

22ND SEPTEMBER, 1904.

PRESENT:—

HIS EREASURER THE GOVERNOR, SIR MATTHEW NATHAN, K.C.M.G.

HON. COLONEL L. F. BROWN (Commanding the Troops).

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

Hon. E. H. SHARP, K.C. (Attorney-General).

Hon. L. A. M. JOHNSTON (Colonial Treasurer).

Hon. A. W. BREWIN (Registrar-General).

Hon. Captain L. A. W. BARNES-LAWRENCE, R.N. (Harbour Master).

Hon. P. N. H. JONES (Director of Public Works).

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

Hon. Dr. Ho Kai, C.M.G.

Hon. Wei A YUK.

Hon. R. SHEWAN.

Hon. GERSHOM STEWART.

Hon. W. J. GRESSON.

Mr. S. B. C. ROSS (Clerk of Councils).

PAPER.

The COLONIAL SECRETARY laid on the table a further Report by the Government Bacteriological and Colonial Veterinary Surgeon on Cattle Disease in the Colony of Hongkong.

FINANCIAL.

The COLONIAL SECRETARY laid on the table Financial Minute (No. 48) and moved that it be referred to the Finance Committee.

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

The COLONIAL SECRETARY laid on the table Report of the Finance Committee (No. 9) and moved its adoption.

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

A NEW PEAK TRAMWAY.

Hon. Sir PAUL CHATER moved the first reading of a Bill entitled an Ordinance for authorising the construction of a Tramway within the Colony of Hongkong.

Hon. GERSHOM STEWART seconded, and the motion was agreed to.

WILD BIRDS AND GAME.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled an Ordinance to amend the Wild Birds and Game Preservation Ordinance, 1885. He said—Sir, the purposes of this measure will be seen from the Objects and Reasons attached to the Bill. There are two amendments. The first of these amendments has for its object the making of the commencement of the statutory close season for pheasants and partridges—that is to say, to make the season during which those birds must not be exposed for sale in the Colony—coincide with the commencement of the

close season already recognised in game licences. The present position is somewhat anomalous. Game licences forbid the shooting of birds after the 1st of March—March falling within the breeding season of these birds—but the Ordinance permits the sale of birds until the 1st of April, which means that during the month of March they are trapped and kept for sale up till the 1st of April. This inconsistency it is proposed to remove. The second amendment has a double purpose. The first of these is the one I have just considered; it also is to prevent the trapping of birds in the close season. As the birds are kept in confinement for considerable periods, many of those exposed for sale on the 1st of October, when the sale becomes permissible, have been trapped during the breeding season; so that the second amendment has the same purpose as the first. But it also has an additional purpose—the prevention of the cruelty which is inflicted by keeping these birds in confinement. It is proposed to exempt from the operation of the Bill the sale of birds as pets by bird fanciers, in which cases no doubt the conditions under which the birds are kept are better.

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

The Council went into Committee and considered the Bill clause by clause, without making any amendment.

On the Council resuming,

The ATTORNEY-GENERAL moved the third reading of the Bill.

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

On the motion of HIS EREASURER the Bill was passed.

TUNG WAH HOSPITAL.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled an Ordinance for enabling the Tung Wah Hospital to acquire, hold, mortgage and sell land and hereditaments in the Colony of Hongkong. He said—Sir, —The occasion for this measure is that the Tung Wah Hospital for a great many years—I think for more than 30 years—has been investing its surplus funds in the purchase of land in this Colony. In the Bill there is a list of the lands which the Tung Wah Hospital at present holds. Doubts have now arisen as to whether these purchases have been technically within the powers conferred by the Tung Wah Hospital Ordinance, 1870, which authorises the purchase of lands for the purposes of a hospital, and it is desirable that these doubts should be removed and the Tung Wah Hospital given unquestionable powers in the future to make such purchases and to sell, mortgage, and deal with the land, subject only

to the restrictions which are laid down in the Bill.

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

The Bill was then taken into Committee and passed through that stage without amendment.

On the Council resuming,

The ATTORNEY-GENERAL moved the third reading of the Bill.

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

On the motion of His TREASURER, the Bill was passed.

