

No. 39.—His Excellency the Governor 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. 1 of 1914.—An Ordinance to amend the Foreign Silver and Nickel Coin Ordinance, 1913.

Ordinance No. 2 of 1914.—An Ordinance to amend the Pharmacy Ordinance, 1908, and Ordinance No. 9 of 1910 as incorporated in the Pharmacy Ordinance, 1908.

Ordinance No. 3 of 1914.—An Ordinance to amend the Arms and Ammunition Ordinance, 1900.

Ordinance No. 4 of 1914.—An Ordinance to amend and consolidate the Laws relating to Opium.

HONGKONG.

No. 1 OF 1914.

An Ordinance to amend the Foreign Silver and Nickel Coin Ordinance, 1913.

I assent to this Ordinance.



F. H. MAY,
Governor.

[6th February, 1914.]

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 Foreign Silver and Nickel Coin (Amendment) Ordinance, 1914, and shall be read and construed as one with the Foreign Silver and Nickel Coin Ordinance, 1913, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Foreign Silver and Nickel Coin Ordinances, 1913 and 1914.

2. It shall be lawful for the Governor-in-Council to order by notification published in the *Gazette* that the whole or any part of the provisions of sections 4 and 6 of the Principal Ordinance shall be suspended for such period and in such parts of the Colony as may in the opinion of the Governor-in-Council be desirable.

Power to Governor-in-Council to suspend operation of sections 4 and 6 of Principal Ordinance.

Passed the Legislative Council of Hongkong, this 5th day of February, 1914.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 6th day of February, 1914.

CLAUD SEVERN,
Colonial Secretary.

HONGKONG.

No. 2 OF 1914.

An Ordinance to amend the Pharmacy Ordinance, 1908, and Ordinance No. 9 of 1910 as incorporated in the Pharmacy Ordinance, 1908.

I assent to this Ordinance.

(LS)

F. H. MAY,
Governor.

[6th February, 1914.]

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 Pharmacy Ordinance, 1914, and shall be read and construed as one with the Pharmacy Ordinance, 1908, and with Ordinance No. 9 of 1910 as incorporated in the Pharmacy Ordinance, 1908, and this Ordinance and the said Ordinances may be cited together as the Pharmacy Ordinances, 1908-1914.
- Amendment of section 4 of Ordinance No. 12 of 1908. 2. Section 4 of the Pharmacy Ordinance, 1908, is hereby amended by the insertion of the words "chemist or" before the word "chemist" in the last line thereof.
- Amendment of Ordinance No. 9 of 1910. 3. Ordinance No. 9 of 1910 as incorporated in the Pharmacy Ordinance, 1908, is hereby amended as follows:—
- Amendment of section 3 sub-section (1). (a.) by the deletion of the words "officer of police" in the 9th line of sub-section (1) of section 3, and by the substitution thereof of the words "police or revenue officer".
- Repeal of section 3 sub-section (2). (b.) by the deletion of sub-section (2) of section 3.
- Re-numbering section 4 as section 3 sub-section (2). (c.) by re-numbering section 4 as sub-section (2) of section 3.
- Addition of new section 4. (d.) by the insertion of the following new section 4:—
- Search of dwelling house, shop, place or ship without warrant by European officer for poison illegally therein in cases of urgency. "4. Whenever it appears to any European police officer not below the rank of sergeant or to any European police or revenue officer generally or specially authorized in writing by the Captain Superintendent of Police or the Superintendent of Imports and Exports respectively 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 Ordinance No. 12 of 1908 or any regulations made thereunder, and he shall have reasonable ground for believing that by reason of the delay in obtaining a search warrant the poison is likely to be removed, the said officer in virtue of his office may exercise in, upon and in respect of such dwelling house, shop, or other building or place, or on board any ship, all the powers mentioned in the preceding section in as full and ample a manner as if he were empowered to do so by warrant issued under the said section."

