

Draft Bills.

No. S. 232.—The following amended draft bill, which it is proposed to introduce into the Legislative Council on the 21st August, is published for general information. The original draft bill was published on the 27th June. Clause 2 in the present draft is new.

[No. 8 :—15.8.24.—2.]

C.S.O. 2568/21.

C.S.O. 5125/08.

A BILL

INTITLED

An Ordinance to amend the Opium Ordinance, 1923.

BE it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows :—

Short title. 1. This Ordinance may be cited as the Opium Amendment Ordinance, 1924.

Amendment of Ordinance No. 30 of 1923, ss. 4 & 5. 2. Sections 4 and 5 of the Opium Ordinance, 1923, are repealed, and the following sections are substituted therefor :—

Restrictions on dealings in raw opium.

4.—(1) Except under and in accordance with a licence granted by the Governor, no person or firm shall, whether on his or its own behalf or on behalf of any other person or firm, buy or sell, or supply or procure, or offer to supply or procure, or otherwise deal in or offer to deal in, any raw opium, whether such raw opium be in the Colony or elsewhere, and whether it be ascertained or appropriated or in existence or not, and, except under and in accordance with a licence granted by the Governor, no person or firm shall import or export any raw opium or do any act preparatory to or for the purpose of importing or exporting any raw opium, or have any raw opium in his or their possession.

(2) Subject to the obtaining of a licence under sub-section (1) before importation, any raw opium which is imported by water, from a place from which such raw opium may by the law of that place legally be exported, under a through bill of lading for any place into which such raw opium may by the law of that place legally be imported, may be imported into the Colony, and may be exported to such place, provided that the following conditions are complied with :—

(a) The ship on which the raw opium is imported shall proceed direct and forthwith to the harbour of Victoria and shall forthwith enter such harbour.

(b) Full particulars as to the description, weight, consignors, consignees and destination of the raw opium, and as to the marks and numbers of the cases in which it is contained, shall appear in the manifest of the said ship.

- (c) The presence of the raw opium on board the said ship shall be reported in writing to the Superintendent by the master of the ship within four hours after the arrival of the ship in the harbour of Victoria: provided that if the office of the Superintendent is not open for the four hours immediately after the arrival of the ship in the harbour of Victoria this paragraph may be made to the inspector on duty at the Central Police Station.
- (d) The raw opium shall not be—
- (i) removed from the ship on which it was imported, or
 - (ii) in any way moved in the Colony after removal from such ship, or
 - (iii) exported, except under, and in accordance with, a removal or export permit issued by the Superintendent.
- (e) The chest, box, case or package containing the raw opium shall be imported, and shall while in the Colony be maintained, unopened and unbroken, unless it is opened or broken during and for the purposes of some search authorised by this Ordinance.
- (f) A certificate in the form of the certificate in the First Schedule or in some form which appears to the Superintendent to be equivalent shall accompany the raw opium on the said ship and shall be produced to the Superintendent at least four hours before the raw opium is exported. First
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Form No. 1.
- (g) The raw opium shall be exported with all reasonable expedition.
- (h) When the ship on which the raw opium is exported leaves the harbour of Victoria it shall proceed direct and forthwith out of the waters of the Colony.

- (i) The exportation of the raw opium shall be reported in writing to the Superintendent, by the owner, charterer or agent of the ship, within 48 hours after the departure out of the waters of the Colony of the ship on which the raw opium is exported.
- (3) Subject to the obtaining of a licence under sub-section (1) before importation, any raw opium which is imported by water under a through bill of lading for Macao, from the Government of India or its nominees for the use of the Government of Macao or its nominees, may be imported into the Colony, and may be exported to Macao, provided that the following conditions are complied with:—
- (a) The ship on which the raw opium is imported shall proceed direct and forthwith to the harbour of Victoria and shall forthwith enter such harbour.
- (b) Full particulars as to the description, weight, consignors, consignees and destination of the raw opium, and as to the marks and numbers of the cases in which it is contained, shall appear in the manifest of the said ship.
- (c) The presence of the raw opium on board the ship shall be reported in writing to the Superintendent by the master of the ship within four hours after the arrival of the ship in the harbour of Victoria: provided that if the office of the Superintendent is not open for the four hours immediately after the arrival of the ship in the harbour of Victoria the report required by this paragraph may be made to the inspector on duty at the Central Police Station.
- (d) The raw opium shall not be—
- (i) removed from the ship on which it was imported, or
 - (ii) in any way moved in the Colony after removal from such ship, or
 - (iii) exported,
- except under, and in accordance with, a removal or export permit issued by the Superintendent.

