable improvement be introduced into the vehicles themselves and the regulation of their traffic, but a considerable increase to the revenue will result, while the interests of existing licensees will be duly protected.

The estimates for the coming year are in an advanced state of preparation and will be shortly laid before you. I think I may say that the financial position of the Colony is hopeful as indicated by the statistics which they will afford.

You will learn with satisfaction that as far as can be foreseen at present the ordinary revenue of the current year, together with premia on land sales, will fully realize the original estimate, while the probable expenditure (ordinary and extraordinary) will fall short of the estimated sum by about \$200,000. The originally estimated deficit, on the year, of \$451,000 is therefore reduced to \$250,000, a sum which so far as present estimates show can be defrayed out of existing balances.

It is a matter of congratulation that not only has the revenue of the year thus been sufficient to cover the ordinary expenditure, including the increased Military Contribution both for this year and last year, and the increased salaries, but also to leave a balance of \$250,000 towards defraying the cost of Extraordinary Public Works, now estimated to amount for the year to \$500,000. I should mention that the probable revenue for the current year is now estimated at \$2,039,042, or an increase of over \$27,000 on that of the year 1890.

It has been advocated for a considerable time past that, in view of the large number of public works in progress or in immediate contemplation, to the cost of which future residents in the colony might be fairly required to contribute, *e.g.* the New Central Market, the New Gaol, New Roads, &c., a loan should be raised, and the Secretary of State for the Colonies has intimated his readiness to consider the question. I have, therefore, fully considered the matter with this result.

The cost of the Public Works which are likely to be urgently required to be constructed during the next five years may be roughly estimated at two million and a half of dollars, or an expenditure of \$500,000 a year, which is also, I have ascertained, about the limit which the Public Works Department have on the average the means of carrying out, though for various reasons it is often necessary to exceed that total in estimating for the year's services.

With a revenue already yearly increasing and likely to be considerably increased by works now in course of erection, or about to be erected, which will be of a remunerative character, as well as from causes which I have already touched upon, we may fairly assume from the experience of the present year that a considerable proportion of this extraordinary expenditure may be defrayed out of the ordinary revenue and premia on land sales. What that proportion may be, or whether indeed the whole may not be so met, depends very much on the development of events during the next few months.

I, therefore, think it well to postpone taking any immediate action in this direction.

The returns of shipping for the past nine months show a satisfactory progress.

Although last year was phenomenal in the activity displayed in the shipping trade, the returns being the largest yet made since the Colony has been in existence, and the total of arrivals and departures having exceeded by a million tons the corresponding figures for 1889, yet the arrivals in ocean trade alone during the first nine months of this year have exceeded those of the corresponding period of 1890 by 89 ships with a registered tonnage of 134,545 tons.

In conclusion, I congratulate you on such trustwothy evidence of the increasing prosperity of this Colony, as is furnished by these statistics as well as by the remarkable results of the census to which I previously invited your attention.

May our efforts in this Council be always aimed at, and be successful in securing, a continued increase of that prosperity and the welfare of all.

PAPERS LAID ON THE TABLE.

The ACTING COLONIAL SECRETARY laid on the table certain despatches respecting the military contribution and the appointment of a Chinese Consul at Hongkong.

FINANCE.

The ACTING COLONIAL SECRETARY laid on the table several financial minutes which were referred to the Finance Committee.

THE BANKRUPTCY BILL.

The ATTORNEY-GENERAL laid on the table the Report of the Law Committee on the Bankruptcy Bill and gave notice that unless there were any objections to the course he proposed at the next meeting of Council to move the third reading of the Bill.

THE STANDING COMMITTEES.

HIS EXCELLENCY—Article 48 of the standing rules makes provision for the appointment of Standing Committees. I therefore appoint as the Finance Committee the same members as before, the Colonial Secretary (Chairman) and all the other members with the exception of the Governor. The Law Committee will consist of the

Attorney-general (Chairman), the Colonial Secretary, the Registrar-general, Hon. J. J. Keswick, Hon. Ho Kai. The Public Works Committee will have the Surveyor-general as Chairman, but I defer till next meeting nominating the other members of that Committee, as by oversight I have not yet considered the matter.

PUBLIC WORKS DEPARTMENT.

Hon. T. H. WHITEHEAD—With your Excellency's permission, I propose to postpone the first eight questions of which I gave notice, in view of the sad death of the late Surveyor-general and the sorrowful circumstances surrounding it.

THE PRAYA RECLAMATION.