(e.) by the deletion of the words "or in default of payment" in the 8th line of sub-section (1) of section 6 and by the substitution thereof of the words "or ten times the market value of the poison in respect of which the offence was committed and". Amendment of section 6.

(f.) by the addition to section 6 of the following new sub-section :— Addition of new sub-section to section 6.

"(4.) A certificate signed by the Government Analyst shall be conclusive evidence in any proceedings under and for any purpose in connection with this Ordinance of the market value of any poison in respect of which any offence has occurred." Certificate of Government Analyst conclusive evidence of market value of poison.

Passed the Legislative Council of Hongkong, this 5th day of February, 1914.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 6th day of February, 1914.

CLAUD SEVERN,
Colonial Secretary.

HONGKONG.

No. 3 OF 1914.

An Ordinance to amend the Arms and Ammunition Ordinance, 1900.

I assent to this Ordinance.

LS

F. H. MAY,
Governor.

[6th February, 1914.]

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 Arms and Ammunition (Amendment) Ordinance, 1914, and shall be read and construed as one with the Arms and Ammunition Ordinance, 1900, (hereinafter called the Principal Ordinance), and this Ordinance and the said Ordinance may be cited together as the Arms and Ammunition Ordinances, 1900-1914. Short title.

2. Section 28 of the Principal Ordinance is hereby amended as follows :— Amendment of section 28 of Ordinance No. 2 of 1900.

(a.) by the deletion of the figures "250" in the 6th line thereof and by the substitution of the figures "1,000" therefor;

(b.) by the deletion of the figure "3" in the 7th line thereof and by the substitution of the figures "12" therefor.

Passed the Legislative Council of Hongkong, this 5th day of February, 1914.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor the 6th day of February, 1914.

CLAUD SEVERN,
Colonial Secretary.

HONGKONG.

No. 4 OF 1914.

An Ordinance to amend and consolidate the Laws relating to Opium.

I assent to this Ordinance.

LS

F. H. MAY,
Governor.

[6th February, 1914.]

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

PRELIMINARY.

- Short title. 1. This Ordinance may be cited as the Opium Ordinance, 1914.
- Date of coming into operation. 2. This Ordinance shall come into operation on the 1st day of March, 1914.
- Repeals. 3. The Opium Ordinance, 1909, and the Opium Amendment Ordinance, 1913, are hereby repealed as from the 1st day of March, 1914.
- Interpretation of terms. 4. In this Ordinance,—
- Chest of Opium. ✓ "Chest of Opium" means a package with the raw opium contained in it of the size and character generally used by merchants for the importation of raw opium:
- Colony. ✓ "The Colony" includes the waters of the Colony:
- Divan Keeper. ✓ "Divan Keeper" means and includes the occupier or person having the use temporarily of any opium divan, or any person having or appearing to have the care or management of such place, and also any person who acts in any manner assisting in conducting the business of any such place or keeping watch in or about the same:
- Dross Opium. ✓ "Dross Opium" means a preparation of opium in which opium dross is an ingredient:
- Export. ✓ "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.
- Farmer. ✓ "Farmer" means the person in whom were invested upon the coming into operation of this Ordinance the exclusive privilege of preparing and selling prepared opium and of collecting and purchasing opium dross and of preparing and dealing in dross opium in the Colony:
- General Warehouse. ✓ "General Warehouse" means a warehouse or place of security appointed by the Governor-in-Council for the warehousing of raw opium:
- Halan. ✓ "Halan" means the residuum produced by smoking dross opium:
- Implement. ✓ "Implement" means any vessel, utensil, instrument, or other thing which has been used, or which is probably intended to be used, for containing opium, or for preparing or aiding in preparing any opium, or for smoking opium:
- Importer. ✓ "Importer" means and includes any person who brings or causes to be brought by land or sea any opium into the Colony, and the owner, part owner, mortgagee, and pledgee of any opium brought by land or sea into the Colony by such person, and any agent who has authority to transfer ownership or possession or holds documents of title to such opium; but does not include any shipowner or other common carrier who carries opium in the ordinary course of business for the importer thereof:
- Licensed Warehouse. ✓ "Licensed Warehouse" means a place licensed by the Superintendent with the approval of the Governor for the warehousing of raw opium:

