

# HONG KONG LEGISLATIVE COUNCIL.

---

*2nd January, 1930.*

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## PRESENT:—

HIS EXCELLENCY THE GOVERNOR (SIR CECIL CLEMENTI, K.C.M.G.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR GENERAL J. W. SANDILANDS, C.B., C.M.G., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. W. T. SOUTHORN, C.M.G.).

THE ATTORNEY GENERAL (HON. SIR JOSEPH KEMP, KT, K.C., C.B.E.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. E. R. HALLIFAX, C.M.G., C.B.E.).

THE COLONIAL TREASURER (HON. MR. C. McI. MESSER, O.B.E.).

HON. MR. H. T. CREASY, C.B.E., (Director of Public Works).

HON. MR. E. D. C. WOLFE, C.M.G., (Inspector General of Police).

HON. COMMANDER G. F. HOLE, R.N., (Retired) (Harbour Master).

HON. DR. A. R. WELLINGTON, (Director of Medical and Sanitary Services).

HON. SIR HENRY POLLOCK, KT, K.C.

HON. SIR SHOU-SON CHOW, KT.

HON. MR. R. H. KOTEWALL, C.M.G., LL.D.

HON. MR. A. C. HYNES.

HON. MR. J. OWEN HUGHES.

HON. MR. W. E. L. SHENTON.

HON. MR. J. P. BRAGA.

HON. MR. S. W. TS'O, O.B.E., LL.D.

MR. E. I. WYNNE-JONES, (Deputy Clerk of Councils).

### MINUTES.

The minutes of the previous meeting of Council were confirmed.

### STANDING LAW COMMITTEE.

H.E. THE GOVERNOR.—Gentlemen, as this is the first meeting of the Council this year, it is necessary to appoint the Standing Law Committee. I propose to appoint the following members who have agreed to serve: The Hon. Attorney General (Chairman), the Hon. Colonial Treasurer, the Hon. Sir Henry Pollock, the Hon. Dr. Kotewall and the Hon. Mr. Shenton.

I also take this opportunity of wishing all members of this Council, and through them the whole Colony, a happy, peaceful and prosperous New Year.

### PAPERS.

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the following papers:—

The Director of Air Services to be the duly competent authority to grant, renew and validate licences referred to in Schedule V to the Air Navigation (Colonies, Protectorates and Mandated Territories) Order, 1927.

Regulation under Section 5 of the Ferries Ordinance, 1917, on 13th December, 1929.

Regulation under Section 4 of the Stamp Ordinance, 1921, on 19th December, 1929.

Regulation under Section 3 of the Vehicles and Traffic Regulation Ordinance, 1912, on 16th December, 1929.

Standing Orders of the Legislative Council of Hong Kong.

### QUESTIONS.

HON. MR. J. P. BRAGA asked:—

1.—Will the Honourable Director of Public Works lay on the table of this Council, at the earliest convenient date, a full report, supplemented by a plan, on the scheme for improving the approach to the "Star" Ferry Pier at Kowloon Point, showing—

- (i) any proposed change in the position of—
  - (a) the ricksha coolie shelter, and
  - (b) the adjoining public convenience;

- (ii) the provision, if any, of parking spaces for—
  - (a) attended, and
  - (b) unattended motor-cars and motor-cycles;
- (iii) an improved arrangement for parking public motor-buses?

2.—What is the estimated cost of the scheme and the period required for its completion?

3.—Will the Government include the proposed scheme in the list of urgent Public Works Extraordinary and ask for a supplementary vote from the Finance Committee of this Council to defray its cost and with a view to inviting tenders for carrying it out with as little delay as possible?

THE COLONIAL SECRETARY replied:—

1.—Fresh proposals for the layout of the approach to the Star Ferry Pier at Kowloon Point are under consideration at the present time. A meeting on the site between representatives of the Police department and the Kowloon Residents Association took place on the 9th December, 1929, after which the Kowloon Residents Association representatives stated that they would send in a fresh plan showing the proposed improvements which would be a modification of a plan submitted previously. This plan has not yet been received. It is proposed to issue a Sessional Paper on this matter as early as possible.