Hon. T. H. WHITEHEAD asked—Will the Government lay on the table a statement shewing (1) the amount of monies received from Marine lotholders and others on account of the Praya Reclamation Fund; (2) mode of investment of the fund; (3) the payments thereout to 30th ultimo and on what specific accounts, particularising (a) payments to contractors, (b) payments for plant, materials, &c., also a detailed report shewing the progress of and the actual condition of the work?

The ACTING COLONIAL SECRETARY—The Acting Surveyor-general has prepared a full statement which I am prepared to lay on the table. It was only completed this morning and I am having it printed. If the hon. member has no objection I will lay it on the table on Monday.

Hon. T. H. WHITEHEAD—Certainly, that will do.

Hon. T. H. WHITEHEAD asked—Have contracts been entered into for the execution of work on any sections other than those now in hand, and if not, is it intended to proceed with any other sections within the ensuing year?

The ACTING SURVEYOR-GENERAL—No definite arrangements have been made for proceeding with any further section of the Praya Reclamation at present.

Hon. T. H. WHITEHEAD—Is it intended to proceed with any other sections during the ensuing year?

The ACTING SURVEYOR-GENERAL—No definite arrangements have been made but arrangements will be made if possible.

APPOINTMENT OF A CHINESE CONSUL IN HONGKONG.

Hon. T. H. WHITEHEAD asked—Will the Government lay on the table a copy of Lord Knutsford's despatch of 26th March, 1891, to His Excellency Governor Sir William des Voeux in connection with the appointment of a Chinese Consul in Hongkong, and a copy of Governor Sir Wm. des Voeux's reply thereto, also a copy of Lord Knutsford's despatch of 7th July, 1891, as well as a copy of His Lordship's despatch confirming his telegram to His Excellency the Officer Administering the Government received here on 18th July last, intimating that the proposed

probationary appointment of a Chinese Consul for this colony had been withdrawn?

His EXCELLENCY—I have directed the two despatches last referred to to be laid on the table. The reply which I previously gave to a similar request for the other correspondence now asked for still holds good, a telegram from the Secretary of State having implied his agreement with me as to the inadvisability of publishing the voluminous correspondence on this subject.

THE MILITARY CONTRIBUTION.

Hon. T. H. WHITEHEAD asked—Will the Government lay on the table a copy of any correspondence which may have been received from the Right Honourable the Secretary of State for the Colonies in connection with the protest of the unofficial members of this Honourable Council against the action of His Excellency Governor Sir Wm. des Voeux in issuing his warrant without the authority of this Council on the 21st February, 1891, for the payment of the equivalent of £20,000 sterling additional Military Contribution exacted from this Colony for the year 1890?

His EXCELLENCY—The correspondence referred to, which is contained in one despatch only, has already been laid on the table.

BY-LAWS FOR REGULATING CEMETERIES.

The REGISTRAR-GENERAL—I beg to lay on the table the by-laws for regulating Chinese cemeteries passed by the Sanitary Board. I think if they are put into execution they will be found to effect a great improvement in Chinese cemeteries. I beg therefore to move that they be approved and adopted by this Council.

The ACTING COLONIAL SECRETARY seconded.

Carried.

THE OPIUM BILLS.

The ACTING ATTORNEY -GENERAL moved the first reading of the Prepared Opium Bill.

The COLONIAL TREASURER seconded.

Bill read a first time.

The ACTING ATTORNEY -GENERAL moved the first reading of the Raw Opium Amendment Bill.

The COLONIAL TREASURER seconded.

Bill read a first time.

The ACTING ATTORNEY -GENERAL—Your Excellency, I have now to move that the standing orders be suspended in order that the second reading of these two Bills may be proceeded with to-day. Your Excellency has already intimated the urgency for putting these Bills through the Council as soon as possible. The reasons for this are not far to seek. The present privilege terminates early next year. Some two or three months before that privilege expires it is necessary to advertise for tenders, and therefore it is manifest that the time for advertising for these tenders is close approaching. The policy of the Opium Ordinances has been approved in two prior Ordinances, one passed in 1884 which has been re-enacted, the other being 22 of 1887, which it is only now proposed to amend, and

therefore I do not suppose that hon. members will put any opposition in the way of our going on, at any rate with the second reading, if we do not go into Committee to-day.

The COLONIAL TREASURER—I beg to second the motion.

With regard to the second reading, I hope as the Attorney-general has said that we shall go on with the second reading to-day for the reasons which have been stated. There is no doubt as to the Bills being urgently required, the first necessity being in view of the decision of the Supreme Court in reference to the old Opium Bill. I do not know whether the Attorney-general intends addressing the Council on the second reading.

The ACTING ATTORNEY -GENERAL—My motion was to suspend the standing orders. I think as little should be said on that motion as possible.

