

26TH AUGUST, 1897.

PRESENT:—

HIS EXCELLENCY the Governor, Sir WILLIAM ROBINSON, G.C.M.G.

HIS EXCELLENCY Major-General BLACK, C.B. (Officer Commanding the Forces.)

Hon. J. H. STEWART LOCKHART (Colonial Secretary).

Hon. W. M. GOODMAN (Attorney-General).

Hon. T. SERCOMBE SMITH (Colonial Treasurer).

Hon. W. CHATHAM (Acting Director of Public Works).

Hon. F. H. MAY, C.M.G. (Captain Superintendent of Police).

Hon. C. P. CHATER, C.M.G.

Hon. Ho KAI.

Hon. T. H. WHITEHEAD.

Hon. E. R. BELLIOS, C.M.G.

Hon. J. J. BELL-IRVING.

Hon. WEI A YUK.

Mr. J. G. T. BUCKLE (Clerk of Councils).

MINUTES.

The minutes of the previous meeting were read and confirmed.

PAPERS.

The COLONIAL SECRETARY laid upon the table the Blue Book for 1896 and correspondence regarding the salaries of officers employed in the public service.

FINANCE.

Financial Minute No. 19 was referred to the Finance Committee and the report of the Finance Committee, No. 5, was adopted. The Public Works Committee's Report, No. 4, was adopted.

MEDICAL REGISTRATION ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the first reading of a Bill entitled an Ordinance to further amend the Medical Registration Ordinance, 1884, and to repeal Ordinance No. 1 of 1897. The object of the Bill is to appoint the Principal Civil Medical Officer, as he is now called, as a member of the Medical Board. The Ordinance passed at the beginning of this year unfortunately had a slight error in it which escaped my notice and apparently the notice of the other members of the Council, and in amending that, opportunity has been taken at the same time of inserting the proper title of the Principal Civil Medical Officer for what has been the Colonial Surgeon.

THE COLONIAL SECRETARY seconded.

Bill read a first time.

Council went into Committee on the Bill, which went through all its stages without amendment and was passed.

PREPARED OPIUM ORDINANCE.

The ATTORNEY-GENERAL—I beg to move the second reading of the Bill entitled an Ordinance to further amend

the Prepared Opium Ordinance, 1891. The objects and reasons of the Bill state that it has been deemed desirable that, at the expiration of the present Opium Farm, in 1898, opium smoking divans should be brought more under the direct control of the Government, and, with this object, this Ordinance requires every person who opens or carries on any such divan to obtain a licence from the Colonial Secretary, on which licence suitable conditions will be endorsed. The Secretary of State, besides having approved of this requirement, has directed that persons other than adult males should be prohibited from smoking in divans, and that the admission of women, other than members of the keeper's family, should be forbidden, as is provided in the Ordinance in force in the Straits Settlements. I should like to add that the Straits Settlements Ordinance, 1894, has a further proviso that no armed person shall be knowingly permitted to be in an opium divan. Section 6, which deals with offences, accordingly assimilates the law of Hongkong to that of the Straits Settlements. Section 7 provides for the making of regulations and their enforcement. The Ordinance is not to come into force till 1st March, 1898, and will not therefore affect the present farm. I now move that the Bill be read a second time.

The COLONIAL SECRETARY seconded.

Bill read a second time.

Council went into Committee on the Bill.

On the interpretation clause being read the ATTORNEY-GENERAL moved as an amendment that the clause be altered so as to include *bona fide* private guests, together with the tenant and his family, as being exempt from the operation of the clause.

The COLONIAL SECRETARY seconded.

Amendment carried.

Sub-Section *b* of Section 6 makes it an offence for any person who knowingly permits a person other than an adult to smoke opium in a divan.

Hon. T. H. WHITEHEAD—Would it not be well to define what "adult" means?

The ATTORNEY-GENERAL—The words are precisely the same as are used in the Straits Settlements Ordinance, which we were asked to copy. The Magistrate will place a reasonable interpretation on the word.

H.E. THE MAJOR-GENERAL—There is no age for adolescence at all. The state varies with individuals, so that it would be impossible to define any specific age.

The ATTORNEY-GENERAL—I think you will find that an adult is for some purposes a person over sixteen years of age.