- ✓ "Loose Opium" means all raw opium found or discovered otherwise than in a chest full of one quality of raw opium : Loose Opium.
- ✓ "Opium" includes raw opium, prepared opium, opium dross, dross opium and halau : Opium.
- ✓ "Opium Divan" means and includes any place opened, kept, or used :— Opium Divan.
- (1.) for the sale of prepared opium or dross opium to be smoked in such place ; or
- (2.) for the smoking of prepared opium or dross opium where a fee or its equivalent is charged for such smoking or where any benefit or advantage whatever, direct or indirect, is derived by the keeper of such place in consequence of the smoking of prepared opium or dross opium in such place ; or where the opium dross or halau produced by any person smoking in such place is collected, received or retained by any person other than the smoker :
- ✓ "Opium Dross" means the residuum produced by smoking prepared opium : Opium Dross.
- ✓ "Place" means and includes any house, room, office, agency, vehicle or ship, or any erection movable or otherwise on land or on or in water : Place.
- Any opium, implement, or other thing shall, for the purposes of this Ordinance, be deemed to be in the possession of any person if he has such opium, implement, or thing in possession, custody or control, by himself or by any other person : Possession.
- ✓ "Prepared Opium" means any preparation of opium or any preparation in which opium forms an ingredient which preparation is used or intended to be used for smoking, but it does not include dross opium or any of the alkaloids or salts of the alkaloids of opium : Prepared Opium.
- The subjecting of opium of any kind to any degree of artificial heat, for any purpose whatever, shall be taken to be the preparing of such opium : Preparing Opium.
- ✓ "Raw Opium" means any kind of opium not prepared for smoking, chewing, swallowing or injecting and includes the leaves or wrappings in which opium balls have been wrapped : Raw Opium.
- ✓ "Ship" includes any steam-vessel, sailing-vessel, junk, boat, or sampan, and any kind of craft used or adapted to be used either for the conveyance of persons or storage of things, whether afloat or not : Ship.
- ✓ "Steamship" includes any vessel propelled by steam and any motor boat : Steamship.
- ✓ "Superintendent" means the Superintendent of Imports and Exports and includes any Assistant Superintendent : Superintendent.
- ✓ "Wharf" includes any warehouse or place adjoining a wharf and used in connection therewith : Wharf.

PART I.

RAW OPIUM.

5.—(1.) No person shall import, or aid or abet the importation of any raw opium into the Colony, if such importation shall have been notified in the *Gazette* in pursuance of any resolution of the Legislative Council as being illegal. Restriction on import of raw opium.

(2.) The provisions of sub-section (1) of this section shall not apply :— Exceptions.

- (a.) to opium imported by the Superintendent ;
- (b.) to opium brought into the Colony on any ship under a bill of lading to some place to which such opium may by the laws of such place be lawfully imported, provided that such opium shall not be removed from such ship whilst in the waters of the Colony ;
- (c.) to opium brought into the Colony on any ship under a bill of lading to some place to which such opium may in pursuance of any resolution of the Legislative Council notified in the *Gazette* be lawfully imported and whether or not such importation is accompanied by direct or indirect transshipment in the Colony.

(3.) Before issuing any permit under the provisions of this section the Superintendent may demand the production of any invoices, shipping orders, bills of lading, certificates, permits or other documents relating to the raw opium in respect of which a requisition has been received and the person making the requisition shall on such demand produce the same.

Production of material documents relating to raw opium to be moved within the Colony.

(4.) The Superintendent may impose such further conditions as he may think fit in connection with the issue of any permit under this section.

Superintendent may add conditions to permit.

13. The master, owner, or agent of any ship by which opium may be imported shall within 4 hours after the arrival of such ship, or as soon thereafter as the Office of the Superintendent shall be open, furnish to the Superintendent a true and correct statement of all opium imported therein.