The COLONIAL TREASURER resumed his seat.

The question that the standing orders be suspended was put and carried.

Hon. T. H. WHITEHEAD—I think, your Excellency, the second reading should be postponed till next meeting. These bills only reached our hands 48 hours ago and I believe those particularly interested in these Bills have made certain suggestions which the Government are willing to embody in the Bills, and I think it would be well that this should be done before the Bills come before the Council for second reading. The Bills only reached my hands less than 48 hours ago and I have had no opportunity of looking into them.

His EXCELLENCY—The Bills were published in the *Gazette* ten days ago with a view of letting hon. members know what was in them.

Hon. T. H. WHITEHEAD—They have been so frequently altered, that for myself I scarcely knew where I stood until the Bills reached my hands, and they only reached me at 4 o'clock the day before yesterday. I think time would be saved if the second reading were postponed till next meeting. By that time the amendments suggested could be introduced.

The COLONIAL TREASURER—I must say with reference to the difficulty the hon. member mentions, of not knowing where he stands, that I do not see that the difficulty is altered whether he sees the Bill on blue paper as now, or on white as in the *Gazette*. The Bills were then the same as now. The hon. member has had quite a week to look over the Bills if he had chosen to do so. He had only to go to the printers and get the old Ordinances and compare them with these to see what alterations have been made. With reference to the proposals of importers there are one or two amendments they wish to introduce, but it is the desire of the Government to waste as little time as possible and get as far as they can to-day, leaving all debateable clauses till next meeting. I can only say that I do not see how we can be injuring the interests of anyone by proceeding with questions to-day upon which we are agreed and letting

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against which any objection is raised stand over.

HIS EXCELLENCY—I do not see that there can be any objection raised to reading the Bill a second time, and then I do not see why we should not go into committee, and any clause, as the last speaker mentioned, against which there is any objection could be postponed till next meeting. I think we should get through some proportion of this long bill to-day. A great deal of time would be saved if we could proceed with it to-day.

Hon. P. RYRIE—I beg to second what has fallen from my friend on the right (Hon. T. H. Whitehead) for this reason, that a gentleman has promised to call and see me about the Bill, but he has been obliged to go to Canton. He is a man well acquainted with Opium Ordinances, having been a licensee himself at one time.

The ACTING ATTORNEY -GENERAL—I feel inclined to appeal to the unofficial members to allow the second reading to go through to-day. I do not see how the second reading could affect the amendments that can be discussed when we go into Committee. I appeal very strongly to members to allow the Bill to go through the second reading. The old Ordinances dealing with opium have been on the statute books some time, and as the principle of the Bills has been accepted in the colony I do not see that any harm can be done to anyone by our going on with them to-day.

Hon. P. RYRIE—I don't know that I object to the second reading. You don't propose to go into Committee to-day?

The ACTING ATTORNEY -GENERAL—I do not know that we should be in order in going into Committee to-day, if it is opposed by the unofficial members. I do not know whether the hon. member withdraws his objection.

Hon. T. H. WHITEHEAD—I have no objection to the second reading of the Bill being proceeded with, but I take exception to the remarks of the hon. member on my left (the Colonial Treasurer) with regard to the printing of the Ordinances in the *Government Gazette*. It is only right and proper that the Government should supply copies of draft bills to the unofficial members of Council and not leave them to do as the hon. member suggests, go to the printer's and get the old Ordinances and compare them with the new Ordinances or draft Ordinances printed in the *Gazette*. I don't think that is a right or proper course for the Government to follow.

The COLONIAL TREASURER—The bills I mentioned are old Bills, Bills that have been already passed. It has never been the practice for the Government to supply old bills to members of Council. It is the practice to supply only Bills that are about to be introduced.

The ACTING ATTORNEY -GENERAL—I now beg to move the second reading of this Bill. The first Bill deals with the preparation of opium, and the main object of the Bill is to properly secure the revenue of the colony. A very large proportion of the revenue of the colony is derived from the opium privilege, but I think you will find that the Bill, whilst securing that, endeavours in all ways possible to

