

28TH MAY, 1908.

**PRESENT:—**

His EXCELLENCE THE GOVERNOR — SIR FREDERICK JOHN DEALTRY LUGARD, K.C.M.G., C.B., D.S.O.

His EXCELLENCE the Officer Commanding the Troops, Major-General R. G. BROADWOOD.

HON. MR. F. H. MAY, C.M.G. (Colonial Secretary).

HON. MR. W. REES DAVIES, K.C. (Attorney-General).

HON. MR. A. M. THOMSON (Colonial Treasurer).

HON. MR. W. CHATHAM, C.M.G. (Director of Public Works).

HON. MR. E. A. IRVING (Registrar-General).

HON. COMMANDER BASIL R. H. TAYLOR, R.N. (Harbour Master).

HON. DR. HO KAI, M.B., C.M., C.M.G.

HON. SIR HENRY BERKELEY, K.C.

HON. MR. H. E. POLLOCK, K.C.

HON. MR. WEI YUK.

HON. MR. H. W. SLADE.

HON. MR. MURRAY STEWART.

MR. C. CLEMENTI (Clerk of Council).

**Minutes.**

The minutes of the previous meeting were read, and confirmed.

**Financial.**

THE COLONIAL SECRETARY, by direction of His Excellency the Governor, laid on the table the report of the Finance Committee (No. 8), and moved its adoption.

THE COLONIAL TREASURER seconded, and the motion was agreed to.

**Additional Bye-Law.**

THE COLONIAL SECRETARY moved the approval by this Council of the additional Bye-law made under section 16 of the Public Health and Buildings Ordinance, 1903 (Ordinance No. 1 of 1903) providing that the administration of salt to cattle in dépôts in any form whatever be prohibited except with the permission of the Colonial Veterinary Surgeon.

THE DIRECTOR OF PUBLIC WORKS seconded, and the motion was agreed to.

**The Opium Question.**

HON. Mr. STEWART—I rise to move the resolution of which I have given notice. It is the outcome of the answer made to the questions which I asked at the last meeting of this Council. In making that answer your Excellency referred to the form in which those questions were put. That reference makes it necessary for me to indicate, in an endeavour to explain the form of those questions, the position occupied in this matter by that section of the community which I have the honour to represent. That I regard as important. The importance of making that position clear must be my excuse for recalling the circumstances in which we stood a fortnight ago. Developments of the opium question threatening a source of the colony's revenue were reported to be taking place concerning which this Council had received no information. In the Press it had been stated that His Majesty's Government had announced in the House of Commons their intention of issuing forthwith an order for the immediate closure of opium establishments in Hongkong. It was difficult to believe that such an announcement would have been made without previous consultation with the local Government.

It was equally difficult to believe that the Colonial Government had been consulted and had given their consent without informing this Council of the fact. But there seemed to be no escape from one or other of these two alternatives. The public was perplexed and inclined to be angry. Hence the somewhat militant note of interrogation then sounding in the air. The questions which I addressed to Your Excellency were only in a limited sense mine. In reality the community asked them. I merely drew them up. I drew them up with the primary object of obtaining official information and the secondary intention of displaying a spirit of resistance to the idea that information of the kind required could, under any circumstances, be properly withheld. But I had no wish to strike at any one innocent of participation in what at the time looked like an official conspiracy of silence. To bring out the truth clearly, to fix responsibility sharply, was the sole idea underlying the form in which those questions were put. The answer made was illuminating. It brought out into high relief the fact upon which the first part of my resolution comments. It fixed responsibility with precision, upon the Secretary of State for the Colonies. True, it showed a way out between the alternatives suggested. Notice of the announcement had indeed been given. Yes, less than 24 hours' notice; scarcely enough even to appeal in, much less obtain a hearing. It was made evident that the community had no cause of complaint against the local Government, that, on the contrary, every practicable means had been taken to withstand the pressure so suddenly and inconsiderately exerted by the Home Authorities. It was, I am sure, a relief to the public to be made acquainted with the attitude adopted by Your Excellency in this matter, and to note that it was apparently governed by views coinciding with those held by the leading members of the community. An additional relief might with advantage have been granted earlier, I think, by publishing officially the exact terms of the announcement made in the House of Commons. This course would have saved the Colony from much harassing doubt, due to conflicting reports as to the precise nature of that statement. Some of the telegrams in the newspapers left upon the reader's mind the impression that the orders so suddenly issued were to be as promptly obeyed. Others left