The COLONIAL TREASURER—If you fix an age there will still be the difficulty of ascertaining the age of a Chinaman.

The ATTORNEY-GENERAL—Yes, you can never prove it. In the case of offences committed in respect of young girls it is almost impossible to prove they are under sixteen, and that is why we said in a recent Act every girl who appeared to the Court or Magistrate to be under that age. I think you will find no practical difficulty in this. The Magistrate will give a reasonable interpretation to the word "adult" and if not the matter would go to the Supreme Court.

H.E. THE GOVERNOR—Are you satisfied with that, Mr. Whitehead?

Hon. T. H. WHITEHEAD—Yes.

The next clause (c) made it an offence for any person who "knowingly permits or suffers any female, not being the opium divan keeper or the wife or child of such keeper to enter or remain in an opium divan."

Some discussion arose on a suggestion made by Hon. Ho Kai that the words "or any member of his family" should be inserted in the place of the words "the wife or child."

The ATTORNEY-GENERAL did not agree with the alteration and said he did not think there would be any difficulty.

The COLONIAL TREASURER—If any difficulty does arise it can be legislated for after.

After some conversation between the Attorney-General and Hon. Ho Kai, the ATTORNEY-GENERAL said he was inclined to leave the clause as it was. In following the instructions of the Secretary of State he had adopted the exact words of the Ordinance that had been in force for some time in the Straits Settlements.

Hon. T. H. WHITEHEAD asked if there had been any difficulty experienced in the Straits Settlements?

The ATTORNEY-GENERAL said he had not heard of any difficulty. The Straits Settlements Amending Act was passed in 1895, and he had not heard of any amendment having been made since, as regards the wording in question.

The CAPTAIN SUPERINTENDENT OF POLICE said an opium divan was a place where opium smoking was carried on and the keeper's wife or servant would not be in the opium smoking room.

Hon. Ho Kai thought a domestic was quite as likely to be in the divan as the keeper.

The ATTORNEY-GENERAL—I do not think any respectable opium divan keeper would send a woman into the divan.

Hon. C. P. CHATER—Would a female servant be a member of the family?

Hon. Ho Kai—Certainly.

The ATTORNEY-GENERAL—If you admit that a servant is a member of the family there is nothing to prevent an opium divan keeper from engaging half a dozen prostitutes as his servants and sending them into the opium divan.

Hon. WEI A YUK, in answer to the Governor, said he was in favour of Hon. Ho Kai's amendment.

The ATTORNEY-GENERAL—I am inclined to think that the law will be evaded.

After some remarks by the CAPTAIN SUPERINTENDENT OF POLICE, Hon. Ho Kai said—It is very likely a keeper would send his servant into the divan. You make an exception to the wife, who, the chances are, would not go in there, and yet at the same time you are cavilling at putting in a domestic servant.

The COLONIAL SECRETARY suggested the words "*bona fide* servant."

H. E. the GOVERNOR (to the Attorney-General) —Do you think you had better hold it over?

The ATTORNEY-GENERAL—I do not like "*bona fide*" servant myself, but if the majority are against me I will yield. It is very easy to say "*bona fide*" now, but when it comes to the question of proof a difficulty will arise.

Eventually the amendment was, on the motion of Hon. Ho Kai, seconded Hon. WEI A YUK, altered so as to make the last two lines of the clause read—"or a *bona fide* member of such keeper's family to enter or remain in an opium divan."

The amendment was then put, the voting being as follows:—

FOR	AGAINST
Hon. Wei A Yuk	The Acting Director of Public Works
Hon. J. J. Bell-Irving	The Captain Superintendent of Police
Hon. E. R. Belilios	The Attorney-General
Hon. T. H. Whitehead	
Hon. Ho Kai	
Hon. C. P. Chater	
The Colonial Treasurer	
The Colonial Secretary	
H. E. the Major-General	

The amendment was therefore carried.

On the last clause being read, Hon. T. H. WHITEHEAD asked for particulars as to the nature of the licence and whether a fee would be charged for it?