protect the Opium Farmer or grantee of that privilege. The chief question for discussion on this Bill—I do not wish to dictate to honourable members—but the chief question of discussion is whether the new portions of the Bill meet with your views or can be accepted, and therefore in making the few remarks I have to make I will endeavour chiefly to draw attention to the amendments that are proposed. They have already, I think, been drawn attention to by the form in which they are printed. They have been printed both in the Bill and in the *Government Gazette* in italics. The first important alteration is in the definitions. Implements are defined, opium is defined, and, what is still more important, prepared opium, possession and preparation are defined. Prepared opium is defined so far as relates to the infringement of the opium farmer's privilege in the colony as any opium subjected to any degree of artificial heat. It will be within hon. members' memory that the possession of prepared opium is prohibited by Ordinance, but that prohibition is subject to certain exceptions which are contained in section 10 of the present Bill. Section 10 reenacts the old exception as to the preparation of opium for medicinal purposes, and it puts into a new form the exception relating to samples, and allows the preparation of opium for the purpose of testing its quality. The next new provision I think you will find in Section 8. There is a provision there made in the case of an excise officer taking a bribe. The next new provision is in section 11, sub-section 2, and there provision is made for the inspection by the opium farmer of all licensed divans, and that appears to be necessary for the proper protection of his privilege. In section 12 provision is made, rendering it punishable to produce certificates which do not really cover the opium which is found in possession. Sub-section 4 of that same section with reference to selling prepared opium for export was introduced at the opium farmer's request, but it appears that he does not desire it now and in all probability it will be cut out in Committee. The next important amendment is in section 14, paragraph 2. Hitherto the power of granting the privilege of preparing opium and selling it in the colony, and the privileges as regards the dross farmer, have been limited to sale by auction or by tender. This section proposes to give the Governor in Council the power to grant it by private contract. I do not think there can be any real objection to sale by private contract in the interests of the colony. I may say that there is nothing particular in view in introducing the clause at the present moment but it may here-after

result in a great addition to the revenue of the colony. In sub-section 4 there is a provision that the opium farmer shall in all cases keep a proper register or record of all opium that comes into his hands. As a matter of fact that is already contained in his contract and this will have the effect of making it statutory. I believe that the opium farmer has a strong objection to it, so that it may be we shall have to cut it out in Committee. There is an amendment in section 28 and in the two preceding sections dealing with the taking over of the opium stock of the old farmer by the incoming farmer; and in case of questions arising between them as to value it was provided in the old Ordinance that the matter should be settled by an arbitrator. Section 28 provides that arbitration shall not be necessary but if a disagreement arises they can if they choose go to law about it. The next important addition, which is one, I think, in favour of the public generally, is contained in section 30 sub-section 2. The previous sub-section relates to the arrest of a suspected person without a warrant. Complaints have been made from time to time that persons arriving at this colony are very roughly handled by the excise officers, and their luggage and persons roughly searched. This sub-section provides that the search must take place under the supervision of a European Police officer not under the rank of a sergeant. The next important amendment is in section 34. The object of it is to prevent the smuggling of prepared opium. Numerous complaints have been made by the opium farmer, especially in relation to smuggling from Macao, and his loss has been estimated at a very great figure indeed, and the principal object of this section is to make shipowners more careful about smuggling. The section is based on a similar provision contained in the Straits Settlements Ordinance but there is a great difference. It is not so harsh, and it will not operate so hardly upon shipowners. In the Straits Settlements Ordinance if prepared opium is found on board the ship is liable to be confiscated, but in this Colony we do not propose to put that in. We propose to impose a penalty on the shipowner not exceeding \$1,000 and the evidence of smuggling is to be, when opium is found on board a ship exceeding a certain quantity, according to the size of the ship, it is to be deemed evidence of the unlawful use of the ship. The section then throws the burden of proof on the shipowners that "every reasonable precaution had been taken to prevent the unlawful use of any such ship, and that none of the officers or their servants or any of the crew of such ship were implicated therein." If they prove that they are free from the charge. Hitherto I understand the owners of the steamships from Macao have refused to take any excise officer or any person representing the opium farmer on their ships. If they would do that and allow the opium farmer to have his own men there and see that there is no opium smuggling going on it may be possible that this section may be unnecessary, but unless the shipowners and masters of ships will take proper precautions, and will assist the revenue of the colony by protecting the opium farmer, the Government feel compelled to do something like this in the way of legislation.

Hon. P. RYRIE—The opium farmer has the reputation of

taking very good care of himself, and in fact the smuggling is carried on under his direction.