room for hope that the promptness appertained more to the issue of those orders than to their execution. The telegram from the Secretary of State quoted by Your Excellency did not make this point clear. Possibly the telegram which he made it impossible for you to quote was more explicit, but there would have been no reason for keeping that part of it secret. In any case I think the Colonial Government might have usefully applied for the precise terms and, if necessary, for permission to make them public at this Council table. The members of this Council seem to have equally as good a right to know the terms of that announcement as members of Parliament, concerned only, as was wittily remarked by a brilliant correspondent, in the creation of Utopias on the other side of the world. Reticence invites wonder as to whether there is something, either in the announcement or in subsequent communications, which the Secretary of State is anxious to withhold from this Council. Possibly reticence only shields evidence that he was not quite sure of what he was doing, not quite clear how far it would be possible to fulfil the promise made. If there was nothing of this sort, why secrecy? If there was anything of this sort—well, I hope that the signs of a typhoon of protest, gathering locally, may have been the effect of inducing him to slow down. That is all we want. We do not want him to stop. We only beg that he will proceed with caution. If he now does that, and can make it appear that we have been making a fuss about nothing, well, it will be nothing new. It is easy to imagine how it may turn out. The original intention of the order will probably be modified as a result of the outcry made and then it will be shown how unnecessary the outcry was. In any event, until we know what he is saying and doing, confidence will not be restored and an uneasy feeling will hang over the community and over the deliberations of this Council. For there are others besides myself who would decline the honour of serving on it if matters affecting local revenue are to be settled without so much as the usual courtesy of saying "by your leave." Some hint of this is intended to be conveyed by the second part of the resolution, a perfectly respectful reminder that however unimportant this Council may appear in the eyes of those who sit in the Councils of Empire, the members cannot consent to be treated as *t h o u g h t h e i r o p i n i o n*

was of no importance at all. Recognition is due to the great interests of this Colony. Those who in any sense represent those interests cannot agree to see them ignored. Ceylon apparently was treated with more consideration, also Singapore; they were asked their opinion—true, the opinion of Singapore was not waited for, but it was invited. Why not Hongkong? Sir, the community as a whole, including the Government, has been forced into a most trying position by the action of the Secretary of State. It is not treatment to which we are at all accustomed. It is surely most unusual to conduct the business of State in such fiery haste. This unceremonious promptness compares oddly with the truly wonderful courtesy lately displayed by Lord Elgin in sending out to the local Government the text of a Trade Convention between England and Bulgaria, and asking if they had any objection to its conclusion. Your Excellency referred it on to the Committee of the Chamber of Commerce, asking them if they saw any objection. The Chamber replied that they saw none, as they had never heard of any trade between Hongkong and Bulgaria. I have no desire to ridicule the extreme consideration thus shown. I merely suggest a difficulty in accounting on any intelligible principles of state-craft for such curiously contrasted methods of procedure. Some critics deny that state-craft had anything to do with the present peremptory proceeding. They attribute it to electioneering exigencies. They say that the great interests of this Colony have been treated as a mere pawn in the game of party politics. I do not propose to identify myself with that line of criticism and particularly wish to dissociate myself from criticism of another kind which finds in the present occasion an excuse for attacking, by a somewhat circuitous route, the constitution of the Colony. There is danger in unrestrained and inconsequent criticism inasmuch as the Home Authorities may possibly say: "We did not consult you because we knew you would resist unreasonably." To resist unreasonably would expose this Colony to a form of danger which does not seem to be sufficiently recognised. There is danger lest justifiable resentment against an inconsiderate order for the suppression of a source of revenue which has been sanctioned by successive Governments for many years should be misconstrued as an obstinate and selfish disinclination to shape a course in consonance

