

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

**SQUATTERS AMENDMENT BILL.**—The Attorney General moved the Second reading of the Bill entitled An Ordinance to amend the Squatters Ordinance, 1890.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a second time.

Council in Committee on the Bill.

Council resumed, and Bill reported without amendment.

The Attorney General moved that the Bill be read a third time.

The Colonial Secretary seconded.

Question—put and agreed to.

Bill read a third time.

Question put—that this Bill do pass.

Bill passed.

**TRAMWAY (AMENDMENT) BILL.**—The Second reading of the Bill entitled An Ordinance to amend the Tramway Ordinance, 1902, was not proceeded with.

**ADJOURNMENT.**—The Council then adjourned until Thursday, the 2nd June, 1910.

F. H. MAY,  
*Officer Administering the Government.*

Read and confirmed this 2nd day of June, 1910.

C. CLEMENTI,  
*Clerk of Councils.*

**No. 166.**—His Excellency the Officer Administering the Government has given his assent, in the name and on behalf of His Majesty the King, to the following Ordinances passed by the Legislative Council :—

Ordinance No. 9 of 1910.—An Ordinance to amend the Pharmacy Ordinance, 1908.

Ordinance No. 10 of 1910.—An Ordinance to amend the Malicious Damage Ordinance, 1865.

Ordinance No. 11 of 1910.—An Ordinance to amend the Opium Ordinance, 1909.

HONGKONG.

No. 9 OF 1910.

## An Ordinance to amend the Pharmacy Ordinance, 1908.



F. H. MAY,

*Officer Administering the Government.*

[4th June, 1910.]

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

Short title  
and con-  
struction.

**1.** This Ordinance may be cited as the Pharmacy Amendment Ordinance, 1910, and it shall be read and construed as one with the Pharmacy Ordinance, 1908, hereinafter called the Principal Ordinance.

Interpreta-  
tion of term.

**2.** For the purposes of this Ordinance "Poison" means any article named or described in Schedule A to the Principal Ordinance which is named or described in the Schedule to this Ordinance. Provided also that it shall be lawful for the Legislative Council at any time by Resolution to declare as follows:—

(a.) That any article named and described in the said Schedule to the Principal Ordinance shall be deemed to be a poison for the purposes of this Ordinance.

(b.) That any article named and described in the Schedule to this Ordinance may be removed therefrom.

Search with  
warrant.

**3.** Whenever it appears to any Justice of the Peace upon the oath affirmation or declaration of any person that there is reasonable cause to believe that in any dwelling house shop or other building or place or on board any ship not being or having the status of a ship of war within the Colony there is concealed or deposited any poison as defined by section 2 in respect of which an offence has been committed against the Principal Ordinance or any regulations made thereunder or that any person has committed an offence against such Ordinance or regulation, such Justice of the Peace may by his warrant directed to any Police Officer empower such officer by day or by night—

(a.) to enter such dwelling house shop or other building or place or to go on board such ship and there to search for and take possession of any such poison in such dwelling house shop building place or ship; and

(b.) to arrest any person or persons, being in such dwelling house shop or other building or place or ship, in whose possession custody or control such poison may be found, or whom such officer may reasonably suspect to have concealed or deposited any such poison in such dwelling-house, shop, building, place or ship or thereabout; and

(c.) to arrest any person named in such warrant.

Powers of  
officer  
executing  
warrant.

**4.** Such officer may, if it is necessary to do so,—

(a.) break open any outer or inner door of such dwelling house shop or other building or place and enter thereinto;

(b.) forcibly enter such ship and every part thereof;

(c.) remove by force any obstruction to such entry search seizure and removal as he is empowered to effect;

(d.) detain every person found in such dwelling-house shop building or place or on board such ship until such place or ship has been searched;

- (e.) seize and detain any such poison found in such place or ship; and
- (f.) seize and detain any such poison found in the possession of any of the persons against whom his warrant has been issued in any place whatever within the Colony.