The ACTING ATTORNEY-GENERAL—The next few amendments are really introduced owing to representations which have been made from time to time by the owners of ships I have referred to. They deal with the question of opium that is seized on board ships that are about to proceed to the ports of Canton and Macao. I think, however, it is unnecessary to put in Macao. Their argument has been, I believe, that the Magistrates nearly always give the opium that is seized to the opium farmer, and that the opium farmer very often was himself implicated in the smuggling. Whether that is so or not I do not know, but these sections place at the disposal of the Governor in Council any opium found on board a ship about to proceed to Canton, so that if any circumstances come to the knowledge of the Governor in Council showing the opium farmer has been implicated the probability is that he would not direct that the opium farmer should have any benefit from the opium discovered. The remaining sections are not of very great importance as they chiefly relate to procedure. Section 41 enables the Magistrate to employ an analyst or expert to report upon any technical point in certain cases. I imagine that he already does so but there is no harm in putting that into the bill, and it is intended to meet such cases where questions arise whether the opium is that of the opium farmer or of any one else or has been mixed with other substances or other opium. In section 44 there are provisions enabling the Supreme Court or Magistrate to deal with cases on their merits without regard to technicalities, and to prevent the name of any opium informer except in certain cases being given up. Section 46 also introduces an amendment. It places a penalty on persons, charged with having opium in their possession, who give a false name and offer in evidence certificates which do not cover the opium found in their possession. Section 47 deals with contraventions of the Ordinance and with persons aiding and abetting any offence under the Ordinance. Section 49 is new, and I hope that it will meet with the approval of honourable members. It provides that where any unsuccessful searches for opium have been instigated by the opium farmer, under certain circumstances the opium farmer is to be required to replace
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which may have been unpacked for such purpose, and to make good any damage he may have caused thereby. I think that with the exception of the clause protecting the Excise Officers in the execution of their duty, those are the principal, the chief, and most important amendments in the Bill. I may say, in conclusion, that the Bill has been most carefully drafted with a view to avoid unduly interfering with private interests, but the opium privilege, I need scarcely say, implies a great deal to this colony. It provides a large amount of revenue and I think you will agree that the public interests of the colony are paramount to the private interests, and though we may appear to be interfering in a somewhat inconvenient way with the dealers and shipowners, I hope on the whole that this Bill will work as smoothly as possible. There is one other matter that I should like to call attention to. I have already stated how important the opium farm is to the colony and the revenue of the colony, and I trust shall not be deemed to be going beyond my duty in saying in connection with this Bill that when it comes into operation I hope every public department will assist in carrying it out loyally and cordially. I do not mean to refer so much to the higher officials of the Government, but I refer to all those who are brought into contact with the opium farmer the working of this Bill—the police, water police, and Harbour Department, and every executive head which has to deal with the working of this Bill. By duly securing the opium farmer they are securing also the revenue of the colony, and substantially securing their own interests. There may be some matters in this Bill to which I have not referred, or have not sufficiently explained, but I feel sure my omissions will be amply supplied by the knowledge which the Colonial Treasurer has brought to bear on this Bill and the very great assistance which he has given to those who have attempted to put it into shape. I beg to move the second reading of the Bill.

The COLONIAL TREASURER—I beg to second the second reading of this Bill. The Attorney-General has so fully explained the reason for bringing in these Bills and the alterations made in them that I think it is hardly necessary for me to go much into detail. The Bills as originally presented were in consolidated form and were drafted in that form by my predecessor, Mr. Lister. I believe his intention was to make the entire administration of the subject perfectly intelligible to everyone who was concerned in the working of it; but after considering the matter very fully it has been decided to separate the Bills and they will now stand separate in our statute books. The present Bill has received the fullest attention of the Attorney-General and myself and of every officer connected in any way with the working of the Bill since the commencement of the present farm three years ago, and every suggestion whether for or against the farm or in any

way connected with it has been carefully considered and a great many of these suggestions have been included in the present Bill. Since the Ordinance first came up, several new amendments have been introduced, and I honestly believe that in every amendment that has been made care has been taken with a view of preventing anything like friction in the working of the Bill. The great object has been, while endeavouring to safeguard private interests, to render as valuable as possible the granting of this monopoly so as to get a keen competition for the privilege. In some cases it has not been possible to please everybody, private individuals, and firms. There is one great difference between the Raw Opium Ordinance and the Prepared Opium Ordinance. The Raw Opium Bill was introduced for the carrying out of a certain agreement with China, as may be seen on page 208 of the Directory, but the Prepared Opium Ordinance concerns our own property. No one has any right to interfere in any sort or way with it. We have the absolute right of dealing with prepared opium. Now in these Ordinances we have, besides benefitting China, greatly increased the value of our farm, and in introducing the amendments in the present Bill we hope to get a similar double result. Under the circumstances, it should be the duty of every one, unofficial or official, but more especially the latter, to try and make the farm as valuable an asset of the colony as possible. In this Bill some of the amendments introduced benefit the farmer and thereby the public revenue, while others do not. The first to which I allude is one which does not benefit the farmer; I refer to searching. There have been very great complaints from time to time as to the way in which searching has been carried on, complaints of people being roughly handled and their baggage damaged. In this instance as in many others we have followed Singapore. In Singapore the searching is done under the supervision of a European Sergeant of Police. We have introduced the same system here and I believe the presence of a Sergeant of Police will be a safeguard against any ill-treatment from excise officers. With regard to the various amendments there are only one or two about which I shall say anything because the Attorney-General has gone into everything so fully and explained everything so clearly. Section 9, sub-section 3, it will be seen, deals with the cases of dross, making any person liable who is found with a quantity exceeding two taels. I have had a considerable amount of experience of the working of the old Ordinance in regard to this matter, having been a Magistrate for some time, and I know that when a large amount of dross has been found in a man's possession he either states that it is the result of his own smoking or the