with a policy which, for better or for worse, has been adopted by both parties in the State, and which may therefore be represented as commanding itself to the national conscience. However deeply anyone may doubt the accuracy of the political estimate on which that policy is founded; however sceptical anyone may feel as to the results of the efforts at present being made by certain high Chinese officials to eradicate the opium habit; however sure anyone may feel that the poppy fields of Szechuan will outlast the doom assigned, no one can withhold respect for the sentiment which has prompted England to come to China's assistance in her avowed intention of suppressing a form of self-indulgence, over-indulgence in which is degrading. Respect for this sentiment does not imply admission that any sense of responsibility for the spread of that vice should weigh upon the national conscience. The shallow view that associates the name of the thing with our first war can be easily controverted. Nevertheless, that view has prevailed so completely over the truth that it may now be regarded as one of the classic lies of history, which England seems self-condemned to wear like a cangue. If wrongs of any sort were done in earlier days by Englishmen to China the dragging weight of that lie has amply avenged them upon their successors. Those of their successors who revere that prophets must often have groaned in spirit over Ruskin's vision of the English merchant sailing up and down the China sea with a pistol in one hand and a packet of opium in the other, demanding of the unfortunate inhabitants—not in the good old manner of the gentleman of the road, "Your money or your life;" but "Your money and your life." The fantastic absurdity of this kind of misrepresentation renders it all the more difficult to destroy, and, irritated by the idea, one is at times disposed to agree with those who contend that this part of the legacy of the Great Mogul has been a curse. In the desire to be rid of it I sympathise with the zealot. I envy him his clear view. I cannot adopt it because of the complicated nature of human affairs. I cannot blind myself to the complicated problems arising in connection with it. The question is complicated by the fact that our Indian fellow subjects have vast interests which we have allowed to grow up  
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protection we are responsible, and as a member of this Council I deem it my duty to oppose zealotry in this matter inasmuch as it threatens to invade those principles of consistency and that confidence hitherto existing under British rule and supplying the open secret of its success. I admit a sentimental objection to raising revenue from such a source, but unfortunately in this imperfect world it is not possible to order our affairs in conformity with the notions of an ideal polity. An ideal polity would preclude many of the ways and means that even the most civilized States and respectable institutions adopt to support themselves. In the present aspect of the time-honoured predicament created by the contest between ideal and real conditions, we find ourselves in a difficulty. Mr. Asquith has recently said that in a difficult situation you ought to try and found yourself upon some principle that appeals to common sense and common justice. In the hope of discovering some such principle which would enable me to approve of the proposals of His Majesty's Government I referred again to the "Times" report of the recent great debate on the Licensing Bill. For the second time I read the speech made by the present Prime Minister in introducing it. I found it a rich mine of reasons against the course which he has presumably sanctioned with regard to our opium establishments. I found no single reason in favour of the justice of doing away with them by any instantaneous process. I did not find what I was looking for, but I found this in Mr. Balfour's reply: "The result is going to be that you are not going to diminish the amount of liquor consumed; you are going to transfer the consumption of that liquor from premises over which the Magistrates and the Police have control to premises over which they have no control. That is a deplorable result which certainly will not conduce to temperance." By the simple expedient of altering the word "liquor" to "opium" these words, applied in our case, seem like words of wisdom. The Government will loss a source of revenue in addition to losing control. By giving up control of the consumption you will not make people give it up. As long as the vice is popular its votaries will find a place to practise it in. There is a strong opinion that if you try to prevent the people from smoking opium they will eat it, and if you stop them from getting it to eat that they will take to alcohol. I do not propose to discuss the

relative merits of popular poisons. I say nothing as to the comparative value of the opium vice and the drink habit as a relief to the monotony of hard and ceaseless toil, nor yet as to the probable increases in crime and insanity if the latter replaces the former. I do not even propose to discuss the merits of the opium policy of His Majesty's Government in relation to China. The issues do not arise out of the resolution and in any case they have already been decided. But in passing I may perhaps be allowed to say that I wish that more prominence had been given not to the question whether China is sincere but whether she is capable in the matter. Unless a man like Peter the Great arises to create Cosmos out of Chaos, it seems hardly probable that anything effectual will be done. Still, China having applied to the British Government, I do not see how any British Minister could have met her appeal without sympathy and with a blank refusal. But though Sir Edward Grey extended his sympathy he did not abandon caution. The contents of the White Book recently issued on the subject contain ample proof of that. The arrangement made between him and the great philosophic Statesman who presides over the troubled destinies of India is admirable in that respect—so admirable that I had hoped that we were to be allowed to participate in it. In that case there would have been no need for violent legislative enactment. Under that agreement the Opium Trade would have died out automatically in Hongkong in ten years, if China keeps to her part of the bargain. All we had to do was to close down upon it ten per cent. per annum, concurrently with the Indian reduction. We could, I think, with reason have set up a claim to ground the local reduction of our licensed houses upon the principle which justified cautious treatment of the Indian revenue, and which applies with equal force to our revenue. It seems to me that a great Crown Colony should not be treated with less consideration than even our greatest Dependency in matters affecting internal economy. These, however, are all highly controversial matters upon which opinion differs at so many points that for any one man to speak for any number of others is manifestly impossible. I can only claim to speak for that section of the community which I represent by keeping to