- (e) The chest, box, case or package containing the raw opium shall be imported, and shall in the Colony be maintained, unopened and unbroken, unless it is opened or broken during and for the purposes of some search authorised by this Ordinance.
- (f) The raw opium shall be exported with all reasonable expedition.
- (g) When the ship on which the raw opium is exported leaves the harbour of Victoria it shall proceed direct and forthwith out of the waters of the Colony.
- (h) The exportation of the raw opium shall be reported in writing to the Superintendent, by the owner, charterer or agent of the ship, within 48 hours after the departure out of the waters of the Colony of the ship on which the raw opium is exported.

- (4) No export permit shall be issued under paragraph (d) of sub-section (2) until there have been produced to the Superintendent a certificate in the form of the certificate in the First Schedule or in some form which appears to the Superintendent to be equivalent, and no such export permit shall be issued until the Superintendent is satisfied that such certificate is genuine and relates to the opium sought to be exported and has not been obtained by any misrepresentation.
- (5) The Superintendent shall not issue any export permit for the exportation of any opium referred to in sub-section (3) except under the express authority of the Governor.
- (6) Sub-section (1) shall not apply to any raw opium imported by the Superintendent and in his possession or under his control.

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Licence under s. 4 (1), and revocation of licence, discretionary.

- 5. The granting of any licence under section 4 (1), and the revocation of any such licence, shall lie in the absolute discretion of the Governor, who may impose any conditions that he may think fit upon the granting of any such licence.

Amendment of Ordinance No. 30 of 1923, s. 21 (3). 3. Section 21 (3) of the Opium Ordinance, 1923, is amended by the deletion of the words "unless it is proved, to the satisfaction of the magistrate," and by the substitution therefor of the words "unless the magistrate is satisfied".

Amendment of Ordinance No. 30 of 1923, s. 39 (1). 4. The following table is substituted for that contained in section 39 (1) of the Opium Ordinance, 1923 :—

SECTION OR SUB-SECTION.	MAXIMUM FINE.	MAXIMUM TERM OF IMPRISONMENT.
8	\$2,000	—
15 (1)	\$ 500	—
15 (2)	\$ 25	—
17	\$5,000	One year.
18	\$5,000	One year.
19	\$5,000	One year.
25 (4)	\$ 250	—
25 (5)	\$ 250	Six months.
26	\$ 250	—

Objects and Reasons.

1. Clause 2 proposes to make the restrictions on dealings in raw opium even more stringent than they are now. In the first place it provides that every kind of dealing in raw opium, except of course by the Superintendent, shall be illegal unless a licence has been obtained from the Governor. In the second place, it makes unlicensed dealings in raw opium illegal whether the raw opium is in the Colony or not and whether it be ascertained or appropriated in existence or not.

2. Clause 3 of the bill amends section 21 of the Opium Ordinance, 1923, in accordance with representations made by the Hongkong General Chamber of Commerce.

3. Clause 4 of the bill corrects certain drafting errors in the Opium Ordinance, 1923. These were due to the fact that three clauses were struck out of the bill at a late stage. The necessity of making consequential alterations in clause 39 (1) was overlooked.

4. The opportunity is taken to make \$250 the maximum penalty for refusal by a revenue officer or police officer to produce his badge. It seems unnecessary to give a power to imprison without the option of a fine. The special penalties for obstructing searches, etc., have been omitted, leaving this offence to be dealt with under the general penalty clause.

J. H. KEMP,
Attorney General.

15th August, 1924.