smoking of persons on his premises and he manages in some way to evade the law. Now we propose to limit the amount to two taels; if a man has more than that there is no reason why he should not sell it to the dross farmer. You will remember with regard to the old Ordinance that there was a proviso which enabled the opium farmer to grant licences to persons to boil opium. It has not been thought advisable to continue the power to him to grant licences to other persons to boil, but he still has the power to grant licences to other persons to sell boiled opium. Section 34 deals with the liability of shipowners and masters. Here again we have followed Singapore but not to the extent that Singapore has gone. In Singapore if 10 lbs. are found on board the ship is liable to confiscation and nothing is said about the opportunity of being able to prove that proper care had been taken to prevent clandestine opium being on board. There is no doubt that a large amount of opium is smuggled into this colony not only in ships but in steam launches, junks, and other small craft. In fact, Hongkong being an island, it follows that the whole of the opium that is smuggled in must come on the sea. Liability ought to attach to the owners of vessels on which a large amount of opium is found, but as the Attorney-General has stated if it can be proved that proper precautions have been taken to prevent smuggling and that none of the servants or crew are implicated they can go free. Different penalties are given for the different sized ships in the case of opium being found on board. Sections 44, 45, and 49 are new and are taken from the Straits Ordinance. While on this subject I would like to remark that in the Straits where everyone works most zealously in protecting the interests of the farmer and improving the revenue, whereas our farm produces under half a million dollars annually, theirs produces more than a million, and there is no reason why we should not be in the same position. It is the opinion of a good many persons that a large amount of smuggling goes on from Macao. This is exceedingly natural. The Macao opium farm is of very small value as compared with ours and as the opium is much cheaper it is natural it should be brought here, and it is no hardship that shipmasters in this instance should have to take the same trouble that they have to when entering Canton or Singapore. I do not know that there is anything more to say with regard to the amendments. I would only like to add a few words with regard to those that have been dropped about the opium farmer. Monopolists must be always unpopular, but we ourselves have decided to have a monopolist here. This is a free port, we have no Custom House, and if we decided to have one I have not the slightest doubt that the Secretary of State would be utterly opposed to it. To collect our revenue therefore we farm out the privilege of boiling opium. It is no doubt an inconvenience that the opium farmer who comes here and pays us a large revenue should be allowed to search and examine to

find contraband opium, and very naturally persons who have been hardly treated occasionally complain bitterly. No taxes are pleasant, some are more unpleasant than others, but it appears to me absurd to use nothing but abuse towards the opium farmer and at the the same time blandly to accept a quarter of our revenue from him every year. I hope that the Council will take care that the opium farmer shall have every assistance and I only echo the words of the Attorney-General when I express the hope that when the new farm starts the opium farmer will receive from every person to whom he has a right to look all the protection and legitimate assistance that can possibly be afforded him.

Hon. P. RYRIE—I should like to ask whether any communication has been held with the Chinese Customs on this matter.

The ATTORNEY -GENERAL—The communications I have received from the officer who represents the Customs here have received due consideration.

Hon. HO KAI—I am not going to oppose the second reading, but after listening to the Colonial Treasurer and the Attorney-General on the amendments introduced it strikes me that there is one point which they have not provided for. It may not be well known to them but it is very well known in the colony. I allude to the practice of informers and excise officers depositing opium in small quantities in places where they go to search. I have the testimony of a great number of well-known persons in the colony on this point but it may not be so well known to those who live away from the Chinese or have not constant relations with them. There are many cases where information is given by an informer that opium is to be found in a certain place, warrants are issued as a matter of course, and the informer or excise officers go there to search. If no opium is to be found the informer or excise officer is liable, as the case may be, to a prosecution. On the other hand if opium is found in however small a quantity the excise officer or informer gets half the fine of \$50 or \$100 or whatever the fine may be. Hon. members of this Council will quite understand that it is a great temptation to men of such low stamp as the informers to find opium in every search whether there is really any opium there or not, and they generally manage to have some found. I have read through the new Ordinance very carefully and I certainly do not see in it any amendment for the protection of the public at large against the undue interference of informers or excise officers, and this is a point which I think most important and for which no provision has been made. The searching of