the clear contention that whether any new developments of the opium policy adopted towards China by His Majesty's Ministers are in themselves right or wrong, wise or unwise; good, bad, or indifferent, none of them ought to have been made to apply to this Colony without reference to this Council. In this clear contention I lay claim to speak for the commercial community as a whole. I speak with the voice of a community united in protesting against the inconsiderate exercise of arbitrary power. The inconsiderate exercise of arbitrary power is not to be tolerated, without challenge, even when exercised in the name of the Sovereign people. Englishmen are very ready to repose their trust in despotic formulas, but it is always on the understanding that they shall not be used in a despotic manner. Whenever there is even a show of thus using power there is sure to be trouble. Every English statesman ought to know this. No English statesman ought to forget it. We in this Colony humbly aspire to remind one of that fact. The voice of Hongkong sounds dimly in London. We realise that only too well. We realise only too well that the voice of this Council can hardly sound at all within the walls of Westminster. But it is our duty to uplift it, nevertheless, and impelled by a sense of that duty I move:—

"That the Members of this Council view with concern the action of His Majesty's Secretary of State for the Colonies in issuing an order affecting the revenue of Hongkong without having previously given sufficient notice to the Colonial Government to admit of the matter being referred to this Council; and desire to record a protest against any steps being taken to carry out the order announced in Parliament on the 6th instant, until His Majesty's Government shall have been fully informed of the prospective financial effect and before this Council shall have been called upon to consider the methods by which it is proposed to re-adjust the burden of taxation."

HON. DR. HO KAI—Sir, I rise to second the resolution which has been so eloquently and so ably put to the Council by my hon. friend who has just sat down, I will not follow him in his flight of oratory, for I have neither the ability nor the desire, but I wish most emphatically to associate myself with him and, I hope, with the rest of the unofficial members of this Council in maintaining the dignity, the rights and privileges of this Council—(applause)—in maintaining the claim that this Council should be consulted on all matters affecting the finances and the welfare of this fair colony of ours, and in

maintaining also the right of the public of Hongkong to have a consultative voice in a matter which affects its prosperity and its revenues. Furthermore, I associate myself with my unofficial colleagues in trying to save the colony from serious losses, especially at the present moment when our revenue is on the decline and money is urgently required for important public works; and also in asking to have sufficient time to readjust our finances and the burden of taxation. For these reasons I join most heartily with my unofficial colleagues in the protest contained in this resolution. At the same time I wish it to be understood that I do not support this resolution because I think the closing of the opium dens is a mistake or is undesirable or that the opium farm is a benefit to the colony or is a necessity thereto (applause). I think, if you take the opinion of the community, especially of the Chinese community, you will find a great majority will be against the opium farm on account of the great inconveniences and indignities put upon them by excise officers in searching their houses and persons. In fact, the opium farm is regarded by them as a blot on the fair name of this Colony and as dragging its otherwise splendid and glorious traditions in the mud. Therefore I say, root out all the opium dens, abolish the opium farm and everything else.

THE COLONIAL SECRETARY — Public houses?

HON. DR. HO KAI—Yes; anything. Opium dens, public houses, farms and anything else. I for one will not regret and certainly the Chinese community will not regret them. But to close the opium dens at once without regard to cost and in obedience to orders, that is something that sticks in the throat of every spirited member of this Council. I say it is not right that we should not be allowed some time to consider our position and devise means to meet whatever deficiency may arise from closing all opium dens or doing away with the opium farm altogether.