5. All informations to be laid, and all warrants to be issued, and all arrests and seizures to be made under this Ordinance may be had or done on Sunday as well as on any other day. Process on Sundays.

6.—(1.) Every person who shall in contravention of this Ordinance conceal or deposit any poison as defined by section 2 or who shall sell expose or offer for sale any such poison in contravention of the Principal Ordinance or who shall fail to conform with any regulation made thereunder as to the sale, possession, importation or exportation of such poison as aforesaid shall in lieu of any penalty prescribed by the Principal Ordinance or by any regulation made thereunder be liable on conviction to a penalty not exceeding two thousand dollars or in default of payment to imprisonment with or without hard labour for any period not exceeding twelve months and all such poison in respect of which an offence has been committed shall be forfeited; but nothing in this Ordinance contained shall prevent any person from being liable to any other penalty, damages or punishment to which he would have been subject if this Ordinance had not been passed. Penalty.

(2.) Any poison as defined by section 2 in respect of which any breach of the Principal Ordinance or of any regulations made thereunder has been committed other than the breaches for which penalties are imposed in sub-section (1) of this section may be forfeited by the Magistrate to the Crown. Forfeiture of poison seized.

(3.) All proceedings under this Ordinance to recover penalties or to forfeit any poisons shall be taken summarily before a Magistrate.

7.—(1.) When any poison as defined by section 2 is found without being apparently in the possession of any person, or when it is proved to the satisfaction of the Magistrate that it is not possible to proceed against any individual with respect to any poison as to which an offence has been committed against the Principal Ordinance or any regulations made thereunder by reason of the fact that the offender is out of the jurisdiction or cannot be found, the Magistrate may cause a notice in English and Chinese to be affixed to the place where such poison has been found or where it is known to be stored calling upon the owner thereof to claim the same. Unclaimed poison.

(2.) If no person makes such claim within a period of one week from the affixing of such notice or if any such claim is made within the said period of one week but is not subsequently substantiated to the satisfaction of a Magistrate, such poison shall be forfeited to the Crown.

8. The Magistrate may in his discretion employ an analyst or other skilled person to report upon any technical point which may be in dispute in any prosecution under this Ordinance, and may, in his discretion order the payment of such analyst or skilled person by the party in fault, or out of any fine recovered from either party, or out of the proceeds of any forfeiture ordered by such Magistrate. Making of analysis.

At the hearing of any such prosecution the production of the certificate of the Government Analyst shall be sufficient evidence of the facts therein stated unless the defendant requires that the Analyst should be called as a witness.

9. The Magistrate may dismiss any charge or complaint under this Ordinance on the ground that such charge or complaint is frivolous or vexatious although the commission of an offence be proved and when a charge or complaint is dismissed if it is dismissed on the ground that such charge or complaint is frivolous or vexatious or the Magistrate is of opinion that such charge or complaint was supported by evidence false to the knowledge of the person bringing such charge it shall be the duty of the Magistrate to impose on the person bringing such charge or Vexatious proceedings.

complaint a penalty not exceeding that which the defendant would have incurred if he had been convicted on such charge or complaint, and such penalty shall be over and above any other penalties or liabilities which the said person may have likewise incurred in respect of his said charge or complaint or of his evidence in support thereof.

Warrant improperly obtained.

10. Over and above all other liabilities and penalties to which any person may become or be subject in respect of his suing out obtaining issuing or executing improperly and without sufficient cause any search warrant under this Ordinance, the said person shall be further liable, on summary conviction before a Magistrate, to the following penalties :—

- (a.) for every first offence a penalty not exceeding five hundred dollars or imprisonment, with or without hard labour, for any term not exceeding three months ; and
- (b.) for every subsequent offence a penalty not exceeding one thousand dollars or imprisonment, with or without hard labour, for any term not exceeding six months.