THE OPIUM ORDINANCE.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled an Ordinance to amend The Prepared Opium Ordinance, 1891. He said—Sir,—This is an amended form of the Bill which has already been read twice before this Council, and the points which are raised in this measure have, I believe, been very fully discussed before the Council at former meetings. It is believed that the new Bill will equitably meet all those points. I beg to remind hon. members, Sir, that owing to the language which was employed in the principal Ordinance in defining prepared opium, all compounds of opium—for example opium pills and opium wine, which were particularly mentioned—if they could not be proved to have been subjected to artificial heat in the process of their preparation, have hitherto escaped contributing to the opium revenue; and apparently the taking of opium in the form of these compounds has considerably increased of late in the Colony. That may be seen, I think, from the circumstance that the majority of the signatories to the petition presented to this Council from the dealers in compounds of opium were admittedly those who had dealt in these compounds for only a very short period. This new Bill does several things. It regulates the sale of these compounds of opium. It provides that the importers of such compounds shall pay a licence fee which shall go to the opium farmer. It preserves the existing trade within the Colony in articles of this character, stipulating only that importers shall pay a royalty to the opium farmer upon the actual opium contained in the compounds. The new Bill absolutely preserves the export trade, as, I think, was promised by the Officer Administering the Government in this Council, and there is a provision in the new Bill exempting from the operation of the Ordinance European and American medicines which may contain opium. I think, Sir, under the Bill the interests of the existing traders on the one hand and the Colonial Government and the opium farmer on the other hand have been fairly conserved.

The COLONIAL SECRETARY seconded.

His TREASURER—In view of the discussion that took place on the Bill which was withdrawn at the last meeting

of Council, I have considered very carefully the desirability of passing a Bill restricting the sale of opium pills and opium wine. I have come to the conclusion that such a Bill is necessary. I have no doubt that so long as the sale of opium is allowed in this Colony the policy which will best advance the interests of the general community is that a maximum revenue should be obtained from a minimum consumption of the same. The constantly increased sums that have been paid for the opium farm tend to the realisation of this policy. It will however be defeated if compounds of opium—that is, opium in another form—can be sold without payment or profit to the opium farmer, and consequently without contributing to the revenue of the Colony. There seems to be no doubt that the enhanced price of opium has resulted in an increased sale of these non-revenue-paying compounds of opium, and it is therefore desirable that this sale should be checked. One argument which was used against the checking of this sale was that the use of these compounds tends to lessening the consumption of opium itself, that is to a lessening of the opium smoking habit; but no medical evidence has been adduced, or, I think, could be adduced in support of this. The other objection which was urged formerly to the principle of the Bill was the vested interests of certain dealers in the compounds of opium. I hold that where the unrestricted consumption of any article is deleterious there can be no inherent right to the unrestricted sale of that article. The details of the Bill have been fully explained by the hon. Attorney-General, and it is not necessary for me to add anything to what he has said with regard to these details.

The motion was agreed to.

When the Council went into Committee on the Bill it passed through that stage without alteration.

The Council resuming,

The ATTORNEY-GENERAL moved the third reading of the Bill.

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

On the motion of His TREASURER, the Bill was passed.

PROTECTION OF WOMEN AND GIRLS.

The ATTORNEY-GENERAL moved the second reading of the Bill entitled an Ordinance to amend the Protection of Women and Girls Ordinance, 1897. He said—Sir,—The purposes of this measure are to obviate a defect which has been found in the working of the principal Ordinance, and also to enable the Police to deal more effectively with the evil of so-called "sly brothels." There are two amendments proposed. The purpose of the first is this. At present, under Section 13—the section which it is proposed to amend—of the principal Ordinance brothel keepers can only be brought before the Magistrate by summons. This method has

been found insufficient. Keepers disappear on receiving the summons and their brothels are carried on of course in their absence. It is proposed therefore to empower the Magistrates to issue warrants for the arrest of brothel keepers. That is the purpose of the first of the two amendments proposed. The purpose of the second is this. As the principal Ordinance now stands the Magistrate can only order the brothel to be closed. He has no further powers. This practically imposes very little—at any rate insufficient—inconvenience upon the brothel keepers, who continue to remove as their houses are continued to be closed, and they so keep beyond the reach of any penalty. It is proposed therefore to revive the provisions, upon this point, of the Protection of Women and Girls Ordinance, 1889, which imposed a penalty on any person keeping a brothel for any offence including the first offence.

The COLONIAL SECRETARY seconded, and the motion was agreed.

The Council dissolved itself into Committee and considered the Bill clause by clause.

There were no amendments.

On the Council resuming,

The ATTORNEY-GENERAL moved the third reading of the Bill.

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

His TREASURER moved that the Bill be passed.

The motion was agreed to.

The Council adjourned till Thursday, 29th inst., at 2.30 p.m.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held after the Council—the Colonial Secretary (Hon. F. H. May, C.M.G.) presiding.

VICTORIA GAOL.

The Governor recommended the Council to vote a sum of \$4,650 in aid of the vote Victoria Gaol, Other Charges, for the following items:—

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| Provisions for prisoners | \$3,000 |
| Clothing and shoes for Gaol Staff | 450 |
| Fuel and soap | 400 |
| Materials for remunerative industry .. | 800 |
| | _____ |
| Total | \$4,650 |

The CHAIRMAN said that this vote was necessary owing to the increased number of prisoners in Victoria Gaol.

The vote was passed.

This was all the business.