Duties of master, owner or agent after arrival of ship.

14. The owner or agent of any ship by which opium may be exported shall within 24 hours of the time of departure of such ship furnish to the Superintendent a true and correct statement of all opium exported therein which may have been entered on the ship's manifest or for the receipt of which for export such owner or agent or any person acting on their behalf may have issued a receipt to any person.

Duties of owner or agent before departure of ship.

15. Subject to the provisions of this Ordinance no person shall store or keep or have in his possession any raw opium except in a general or licensed warehouse or in the ship in which such raw opium has been imported or is to be exported.

Prohibition of possession of raw opium.

16. The licensee of any licensed warehouse shall within 24 hours of the receipt of any raw opium in his warehouse furnish the Superintendent with a certificate in Form No. 5 of the Schedule showing the marks, numbers, and the weight of the raw opium contained in each chest so received, and the person in whose name such raw opium is stored; such certificate shall be *prima facie* evidence of the facts stated therein in any proceedings under this Ordinance.

Licensed warehouseman to certify receipt of raw opium.

17.—(1.) Every importer of raw opium and every person storing raw opium shall keep a register, in such form as the Superintendent may require, showing the number of chests imported or stored by him and how and to whom they are disposed of.

Keeping of register by importer and storer of raw opium.

(2.) Such register shall show the marks, numbers and the weight of the raw opium contained in each chest of raw opium imported or stored.

Register to show details of raw opium imported or stored.

18. The Superintendent shall be at liberty at any time, and as often as he may think fit, to demand in writing from every person having any raw opium in his possession an account in writing of the raw opium so held at the time of such demand, and, in the case of chests, the marks, numbers, and the weight of the raw opium contained in each chest, and the Superintendent shall be at liberty at any time to enter the premises where such raw opium is and to inspect the same.

Superintendent may demand from holder of opium account of stock.

PART II.

PREPARED OPIUM AND DROSS OPIUM.

19. The exclusive right of preparing opium, of selling prepared opium, and of collecting and purchasing opium dross and preparing and dealing in dross opium in the Colony is hereby invested in the person for the time being lawfully performing the duties of Superintendent.

Exclusive right of preparing and dealing with prepared and dross opium and opium dross vested in Superintendent.

20.—(1) The Superintendent may, in his discretion, grant licences to suitable persons authorising them to sell prepared opium or dross opium but subject to such conditions as may be approved by the Governor-in-Council.

Superintendent may grant licences to sell prepared or dross opium.