HON. MR. POLLOCK—I do not propose to detain the Council more than a minute or two, but I feel I ought to say a few words in support of the arguments which have been put forward by the mover and seconder of this resolution. I agree with t h e m i n t h i n k i n g

that this is a matter against which this Colony ought to protest very strongly, namely that, without any previous consultation, an order should have been sent out from home to the effect that the opium establishments in this Colony were to be closed down. I agree, Sir, with the hon. member, the mover of this resolution, in deplored the fact that a similar courtesy as to consultation which appears to have been extended to the sister Colonies of Ceylon and the Straits Settlements was not also extended to this Colony. I would also venture to suggest that the authorities at home should have found a way much better than the arbitrary method adopted, of closing the opium establishments *pari passu* with a decrease of the poppy cultivation in China, similar to the method adopted in the great dependency of India. I think, Sir, that in closing down the dens at once in this Colony, which after all represents in the number of Chinese inhabitants only a thousandth part of the whole Chinese Empire, the Home Government is indulging in an act of righteousness at our expense; and I think, Sir, it is very deplorable that they should have taken this extreme and arbitrary measure without pausing to consider what would be the result upon the finances of this Colony. As the hon. seconder of this resolution has pointed out, we are at this time in Hongkong somewhat in low water financially, and as is well known there are public works which require to be carried out. Prominent amongst them is the typhoon refuge as to which there is considerable difficulty in our finding the ways and means. I associate myself therefore with the protest moved by the hon. member (Mr. Stewart).

His EXCELLENCY—Gentlemen, the telegram which I received from the Secretary of State for the Colonies on the subject of the closing of opium divans does not refer to the whole of the opium establishments as has been stated, but to the opium "dens" as they are commonly called in England. This telegram, which I read to the Council at the last meeting, stated that steps should be taken to close the opium dens but did not state that they were to be closed to-day or to-morrow, and I may say that in my reply I dealt very fully with the points which have been raised by the hon. member and my learned friend on my left (Mr. Pollock) and other speakers, namely the financial condition of

the colony, and the way in which the closing of the divans would affect the revenue which we receive from the Opium Farm. In the Secretary of State's reply, which being marked "confidential" I could not read to you verbatim, but of which I gave you the main purport, he agreed to await the arrival of my despatch conditionally upon steps being taken to give effect as far as possible to the policy which he had enunciated. In his original telegram also he said a despatch would follow. I think, therefore, that although I personally agree with a great deal of what has been said by different speakers to-day, it is somewhat premature to deal in heroics at the present stage of the matter. I think that we can rely upon the statesmanship of the British Cabinet. We know, as the first speaker pointed out, that in the Licensing Bill, which the present Government have brought in, they have recognised the principle of allowing time for existing licenses. We know that both sides of the House, Unionists as well as Liberals, join in the general policy in regard to the suppression of opium, and the mover of this resolution read a very striking passage from Mr. Balfour's speech showing how strongly the Opposition feel that any steps taken to restrict the liquor traffic in England should only be taken after due consideration of the results which they will entail. I trust therefore that we may hope that both the great parties in England will recognise the necessity of dealing with this question also in a gradual manner and not by hasty and arbitrary legislation.

The mover of the resolution asked why the Government did not enquire what the precise terms of the statement in Parliament were. The telegram was in itself, I think, sufficiently explicit. We know practically the words used in the House of Commons and in the long telegram which I sent in reply I gave every opportunity to the Secretary of State if he wished to add anything to the information which he gave in the first telegram. I suppose that his view was that it would be sufficient to await the receipt of the despatch which he had promised and the receipt of the despatch which he had agreed to await from myself. I have already replied to the only other question put to me by the mover of this resolution which was practically whether there was any secret sting in the telegram which prompted me to

refrain from quoting it in full. I may assure the Council that there was nothing of the sort; in fact the purport of the telegram was practically as I gave it. The resolution which has been moved in very eloquent terms and which has been seconded and spoken to by hon. members on my right and left in scarcely less eloquent terms, is one which practically conveys a censure on the action of the Secretary of State and the Home Government. I am unable to accept it, but I will promise the Council that not only the resolution shall be forwarded to His Majesty's Government but that I will forward also the Hansard copy of the debate which has taken place upon that resolution this afternoon. (applause).

