

*22nd June, 1933.*

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**PRESENT:—**

HIS EXCELLENCY THE GOVERNOR (SIR WILLIAM PEEL, K.C.M.G., K.B.E.).

HIS EXCELLENCY THE GENERAL OFFICER COMMANDING THE TROOPS (MAJOR-GENERAL O. C. BORRETT, C.B., C.M.G., C.B.E., D.S.O.).

THE COLONIAL SECRETARY (HON. MR. D. W. TRATMAN, C.M.G.).

THE ATTORNEY GENERAL (HON. MR. C. G. ALABASTER, K.C., O.B.E.).

THE SECRETARY FOR CHINESE AFFAIRS (HON. MR. A. E. WOOD).

THE COLONIAL TREASURER (HON. MR. M. J. BREEN).

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

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

HON. COMMANDER J. B. NEWILL, D.S.O., R.N., (Retired) (Harbour Master).

HON. MR. A. G. W. TICKLE, (Director of Public Works).

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

HON. MR. C. G. S. MACKIE.

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

HON. MR. J. P. BRAGA.

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

HON. MR. J. J. PATERSON.

HON. MR. T. N. CHAU.

HON. MR. PAUL LAUDER.

MR. A. W. G. H. GRANTHAM, (Deputy Clerk of Councils).

**MINUTES.**

The Minutes of the previous meeting of the Council were confirmed.

**PAPERS.**

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

Order under section 43 of the Distress for Rent Ordinance, 1883.

Rules, approvals and appointments, and regulations made under the Liquors Ordinance, 1931, as amended by the Liquors Amendment Ordinance, 1932.

Regulations under section 2 of the Advertisements Regulation Ordinance, 1912, as amended by the Advertisements Regulation Ordinance, 1925, relating to the erection of Neon, etc., light signs.

**QUESTIONS.**

HON. MR. R. H. KOTEWALL asked:—

1. Is it a fact that on account of overcrowding in the prisons, the Government has sanctioned or contemplates sanctioning the release of certain prisoners before the expiration of their terms of imprisonment?

2. Will the Government furnish this Council with comparative figures for the month of May 1932 and 1933, showing:

- (1) The number of prisoners serving terms in Victoria Gaol and the Laichikok Prison respectively.
- (2) The number of prisoners serving terms for
  - (a) hawking offences, and
  - (b) other minor offences.
  - (c) The number of juvenile prisoners, if any.

3. If the comparison reveals an increase in the present number of prisoners, to what cause or causes does the Government attribute such an increase?

THE COLONIAL SECRETARY replied:—

The answers to the questions are:

1. Yes, a number have been released and it may be necessary to release more. Those selected are under orders of deportation from the Colony.
2. (1) The daily average number of prisoners in Victoria Gaol in May 1932 was 626 and in May 1933, 927; in Laichikok in May 1932, 355, and in May 1933, 457.
  - (2) (a) The total number of persons received into prison for hawking offences were: May 1932, 54; May 1933, 166.
    - (b) For other minor offences, i.e., terms of imprisonment of 1 month or less for offences other than hawking: May 1932, 203; May 1933, 257. The latter figure includes a number of persons convicted for opium offences and it should be stated that these are only treated as "minor" in a relative sense, i.e., they are short sentence *opium* convictions.
    - (c) One juvenile was sent to prison in May 1932, and one in May 1933.
3. The increase is attributed largely to the greater number of convictions for opium offences—46 persons were sent to prison for such offences in May 1932 and 228 in May 1933. On 20th June there were in prison 488 persons convicted for opium offences.

The history of this abnormal increase in opium convictions is as follows:—

In accordance with the recommendations of the Bangkok Opium Conference this Government has replaced most of its licensed retailers of opium by Government shops. It has also as a precaution against the dissemination of illicit opium under forged or re-used Government labels introduced the tube-system, the Government's supply being obtained from the tube-packing plant of the Straits Settlements monopoly. Neither the shops nor the tubes have been popular with smokers here and a very heavy decrease in sales of Government opium has occurred, which in the light of past experience the Imports and Exports Department could only regard as indicating a corresponding

growth in the consumption of illicit opium, and of the divans in which it is smoked. A special campaign against divans has therefore been instituted and the results of which have fully justified the Superintendent's fears. The effects on the Gaol population are unfortunate, but we are pledged to keep opium smoking in bounds with a view to its ultimate confinement to smokers of Government opium, who can first be registered, then rationed and finally eliminated.

### **OPIUM AMENDMENT ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the first reading of a Bill intituled "An Ordinance to amend the law relating to Opium." He said: This Bill has two objects. The first is to implement the Geneva Opium Agreement by making it clear that, except in the case of sales to the Monopoly, there shall be no sales of opium dross. The second is to strengthen the hands of the authorities in the suppression of opium divans. Section 15 of the principal Ordinance forbids the opening or keeping of opium divans; but it is often difficult to prove that any particular person found on the premises is the actual keeper.

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. Under Article 5 of the Agreement concerning the Manufacture of, the Internal Trade in, and the Use of Prepared Opium, which was signed at Geneva on the 11th February, 1925, His Majesty's Government undertook to prohibit the purchase and sale of dross except when the dross is sold to the Monopoly.