passengers or persons coming into the Colony under the supervision of a European Sergeant of Police is a decided improvement, but at the same time why not have some improvement made in the direction I have alluded to? Could not these informers or excise officers be searched before going into a house and so guard against any possibility of their carrying opium in with them and placing it there? I understand we are not going into Committee to-day but I would point out this important point and perhaps at the next meeting when we go into Committee the Attorney-General will have some provision for the prevention of the well-known abuse which exists.

Hon T. H. WHITEHEAD—I rise to move the postponement of the second reading of this Bill in order that we may have an opportunity of fully considering the remarks made to-day and also considering the merits and demerits of the Ordinance before us. As I previously remarked if we are allowed to do so it will save time.

There being no seconder the motion fell to the ground.

The ACTING ATTORNEY -GENERAL—There is one word I would like to say with reference to the remarks made by the hon. member who represents the Chinese. I may say they will have consideration and I am sure they were put forward in good faith, but I am not in a position to know how far these statements are correct or not, nor do I know myself how his proposal would work. At the present moment I do not see how we should be able on every occasion a search has to be made to get a European officer to search the excise officer before he goes to search for opium. With regard to what the hon. gentleman who represents the Chamber of Commerce has said, I do not know that he will be in any worse position when we go into Committee if the Bill is read a second time now. He will be able equally well then to make any amendment he wishes or offer any opinion on the Bill in regard to the amendments proposed.

The Bill was read a second time.

The ACTING ATTORNEY -GENERAL—In moving the second reading of the Raw Opium Bill I shall endeavour to take up as little time as possible. This Bill deals with the movement of raw opium within the colony and is made in conformity with the Opium Convention of 1886. The chief amendments which we propose in the Opium Ordinance of 1887 are as follows. It will be within the recollection of most hon. members that some time in November, 1889, the colony was taken somewhat by surprise by a decision of the full Court. The full Court decided that a man in possession of the contents of several chests packed in bags cannot be convicted of being in possession of raw opium in

quantities less than a chest, that is that quantity less than a chest meant less than a chest could contain. In the amendment we have cut the words "quantities less than one chest" and introduced a new phrase by calling all opium not contained in a chest "loose opium," and accordingly a definition clause has been drafted which we hope will meet every case. The definition says, "Loose opium shall mean all raw opium found or discovered otherwise than in a chest full of one quality of raw opium." Section 3 has been repealed and re-enacted with the words "loose opium" instead of the words "quantities less than a chest." In Section 6 a similar alteration has been made. The next amendment we propose is in section 9 of the principal Ordinance, by inserting the words "the number of chests" in the middle of the section. The old section provided that on obtaining a permit for landing opium the number of the chests should be given; the amendment provides that in the case of opium other than Bengal opium, the weight of each chest shall also be given. That may perhaps have to be cut out as I understand it will not work, it being almost impossible to give the weight in each chest, but we hope to be able to devise some means of satisfying all parties before we go into Committee. The next important amendment is with reference to the movement of opium by night. With a view to prevent smuggling, we propose to limit the hours during which removal can take place, and it is proposed to prohibit the hours between sunset and sunrise according to the season of the year. At the same time power will be given to the Superintendent of Imports and Exports to grant permits if properly applied for. In section 14 the old Ordinance required a register to be kept by every importer of the opium coming into his possession. No mention was made of the storer of opium, but now the storer as well as the importer will come under that regulation in accordance with the terms of the Opium Convention. The next alteration is in section 15. Section 15 provided that certain classes of Chinese vessels, unless the safety of the vessel rendered it necessary, should not leave their anchorage between the hours of sunset and sunrise. Difficulties have arisen with reference to the words "leave her anchorage." Cases have arisen where a Magistrate was at a loss to know how to deal with a junk or Chinese boat that had not apparently left her anchorage but was moving in the waters of the colony and about to leave the waters of the colony, and it was suggested to add the words "shall leave or attempt to leave the waters of the colony." There is no reason so far as I can see why this prohibition should not be included. It is always, I take it, a somewhat suspicious circumstance when a Chinese boat is moving about in the waters at night. Of course there are exceptions. Fishing boats are excepted provided they obtain the necessary permit from the Harbour Master.