HON. SIR HENRY BERKELEY—It seems to me after the explanation given by Your Excellency to this Council that it is unnecessary for this Council to proceed to a division on the resolution so eloquently put by the hon. member opposite. No one can but sympathise with the object of the hon. member—that object being to enunciate and make clear the undoubted right of this Council to be consulted before any measure is taken or adopted which in any way affects the revenues of this Colony. With that principle I am entirely in accord, and every member of the Council, whether official or unofficial, must, if he holds a proper view of his duties and wishes to uphold the dignity of the Council of which he is a member, also agree with it. But it is not necessary to affirm a principle until that principle has been attacked. I understand from the remarks made by Your Excellency with respect to, and in explanation of, the telegram which you have received, that you have not received, as we hitherto understood, orders to take immediately measures which will affect the revenues of this Colony. As I understand, a telegram has been received in which it is intimated to you that steps should be taken and that steps are to be taken, and that Your Excellency has communicated with the Secretary of State asking him to withhold his decision until the communication has arrived from this side, and that you have put before the Secretary of State the reasons against the immediate closing of the opium dens as expressed by the hon. member who represents the Chamber of Commerce. If Your Excellency takes steps to communicate this resolution, with the Hansard report of the debate thereon, to the Secretary of State, it seems to me

that all that is desired will be achieved. I yield to none in my insistence upon the independence of this Council, but I reiterate that it is not right from any point of view to insist upon rights until these rights have been infringed. I would suggest that the hon. member who represents the Chamber of Commerce should be content with the promise of His Excellency and the debate that has taken place and not press the resolution to a division (applause).

HON. MR. POLLOCK—I suggest to the hon. mover of the resolution that the House divide on it.

The COLONIAL SECRETARY—You are out of order.

HON. MR. POLLOCK—I am not. I am speaking upon the question of a division. I would suggest that a division be taken.

HON. MR. STEWART—I do not propose to withdraw the resolution. I wish it to be put to the Council.

THE ATTORNEY GENERAL—On the point of order, I would point out that before the resolution can be withdrawn, the permission of the Council to withdraw should be asked.

HON. MR. POLLOCK—No.

HON. DR. HO KAI—He is not asking to withdraw.

HON. MR. STEWART—I do not ask for its withdrawal.

THE ATTORNEY -GENERAL—I beg your pardon: I misunderstood you.

The resolution was then put when there voted:  
—For the resolution: The Hon. Mr. Murray Stewart, Hon. Dr. Ho Kai, Hon. Mr. Pollock, Hon. Mr. Slade, Hon. Mr. Wei Yuk.

Against:—The Harbour Master, the Director of Public Works, the Colonial Secretary, the Registrar General, General Broadwood, the Attorney General, the Colonial Treasurer and Sir Henry Berkeley.

### **Supplementary Estimate.**

THE COLONIAL SECRETARY—Sir, I rise to move the first reading of a Bill entitled An Ordinance to authorize the Appropriation of a Supplementary sum of One hundred and sixty-six thousand seven hundred and thirty-five dollars and eighty-five cents to defray the charges of the year 1907. In connection with this Bill, Sir, I lay on the table the Appropriation Account for the year 1907 in which full explanations will be found of the various items of excess. There is only one item which I think calls for any explanation. That is the item \$10,251.65 for land exchanged at Tsim Sha Tsui with the Hongkong and Kowloon Wharf and Godown Company on page 28 of the Draft Account. It will be noted that that is the only item which is not covered by a supplementary vote of this Council, the reason being that when the money became due at the end of the year there was no time to ask the Council to vote a sum. Therefore Your Excellency, desiring to pay the account before the accounts for the year were closed, issued a cheque in expectation that this Council will legalise the payment in this Supplementary Bill. If any other information is required by hon. members, I shall be happy to give it when the Bill is referred to the Finance Committee.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

### **The Man-Mo Temple.**

THE ATTORNEY -GENERAL moved the first reading of a bill entitled An Ordinance for the transfer of the properties of the Man Mo Temple to the Tung Wa Hospital.