- Prohibition of import of loose opium. 6.—(1) No person shall import, or aid or abet the importation of any loose opium into the Colony.
- Prohibition of possession of loose opium. (2) No person, except the Superintendent, shall have in his possession any loose opium, provided that the provisions of this sub-section shall not apply to the possession of samples of raw opium not exceeding 10 lb. in weight the subject of a permit from the Superintendent.
- General Warehouses. 7.—(1) The Governor-in-Council may appoint premises to be called General Warehouses for the warehousing of raw opium.
- Licensed warehouses. (2) The Superintendent may, with the approval of the Governor, grant licences for the warehousing of raw opium in places, other than general warehouses, to be specified in such licences and to be called Licensed Warehouses. The Governor may at any time cancel the licence of any such warehouse and thereupon all raw opium warehoused therein shall be removed as the Governor may direct.
- Duties of master before discharging raw opium. 8. No master of any ship shall allow any raw opium to be discharged from his ship except on production of a permit in Form No. 1 or in Form No. 2 in the Schedule.
- Permit for discharging raw opium from ship. 9.—(1) No person shall remove any raw opium from any ship without a permit in Form No. 1 or in Form No. 2 in the Schedule and except in accordance with the conditions in such permit contained.
- Permit: how issued; form of. (2) Such permit may in his discretion be issued by the Superintendent upon receipt of a requisition in triplicate in Form No. 1 of the Schedule.
- Production of material documents relating to raw opium to be landed. (3) Before issuing any permit under the provisions of this section the Superintendent may demand the production of any invoices, shipping orders, bills of lading, certificates, permits or other documents relating to the raw opium in respect of which a requisition has been received and the person making the requisition shall on such demand produce the same.
- Superintendent may add conditions to permit. (4) The Superintendent may impose such further conditions as he may think fit in connection with the issue of any permit under this section.
- Permit to export raw opium. 10.—(1) No person shall remove any raw opium for exportation without a permit in Form No. 2 in the Schedule and except in accordance with the conditions in such permit contained.
- Permit: how issued; form of. (2) Such permit may in his discretion be issued by the Superintendent upon receipt of a requisition in triplicate in Form No. 2 of the Schedule.
- Production of material documents relating to raw opium to be exported. (3) Before issuing any permit under the provisions of this section the Superintendent may demand the production of any invoices, shipping orders, bills of lading, certificates, permits or other documents relating to the raw opium in respect of which a requisition has been received and the person making the requisition shall on such demand produce the same.
- Superintendent may add conditions to permit. (4) The Superintendent may impose such further conditions as he may think fit in connection with the issue of any permit under this section.
- Export to prohibition countries illegal. (5) No person shall export or aid or abet the exportation of any raw opium from the Colony, if such exportation shall have been notified in the *Gazette* in pursuance of any resolution of the Legislative Council as being illegal.
- Memorandum of raw opium exported to be furnished to master. 11. The Superintendent shall furnish the master of every ship carrying raw opium for export with a memorandum containing the particulars set forth in Form No. 4 in the Schedule and no ship carrying raw opium shall depart from the Colony without such memorandum.
- Permit for moving of raw opium within the Colony. 12.—(1) Save as provided in sections 9 and 10 no person shall move raw opium from one place to another within the Colony without a permit in Form No. 3 in the Schedule and except in accordance with the conditions in such permit contained.
- Permit: how issued; form of. (2) Such permit may in his discretion be issued by the Superintendent upon receipt of a requisition in triplicate in Form No. 3 in the Schedule.

Inspection of licensed premises and accounts.

(2.) Every person licensed under the provisions of this section shall at all times admit to all parts of his licensed premises the Superintendent and any person deputed by him in writing and any revenue or police officer and shall permit inspection of his books and stock by any of such officers.

Superintendent may grant licences to collect opium dross or halan.

21. The Superintendent may, in his discretion, grant licences to suitable persons to collect or to purchase opium dross or halan but subject to such conditions as may be approved by the Governor-in-Council.

Preparation of opium or import of prepared opium confined to Superintendent.

22. No person except the Superintendent shall prepare opium within the Colony or import into the Colony any prepared opium.

Possession of prepared or dross opium other than that prepared by Government prohibited.

23.—(1.) No person except the Superintendent shall have in his possession any prepared opium other than Government prepared opium or any dross opium other than Government dross opium.

Onus of proof as to nature of prepared or dross opium.

(2.) The onus of proof that any prepared opium is Government prepared opium or that any dross opium is Government dross opium shall rest upon the person alleging the same.

Report by Superintendent that analysis of prepared or dross opium or opium dross or halan is or is not of Government origin conclusive evidence.

(3.) A report signed by the Superintendent that he is satisfied by analysis that any prepared opium is or is not Government prepared opium or that any dross opium is or is not Government dross opium or that any opium dross or halan is or is not opium dross or halan resulting from smoking Government prepared opium or Government dross opium shall be conclusive evidence of the facts stated therein and neither the Superintendent nor the Analyst who made such analysis shall be cross-examined with regard to the contents of such report.

Sale of prepared or dross opium confined to Superintendent and licensees.

24. No person except the Superintendent or a person licensed by him shall sell or offer or expose for sale any prepared opium or any dross opium.

Sale of prepared or dross opium to female or young person prohibited.

25. No person shall sell any prepared opium or dross opium to any female or to any person under 16 years of age.

Prohibition of sale of dross opium or halan except to Superintendent or licensees and of re-preparation of the same.