2.—This information cannot be given until the scheme is settled.

3.—This question will not arise until the scheme has been approved.

#### **FINANCE COMMITTEE REPORTS.**

THE COLONIAL SECRETARY, by command of H.E. The Governor, laid upon the table the reports of the Finance Committee Nos. 18 and 19 of 19th December, 1929, and 30th December, 1929, respectively, and moved that they be adopted.

THE COLONIAL TREASURER seconded and this was agreed to.

#### **OPIUM ORDINANCE.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend further the Opium Ordinance, 1923." He said: This Bill involves no question of principle except a principle long since accepted, namely, that our control of opium should be as close as possible. The Bill is intended to stop up some small

gaps which exist in our defences against the smuggler. The details are explained in the Objects and Reasons. I beg to move the first reading.

THE COLONIAL SECRETARY seconded and the Bill was read a first time.

### **Objects and Reasons.**

The "Objects and Reasons" for the Bill were stated as follows:—

1. This bill is intended to fill up certain minor lacunae which have been noticed in the statutory provisions relating to the control of opium.

2. Sections 2 and 3 of this Ordinance introduce new definitions of the terms exportation and importation which are based on those in the Dangerous Drugs Ordinance, 1923, as enacted by the Dangerous Drugs Amendment Ordinance, 1928. The new points are the following:—

- (a) Aircraft are specifically referred to.
- (b) Conveyance by mail is expressly mentioned.
- (c) The word "despatch" is introduced in order to meet the possible though unlikely case of contraband being thrown across the land frontier.

3. It has been suggested that although dealing in raw opium is illegal generally yet the prohibitions of section 4 of the Opium Ordinance, 1923, as enacted by section 2 of the Opium Amendment Ordinance, 1924, would not apply if it could be shown that there was no intention that the opium in question should ever be imported into the Colony. Section 4 of this Ordinance introduces words which are intended to meet that possible defence.

4. Section 17 of the Opium Ordinance, 1923, makes illegal the possession of any Government label or wrapper which has been or has become detached from the opium receptacle to which it was attached when issued by the Superintendent. In a prosecution under this section it would usually be impossible to prove that the detached label or wrapper had ever been attached to a receptacle issued by the Superintendent, except by relying on a general statement that in practice no label or wrapper is issued except attached to a receptacle. Section 5 of this Ordinance repeals section 17 of the principal Ordinance and substitutes a new section. Sub-section (1) of the new section meets the point above referred to by making illegal the possession of any label or wrapper of a kind used by the Superintendent unless such label or wrapper is attached to some receptacle which was issued by the Superintendent.

5. Sub-section (2) of the new section 17 deals with another point. It would be possible to remove the label from a Government opium receptacle without damaging the label and to use it again on another receptacle containing non-Government opium. It is true that the possession of this non-Government opium would be an offence in itself, but the improper use of a Government label is a distinct aggravation of that offence, and should be punishable in itself. Accordingly, the sub-section in question makes illegal the possession of any label or wrapper of a kind used by the Superintendent unless such label or wrapper is either attached to a receptacle issued by the Superintendent and containing the full quantity of Government opium as issued, or else has been broken in such a way as to make it impracticable to use the label or wrapper again.

6. Section 36 of the Opium Ordinance, 1923, provides that every person who is proved to have had in his possession any thing containing opium, or the documents of title to any thing containing opium shall, until the contrary is proved, be presumed to have been in possession of the opium. Section 6 of this Ordinance repeals that section and substitutes a new one which contains the following additional points which have been suggested by the corresponding section in the Dangerous Drugs Ordinance:—

- (a) The presumption is made to arise also upon proof of the possession of the keys of any box or drawer containing opium.
- (b) The term documents of the title is made to include a baggage receipt.
- (c) The presumption of knowledge is made to extend to knowledge of the kind of opium contained in the box or other receptacle. This is inserted because it is necessary in the charge to refer to some particular kind of opium, *e.g.*, prepared opium or raw opium.
- (d) It is expressly provided in sub-section (3) that the presumptions of the section will not be rebutted by mere proof that the accused never had physical possession of the opium in question.