THE HON. DR. HO KAI seconded, and the notion was agreed to,

### **Liquor Licences.**

THE ATTORNEY -GENERAL moved the second reading of the Bill entitled An Ordinance to extend the provisions of The Liquor Ordinances 1898 and to provide for the grant of brewery licences. In doing so he said:—The objects and reasons are stated at the end of the Bill and I don't think I have much to add. It creates a new form of licence known as a brewery licence. In the principal ordinance there are two forms of licence—wholesale and retail. The wholesale licence requires a fee of \$1,000, and the

Government having regard to a brewery, which is here a new institution, thought it would be rather hard to saddle it with such a large sum in its early stages, and this Bill was framed. It also extends the power of the Governor in Council and enables him to revise from time to time the fees payable in respect of liquor licences and also gives general power to create a new form of liquor licence. For instance, where a brewery under this Ordinance would be empowered to sell beer by wholesale, and where it was afterwards found that it was desirable to retail beer for consumption on the premises, power would be vested in the Governor in Council to provide the required licence. Clause 7 of the Bill gives general powers. The whole object is to make the law more comprehensive so that it will not require to be amended piecemeal hereafter.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Council then sat in committee to discuss the Bill.

On the Council resuming,

THE ATTORNEY GENERAL moved the suspension of the Standing Orders.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Bill was then read a third time.

### **The Evidence Ordinance.**

THE ATTORNEY -GENERAL moved the second reading of the bill entitled An Ordinance to amend The Evidence Ordinance 1889. He said the alterations were purely clerical.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

The Council then sat in committee to discuss the Bill, and, on resuming, the Bill was read a third time.

### **Opium Exportation.**

THE ATTORNEY -GENERAL moved the second reading of the bill entitled An Ordinance to prohibit the Exportation of Prepared Opium to China. He said—It is

unnecessary for me to add anything to what Your Excellency said at the last meeting of the Council.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

### **Registration of Chemists.**

THE ATTORNEY -GENERAL moved the second reading of the bill entitled An Ordinance to provide for the registration of Chemists and Druggists and to regulate the Sale of Poisons. He said—It has been found advisable to provide for the registration of chemists and druggists having regard to the sale of poisons. The object of the Bill is to protect the public by placing the dispensing of medicines in the hands of properly qualified persons. The Bill is based upon the English precedent, with some modifications to meet local requirements. I may say that it has been considered acceptable by the medical faculty who have had an opportunity of considering its details.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

### **Public Health and Buildings Ordinance.**

THE ATTORNEY GENERAL moved that the Council go into committee on the Bill entitled An Ordinance to amend to Public Health and Buildings Ordinance, 1903, and The Public Health and Buildings Amendment Ordinance, 1903.

THE COLONIAL SECRETARY seconded, and the motion was agreed to.

On Section 2,

A definition of Common Lodging House was inserted.

HON. DR. HO KAI moved to omit the word "sunshade" from the definition of building. He said it would be a great hardship if Chinese had to send up plans, signed by an architect, of every sunshade proposed to be erected.

THE DIRECTOR OF PUBLIC WORKS

replied that there were powers to waive that.

HON. DR. HO KAI said successive authorities might not waive it.

It was agreed to amend the clause so as to apply only to sunshades over any street.

Section 38 was allowed to stand over.

On Section 42,

HON. MR. POLLOCK moved that in sec. 153 (2) the word "shall" after the words "Building Authority" should be altered to "may."

THE DIRECTOR OF PUBLIC WORKS explained that the subsection was based on a recommendation of the Cubicles Committee in para. 7 of their report dated the 10th August 1907.

THE COLONIAL SECRETARY urged that it was necessary to retain the word "shall" in order to prohibit the erection of Chinese tenement houses of a type incapable of being subdivided into legal rooms.

THE COLONIAL TREASURER stated that the Cubicles Committee had intended that the provision of legal rooms should be compulsory.

The Council divided and there voted:—

For the amendment—Hon. Mr. Pollock, Hon. Mr. Slade, Hon. Mr. Wei Yuk, Hon. Dr. Ho Kai.

Against the amendment—Hon. Sir Henry Berkeley, Hon. Mr. Stewart, the Harbour Master, the Registrar-General, the Director of Public Works, the Colonial Treasurer, the Attorney-General, the Colonial Secretary. His Excellency Major-General Broadwood.

Clause 44, which refers to the demolition of the upper floors of every third insanitary house, was not considered.

His Excellency adjourned the Council for a week.