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has, I believe, caused a certain amount of friction or if not friction at any rate inconvenience. A penalty is provided by that clause for failing to give the fullest particulars and these particulars are required to be signed by the applicant or his agent if he is sick. That has been found not to be convenient and it is proposed to alter it so that the particulars may be signed by the applicant or by his agent lawfully authorised in writing. I do not think it is necessary to draw attention to the other amendments. They are of only minor importance and I now beg to move the second reading of the Bill.

The COLONIAL TREASURER—I beg to second the motion. The points that suggest themselves to me I will touch on in very few words. With regard to the definition, loose opium, a number of points have been dealt with in very few words: first the opium must be raw, secondly it must be in a chest, thirdly the chest must be as full as when it came into the colony, and fourthly it must be full of one quality of opium only, and not of different qualities or foreign matter. With regard to section 9 I have had a conversation with the leading importers, the opium farmer being present, and I think I see my way to providing for what the opium farmer asks by providing that the weight shall be declared when the opium is turned out in the importers' godowns. There is no hardship in that and if it is found that when a chest goes out of the colony it is of less weight than the weight declared it will be for the opium farmer to take such action as shall bring the offenders to justice. With regard to section 7, importers inform me that there is some objection to the clause as it stands, but I hope in the course of a few days after consultation with the Harbour Master to be able to suggest some alteration in this clause which will render it not so offensive as it now appears to be. With regard to section 11 importers state that where there are two heads to a firm the inconvenience of making the head sign is not great, but where there is only one it would be very inconvenient for him to be constantly called upon to sign the document, and they wish to make the clause run so that the agent may sign. Of course when you come to deal with Chinese who have two or three different names the agent's name might not always be known to the Superintendent of Imports and Exports, so that under this Ordinance the agent is to be allowed to sign only if he is duly authorised by his principal in writing.

The Bill was read a second time.

MISSIONARY INCORPORATION BILL.

Hon. HO KAI moved the first reading of a Bill to provide for the Incorporation of the Senior Missionary in Hongkong of the London Missionary Society.

Hon. P. RYRIE seconded.

Bill read a first time.

MERCHANT SHIPPING CONSOLIDATION BILL.

HIS EXCELLENCY—As the hour is somewhat late and I believe it is the wish that we should not go into Committee on the Merchant Shipping Bill this afternoon, I propose to

postpone it till the next meeting. The Council will therefore be adjourned to Monday next.

FINANCE COMMITTEE.

At the conclusion of the Council meeting, a meeting of the Finance Committee was held. The Acting Colonial Secretary presided.

COMPASSIONATE ALLOWANCES.

The CHAIRMAN said the first vote was for a sum of \$320 as compassionate allowance to the widow and children of Cheong Loi, late first shroff in the Colonial Treasury. The man had been 24 years in the service and the allowance had been computed in the ordinary way, one month's salary for every three years' served.

The COLONIAL TREASURER seconded.

Vote agreed to.

The CHAIRMAN moved a vote of \$1,092 as compassionate allowance to the children of the late Mr. A. H. Placé, senior marine officer in the General Post Office. Deceased had been twenty-one years in the service. He died on the 27th April, his wife having died three years before, leaving three young girls.

The COLONIAL TREASURER seconded.

Vote agreed to.

REPAIRS TO THE "HILDA."

The CHAIRMAN proposed a vote of \$1,600 for general repairs to the Government Marine Surveyor's launch *Hilda* and providing a launch while the repairs are being executed. There were two ways for making provision for these expenses. They might put down a large sum on the estimates for these things, but it was thought that might lead to extravagance and that it was better to ask for the money as each case arose.

Vote agreed to.

REPAIRS TO ST. JOHN'S CATHEDRAL.

The CHAIRMAN moved a vote of \$3,000 for repairs to St. John's Cathedral. By a despatch from the Secretary of State it was understood that when the church was disestablished here the Cathedral was to be put in proper repair before being handed over. Estimates had been furnished, and with every regard for economy it was found that the repairs would cost \$3,000.

Vote agreed to.

STORM DAMAGES AT YAUMATI.

The CHAIRMAN moved a vote of \$7,037 for repairs to damages caused by the storm on the 18th and 19th August to the Praya wall and Roadway, Yaumati. Directly after the storm, complaints had come from the inhabitants that serious further damage would ensue unless

steps were taken to repair the damage already done.

Vote agreed to.

THE VACCINE INSTITUTE.

The CHAIRMAN proposed a vote of \$3,000 for building

the Vaccine Institute. The building of the Institute had been strongly recommended by the Sanitary Board as far back as May, 1890.

The vote was agreed to and the Committee adjourned.