7. Section 37 of the principal Ordinance provides that a certificate signed by the Superintendent as to the character or quantity of any opium shall be conclusive evidence of the facts stated therein. This was intended to obviate the necessity of calling the analyst on every occasion. The section is, however, defective, because it makes no provision for connecting any particular certificate with any particular lot of opium. Section 7 of this Ordinance repeals the above section and substitutes a new section which, with the new form of certificate added to the principal Ordinance by section 8 of this Ordinance, will enable the certificate to be connected with the opium to which it relates, by means of the officer who receives the opium from the analyst and produces it in court.

**PRINTERS AND PUBLISHERS ORDINANCE.**

THE ATTORNEY GENERAL moved the second reading of the Bill intituled "An Ordinance to amend the Printers and Publishers Ordinance, 1927."

THE COLONIAL SECRETARY seconded and the Bill was read a second time.

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

THE ATTORNEY GENERAL.—I beg to move that clause 1 be amended by the substitution of the figures 1930 for 1929.

The amendment was approved.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through committee stage with a formal amendment and moved the third reading.

THE COLONIAL SECRETARY seconded and the Bill was read a third time and passed.

**THE CHURCH OF ENGLAND TRUST ORDINANCE.**

HON. SIR HENRY POLLOCK moved the second reading of the Bill intituled "An Ordinance to incorporate a Body of Trustees capable of holding property for the purposes of the Church of England, and to provide for the performance of divine worship according to the rites and ceremonies of the Church of England, and, for certain objects ancillary to the aforesaid objects."

HON. MR. J. OWEN HUGHES seconded and the Bill was read a second time.

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

HON. SIR HENRY POLLOCK.—I beg to move that clause 1 be amended by the substitution of the figures 1930 for 1929.

The amendment was approved.

HON. SIR HENRY POLLOCK.—In the First Schedule I have two amendments to move with regard to the year—that the figures 1930 be substituted for 1929.

The amendments were approved.

HON. SIR HENRY POLLOCK.—In the first regulation of the Second Schedule on page 11 I beg to move the substitution of the figures 1930 for 1929.

The amendment was approved.

HON. SIR HENRY POLLOCK.—In the third line of 2 (c) Second Schedule I beg to move that the words "from time to time" be substituted for "in the first instance." I think it desirable to propose this amendment because it makes the regulation more flexible.

The amendment was approved.

HON. SIR HENRY POLLOCK.—The next amendments I wish to move are in the second line of regulation 8 on page 11 and the last but one line of regulation 8, page 12,—that the figures 1930 be substituted for 1929.

The amendments were approved.

HON. SIR HENRY POLLOCK.—I beg to move that 1930 be substituted for 1929 in regulation 15 of the Second Schedule on page 13.

The amendment was approved.

HON. SIR HENRY POLLOCK.—In sub-section (4) of regulation 17 on page 15 I beg to move the substitution of the figures 1930 for 1929.

The amendment was approved.

HON. SIR HENRY POLLOCK.—On page 19, Table of Correspondence, I beg to move 1930 be substituted for 1929.

The amendment was approved.

Upon Council resuming,

HON. SIR HENRY POLLOCK reported that the Bill had passed through committee stage with a number of minor amendments and moved the third reading.

HON. MR. J. OWEN HUGHES seconded and the Bill was read a third time and passed.

#### **ADJOURNMENT.**

H.E. THE GOVERNOR.—The Council will adjourn until Thursday, 23rd January.