2. Section 13 of Ordinance No. 7 of 1932 as amended by section 4 of Ordinance No. 36 of 1932 did not expressly enact this prohibition and apparently authorised sales by the Superintendent; though in fact no such sales have ever been made or proposed.

3. Section 2 of this amending Ordinance therefore repeals section 13 and substitutes a redrafted section.

4. In the substituted sub-section (1) the words "under section 10" are new and are added to make the sub-section conform with sub-section (2) which is a re-enactment of sub-section (2) of Ordinance No. 7 of 1932 as amended by section 3 of Ordinance No. 36 of 1932. Moreover the words "or any opium dross" at the end of the sub-section have been omitted in the substituted sub-section (1).

5. In the substituted sub-section (3) the words "or opium dross", which appeared in the sub-section added to the principal Ordinance by No. 36 of 1932, have been omitted.

6. Sub-section (4) is new and contains the prohibition required by Article 5 of the Agreement of the 11th February, 1925.

7. Section 3 of this Amending Ordinance adds a sub-section to section 15 of the principal Ordinance. The section already penalises the keepers of opium divans and the smokers therein. The added sub-section, which is drafted on the lines of section 11 of Ordinance No. 4 of 1897, brings within the scope of the section owners, occupiers and managers of premises who knowingly suffer them to be used as divans.

### **SUPREME COURT AMENDMENT ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend further the Supreme Court Ordinance, 1873".

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

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

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through the Committee without amendment and moved the third reading.

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

### **CODE OF CIVIL PROCEDURE AMENDMENT (NO. 2) ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance for the further amendment of the Code of Civil Procedure".

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

Council then went into Committee to consider the Bill clause by clause.

THE ATTORNEY GENERAL.—There is a misprint in the last line of the Bill, the word "oforesaid" appearing instead of "aforesaid". I move that this be rectified.

This was agreed to.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through the Committee with an immaterial amendment and moved the third reading.

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

### **PROBATES AMENDMENT ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to amend further the Probates Ordinance, 1897."

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

Council then went into Committee to consider the Bill clause by clause.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through the Committee without amendment and moved the third reading.

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

### **PUBLIC WORKS LOAN REDEMPTION ORDINANCE, 1933.**

THE ATTORNEY GENERAL moved the second reading of a Bill intituled "An Ordinance to make provision for the redemption of the bonds issued under the authority of the Public Works Loan Ordinance, 1927."

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

Council then went into Committee to consider the Bill clause by clause.

Upon Council resuming,

THE ATTORNEY GENERAL reported that the Bill had passed through Committee without amendment and moved the third reading.

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

#### ADJOURNMENT.

H.E. THE GOVERNOR.—Council stands adjourned *sine die*.

#### FINANCE COMMITTEE.

Following the Council, a meeting of the Finance Committee was held, the Colonial Secretary presiding.

Votes totalling \$39,613, contained in Message No. 6 from H.E. the Governor, were considered.

Item No. 42:—District Office, South.—Rent of Offices, \$5,600.00.

HON. MR. KOTEWALL.—I understand that the District Office South formerly occupied rooms in the Post Office Buildings. May I inquire to what use these rooms are now being put?

THE CHAIRMAN.—I understand that most, if not all, of the accommodation thus vacated has been turned over to the Medical Department to make room for various expanding services which are being constructed in connection with the re-organisation of the medical and health services of the Colony. The Treasury need a certain amount of accommodation for the Assessor's Office.

HON. MR. KOTEWALL.—It means then that if the District Officer did not move out, other rented premises would have to be taken for the Medical Department.

HON. SIR HENRY POLLOCK.—I presume so.

THE CHAIRMAN.—Yes, they are all expanding departments and are getting overcrowded. This was arranged before I took over the Colonial Secretary's work.

HON. SIR HENRY POLLOCK.—I would like to ask as regards the Medical Department whether they have got all the accommodation they have asked for.

THE CHAIRMAN.—I asked Dr. Wellington to come here for another matter but perhaps he will answer that question.

HON DR. WELLINGTON.—The answer is in the negative (Laughter). We are very cramped for office accommodation.

HON. MR. KOTEWALL.—In spite of the rooms that have been given you?

HON. DR. WELLINGTON.—We don't know what we are going to get down there. We have not been told yet.

Item 47—10A, Harbour Department:—31, New launch to replace No. 11 Police, \$653.00.

HON. SIR HENRY POLLOCK.—I see this launch is costing far more than was estimated for?

THE CHAIRMAN.—On the contrary, I understand there has been a saving.

HON. SIR HENRY POLLOCK.—Even after spending \$13,305 plus \$6,000 plus \$635?

THE CHAIRMAN.—The original estimate was \$22,000. \$16,000 was provided in the estimates for last year of which we spent \$13,305. In the current estimates \$6,000 has been provided for and it will be seen that in spite of the present vote there is a saving.

HON. SIR HENRY POLLOCK.—I see now that there was an unexpended balance last year, therefore we have saved.

All the votes were approved.

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