Procedure relating to case of seizure of poison.

11. In any proceedings before a Magistrate or on appeal before the Supreme Court relating to the seizure of any poison the seizure whereof is authorized by any of the provisions of this Ordinance it shall be lawful for such Magistrate and for the Judges of the said Court and they are hereby respectively required to proceed in such cases on the merits only without reference to matters of form and without inquiring into the manner or form of making any seizure, excepting in so far as the manner and form of seizure may be evidence on such merits.

Rule as to information and informers.

12.—(1.) Except as hereinafter mentioned, no information laid under this Ordinance shall be admitted in evidence in any civil or criminal proceeding, and no witness shall be obliged to disclose the name or address of any informer or to state any matter which might lead to his discovery, and if any books documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding contain any entry in which any such informer is named or described or which might lead to his discovery, the Court or Magistrate shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery, but no further.

(2.) But if in any proceedings before a Magistrate for any offence against any provision of this Ordinance the Magistrate after full inquiry into the case believes that the informer wilfully made in his information a material statement which he knew or believed to be false or did not believe to be true or if in any other proceeding the Court or Magistrate is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer it shall be lawful for the Court or Magistrate to require the production of the original information and to permit inquiry and require full disclosure concerning the informer.

Amendment of section 3 of the Principal Ordinance.

13. Section 3 of the Principal Ordinance is hereby amended by the insertion in the seventh and eleventh lines respectively after the words "Pharmacy Act 1868" of the words "or a duly registered Pharmaceutical Chemist within the meaning of the Pharmacy Act (Ireland) 1875".

Amendment of section 4 of the Principal Ordinance.

14. Section 4 of the Principal Ordinance is hereby amended as follows :—

- (a.) In line 6 by the insertion after the words "Pharmacy Act 1868" of the words "or the Pharmacy Act (Ireland) 1875".
- (b.) In line 12 by the substitution of the word "Acts" for "Act".

Amendment of section 6 of the Principal Ordinance.

15. Section 6 of the Principal Ordinance is hereby amended as follows :—

- (1.) By the insertion after paragraph (g) of the following paragraph :—
  - "(h.) The regulation of the sale, possession, importation and exportation of poison."

- (2.) By the insertion in paragraph (h) in line 1 after the word "penalties" of the words "not exceeding five hundred dollars".
- (3.) By the re-lettering of paragraphs (h) and (i) to read (i) and (j) respectively.

16. Section 9 of the Principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal of section 9 of the Principal Ordinance and substitution of new section therefor.

"9. The several articles named or described in the Schedule A to this Ordinance shall be declared to be poisons within the meaning of this Ordinance and the Governor-in-Council may from time to time amend the Schedule by adding thereto or removing therefrom any article or by transferring any article from one part of this Schedule to the other part, and any such amendment of such Schedule shall be published in the *Gazette*."

17. Section 15 of the Principal Ordinance is hereby repealed and the following substituted therefor :—

Repeal of section 9 of the Principal Ordinance and substitution of new section therefor.

"15. Nothing in this Ordinance contained shall be construed as affecting the provisions of the Opium Ordinance, 1909 or any ordinance amending or amending and re-exacting the same."

Passed the Legislative Council of Hongkong, this 2nd day of June, 1910.

C. CLEMENTI,  
*Clerk of Councils.*

Assented to by His Excellency the Officer Administering the Government, the 4th day of June, 1910.

A. M. THOMSON,  
*Colonial Secretary.*

#### SCHEDULE.

The articles herein described are hereby declared to be poisons for the purpose of this Ordinance :—

##### POISONS.

Coca and preparations, and cocaine, eucaine, benzocaine or anæsthesin, holocaine, tropacocaine, orthoform, acaine, nirvanin, alypin, novocaine, stovaine, their salts, poisonous derivatives and preparations of such.

#### HONGKONG.

No. 10 OF 1910.