The ATTORNEY-GENERAL—There will be a fee, which will probably be about \$10, and the licence will, I presume, be for a year. Hitherto the opium farmer has had the right of letting the divans himself, and if you want to control them in any way and see that proper sanitary arrangements have been made he looks upon it as a cause of complaint and says we are taking away some of the perquisites of his farm. The Government will licence the divans and every person getting a licence will have to make his own arrangements with the opium farmer as to getting the opium. The farmer will, I presume, be

communicated with when an application is made for a licence for a divan and it will also be considered whether the place is properly situated, properly ventilated, and in a sanitary condition and so forth. If there is no objection under one of these heads the application will be granted and the man will get his licence.

Hon. T. H. WHITEHEAD—Will the tendency of those restrictions be to reduce the revenue from the opium farm?

The ATTORNEY-GENERAL—It is difficult to foresee that. The difficulty hitherto has been that immediately you try to make a sanitary by-law in reference to divans the opium farmer says you are interfering with his business, and it is to prevent a repetition of that state of affairs that it has been decided that these divans shall be brought under direct control. Therefore, I think it will be very much to the good of the colony and advance the health of the community if an alteration in the law is made.

Hon. T. H. WHITEHEAD—I quite realize the importance of having these divans put into and maintained in a proper sanitary condition, but will this mode of working the opium farm be practicable? Will it be practicable for the opium farmer to carry on the work?

The COLONIAL SECRETARY—It has been found quite practicable at Singapore, where the Ordinance has been in force some time, and it has not led to the reduction of the revenue arising from the opium farm. The revenue from the last farm at Singapore was higher than the previous one, so it was stated in the newspapers.

Hon. T. H. WHITEHEAD—Has the views of the present opium farmer been obtained as to how this Ordinance will work?

The ATTORNEY-GENERAL — Personally I have not obtained them; I do not know whether any other member has. As a rule the opium farmer's view is to get as large a profit as possible. The sanitary arrangements do not, with him, compare with the pounds, shillings, and pence, or rather the dollars that he wishes to get out of the farm.

This concluded the discussion.

The ATTORNEY-GENERAL said that as the alterations were material it would be necessary to suspend the Standing Orders in order to get the Bill passed that day.

The Standing Orders were thereupon suspended and the Bill was read a third time and passed.

Council resumed.

WIDOWS' AND ORPHANS' PENSIONS ORDINANCE.

The COLONIAL TREASURER—I beg to move the second reading of the Bill entitled an Ordinance to amend the Widows' and Orphans' Pensions (Amendment) Ordinance No. 28 of 1895. The necessity for this Ordinance is given in the objects and reasons. The definition of "salary" in Ordinance 30 of 1890 was found to be inadequate and was amended by section 1 of Ordinance 28 of 1895. The amended definition made "house allowance" a part of an officer's salary, but did not include in the term "salary" the estimated value of free quarters. Hence there arose the anomaly that an officer who received an allowance for house rent contributed to the Widows' and Orphans' Pension Fund a percentage on such allowance, whereas an officer occupying free quarters paid no contribution in respect of the estimated value of such free quarters. To remove this anomaly and to bring the definition of "salary" in the Widows' and Orphans' Pension Ordinance into line with the definition of "salary" given in No. 11 of the Pension Rules published in Government Notification No. 452 of 1895, this Ordinance is required. I may mention that this Ordinance merely affects the internal working of the Civil Service.

The COLONIAL SECRETARY seconded.

Bill read a second time.

Bill carried through all its stages and passed.

NATURALIZATION ORDINANCE.

The Bill entitled an Ordinance for the naturalization of Ho Mui Sz, alias Ho Lin Shing, was brought up by the Attorney-General for the second time and passed.

ADJOURNMENT.

The Council then adjourned until Monday week.

FINANCE COMMITTEE.

A meeting of the Finance Committee was then held. Hon. J. H. Stewart Lockhart (Colonial Secretary) presided and all the members, with the exception of the Harbour Master, were present.

MINUTES.

The minutes of the last meeting were read and confirmed.

GAOL INDUSTRY.

The only minute was one in which the Governor recommends the Council to vote a sum of \$500 in aid of the vote "Material for remunerative industry, Victoria Gaol."

Vote recommended.

ADJOURNMENT.

The Committee then adjourned.