An Ordinance to amend the Malicious Damage Ordinance, 1865.

(LS)

F. H. MAY,  
*Officer Administering the Government.*

[4th June, 1910.]

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

## PART I.

*Injuries to railways and railway carriages.*

Interpretation.

2. For the purposes of this Part the expression "Railway" includes Tramway.

Injuries to railways and railway carriages. (24 & 25 Vict. cap. 97, s. 35.)

3. Every person who unlawfully and maliciously puts, places, casts, or throws upon or across any railway any wood, stone, or other matter or thing, or who unlawfully and maliciously takes up, moves, or displaces any rail, sleeper, or other matter or thing belonging to any railway, or who unlawfully and maliciously turns, moves, or diverts any points, signalling apparatus, or other machinery belonging to any railway, or who unlawfully and maliciously makes or shows, hides or removes, any signal or light upon or near to any railway, or who unlawfully and maliciously does or causes to be done any other matter or thing, with intent, in any of the cases aforesaid, to obstruct, upset, overthrow, injure, or destroy any engine, tender, carriage, or truck using such railway, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to imprisonment with hard labour for life or for any term not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and, if a male under the age of sixteen years, with or without whipping.

Obstructing engines or carriages on railways. (24 & 25 Vict. cap. 97, s. 36.)

4. Every person who by any unlawful act, or by any wilful omission or neglect, obstructs or causes to be obstructed any engine, carriage, car, or truck using any railway, or who aids or assists therein, shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years, with or without hard labour.

## PART II.

*Injuries to trees upon Crown land and to other Crown property.*

Injuries to trees and plants upon Crown land and to other Crown property.

5. Whenever it is proved to the satisfaction of the Governor-in-Council that trees or growing plants upon Crown land have been felled, cut, burned or otherwise damaged or destroyed, or that any wilful or wanton damage has been done in or upon any Crown property or land in or in the neighbourhood of any village in this Colony, and that there is sufficient reason to believe that such damage or destruction was committed by the inhabitants of the said village or any of them, it shall be lawful for the said Governor-in-Council to order that a fine payable at the time and in the manner prescribed in the said order shall be levied upon all persons who are registered in the Land Office as owners of land in the said village and in such areas adjacent to the said village as the Governor-in-Council may in the said order direct and who reside in the said village or within the said area: and such order shall continue in force until the Governor-in-Council by a further order revokes or alters the original order, which the Governor-in-Council shall do if satisfied that the injuries to trees or growing plants on account of which the original order was issued have ceased or that full compensation has been paid by way of fine for the damage done to Crown property or land, or that such injuries or damage were not committed by the inhabitants of such village.

Provided always that before the matter is submitted to the Governor-in-Council for decision a report shall be made in the case of Crown Lands situated in the New Territories by the District Officer and an Assistant District Officer and in the case of Crown Lands situated elsewhere in the Colony by the Registrar General and the Superintendent of the Botanical and Forestry Department who shall respectively sit together and hold a judicial inquiry at the said village so as to give the persons on whom the punishment may fall a full opportunity of putting forward any defence that they may have to urge.

6. Any such fine ordered by the Governor-in-Council to be levied shall be a first charge upon the property of all persons who are registered in the Land Office as owners of land which is within the area specified in the said order and who reside within such area and it shall be recoverable in the same manner in all respects as Crown Rent is recoverable. Mode of levying fine.

7. Nothing in this Ordinance shall operate to prevent any person from being prosecuted under the Principal Ordinance or any other enactment under which before the commencement of this Ordinance he might have been prosecuted for injuring or cutting down trees or for the stealing or unlawful possession of wood or for doing any wanton and malicious damage of any nature whatsoever on or upon any Crown property or land. Saving of liability to other penalties.

8. The Trees Preservation Ordinance, 1888, and the Malicious Damage Amendment Ordinance, 1909, are hereby repealed. Repeal of the Trees Preservation Ordinance, 1888, and the Malicious Damage Amendment Ordinance, 1909.

Passed the Legislative Council of Hongkong, this 2nd day of June, 1910.

C. CLEMENTI,  
*Clerk of Councils.*

Assented to by His Excellency the Officer Administering the Government, the 4th day of June, 1910.

A. M. THOMSON,  
*Colonial Secretary.*

HONGKONG.

No. 11 OF 1910.

An Ordinance to amend the Opium Ordinance, 1909.

(LS) F. H. MAY,  
*Officer Administering the Government.*

[4th June, 1910.]

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

1. This Ordinance may be cited as the Opium Amendment Ordinance, 1910, and should be read and construed as one with the Opium Ordinance, 1909, (hereinafter called "the Principal Ordinance") Short title and construction.

2. Section 2 of the Principal Ordinance is hereby amended by adding at the end thereof the following :— Amendment of section 2 of the Principal Ordinance.  
 " 'To export' means and includes to convey out of the Colony and to do any act preparatory to or for the purpose of causing conveyance out of the Colony."

3.—(1.) Any person not holding an appropriate licence under section 51 or 53 of the Principal Ordinance found in possession within the Colony of any morphine or compound of opium shall be deemed to have committed an offence against this Ordinance unless he proves to the satisfaction of the Court or Magistrate either that such morphine or compound of opium is exempt from the provisions of this Ordinance or that he obtained possession of such morphine or compound of opium in accordance with any regulations made under this Ordinance. Possession of morphine or compound of opium.

(2.) Any person not holding an appropriate licence under section 51 or 53 of the Principal Ordinance found in possession within the Colony of more than 12 official doses of morphia or any compound of opium shall be deemed to have committed an offence against this Ordinance unless he proves to the satisfaction of the Court or a Magistrate that such morphia or compound of opium is exempt from the provisions of this Ordinance: Provided that the persons enumerated in section 11 sub-sections 3 (a), (b), (c) and (d) of the Pharmacy Ordinance, 1908, may have in their possession a quantity reasonably required for their practice.

(3.) "Official dose" means a quantity equal to the maximum safe dose for an adult according to the British Pharmacopoeia.

4. The following proviso shall be inserted at the end of section 37 of the Principal Ordinance:—

Addition of proviso to section 37 of the Principal Ordinance.

"Provided always that this section shall not be construed as applying to the possession by a passenger by steamer from Hongkong to any country or place not within the Colony of a quantity of prepared opium or dross opium, to be used for personal consumption on the voyage, not exceeding five mace for every day of duration of the voyage."

Amendment of section 56 of the Principal Ordinance.

5. Section 56 of the Principal Ordinance is hereby amended by inserting the words "any of" between the words "from" and "the" in the fourth line thereof.

Certificate of Government Analyst to be sufficient evidence.

6. The following section numbered 79a is hereby inserted after section 79 of the Principal Ordinance:—

"79a. At the hearing of any charge under this Ordinance the production of the certificate of the Government Analyst shall be sufficient evidence of the facts therein stated, unless the defendant requires that the Analyst should be called as a witness, but if the Analyst is called by or at the request of the defendant the Magistrate may order the defendant if convicted on the charge in respect of which the Analyst is called to give evidence to pay a fee of \$25 for the attendance of the Analyst, such fee to be recoverable in the same way as a penalty imposed under this Ordinance is recoverable, and to be paid into the Treasury."

Amendment of section 85 of the Principal Ordinance.

7. Section 85 of the Principal Ordinance is hereby amended by substituting the words "halan, compounds of opium or morphia" for the words "or halan" in the fifth line thereof.

Passed the Legislative Council of Hongkong, this 2nd day of June, 1910.

C. CLEMENTI,  
*Clerk of Councils.*

Assented to by His Excellency the Officer Administering the Government, the 4th day of June, 1910.

A. M. THOMSON,  
*Colonial Secretary.*