26. No person shall :—

- (a.) sell or offer for sale any opium dross or halan except to the Superintendent or to a person licensed by him ;
- (b.) subject opium dross or halan to artificial heat or other process with a view to re-preparing it for use.

Possession of other than Government prepared opium or dross opium prohibited.

27. No person shall have in his possession any opium dross or halan except such as results from smoking Government prepared opium or Government dross opium.

Limitation of quantity of opium dross or halan allowed in possession of private person.

28. No person other than a person licensed under section 21 shall have in his possession more than 2 taels of opium dross or halan.

29. No person except the Superintendent or a person licensed by him under section 20 shall have in his possession more than 5 taels of opium other than raw opium without the permission in writing of the Superintendent.

Limitation of quantity of opium (other than raw opium) allowed in possession of private person.

30. No person shall open, keep, or use any opium divan.

Opium divans prohibited.

31. A person found in any opium divan or found escaping therefrom on the occasion of its being entered under this Ordinance shall be presumed, until the contrary is proved, to be or to have been smoking prepared opium or dross opium therein.

Person found in opium divan presumed to have been smoking therein.

32. Whenever it appears to any Justice of the Peace upon the oath of any person that there is reasonable cause to believe that any place is an opium divan, such Justice of the Peace may by his warrant directed to any revenue or police officer empower such officer by day or by night to enter and if necessary to break into such place and to arrest any persons and to seize any prepared opium or dross opium and implements for the smoking of prepared opium or dross opium as may be found therein, all of which shall be and are hereby declared to be forfeited.

Justice of Peace may issue warrant to enter opium divan.

33. No person shall export or cause to be exported any prepared opium or dross opium from the Colony unless he shall have first obtained the permission in writing of the Superintendent who may require such particulars of destination, mode of despatch or otherwise as he may deem necessary.

Export of prepared or dross opium illegal without Superintendent's permit.

Provided always that this section shall not be construed as applying to the possession by a passenger 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 5 mace for every day of duration of the voyage.

34. The Superintendent shall not issue any permit for the export of prepared opium or dross opium from the Colony to China, French Indo-China, or to any country which prohibits the import of prepared opium or dross opium and it shall be unlawful for any person to export or cause to be exported any prepared opium or dross opium to China or French Indo-China or to any country which prohibits the import of prepared opium or dross opium.

No permit to be issued for export of prepared or dross opium to prohibition countries.

Provided always that this section shall not be construed as applying to the possession by a passenger by steamer from Hongkong to China or French Indo-China or to any such country as aforesaid of a quantity of prepared opium or dross opium, to be used for personal consumption on the voyage, not exceeding 5 mace for every day of the voyage.

Provided also that the names of all countries which prohibit the import of prepared opium or dross opium shall be notified in the *Gazette*.

PART III.

GENERAL.

Appointment and duties of revenue and police officers.

35.—(1.) The Governor may appoint an officer to be called the Superintendent of Imports and Exports and such number of Assistant Superintendents as he may think fit.

Superintendent and Assistant Superintendents: appointment of.

Powers of Assistant Superintendents.

(2.) An Assistant Superintendent shall have all the powers conferred on the Superintendent by this Ordinance or any rules or regulations made thereunder.

Imports and Exports Office to be deemed a police station.

36. For the purposes of this part of the Ordinance the Imports and Exports Office shall be deemed to be a police station.

Superintendent may appoint persons to act as revenue officers :

37.—(1.) The Superintendent may appoint such persons as he may think fit to act as revenue officers under this Ordinance.

and cancel such appointments.

(2.) The Superintendent shall have full power to cancel at any time any appointment made by him of persons to act as revenue officers.

Revenue officers to have distinctive badge of office :

(3.) Every revenue officer shall be supplied with a suitable badge of office.

and to produce it when on duty :

(4.) Every revenue officer when acting against any person under this Ordinance shall on demand declare his office and produce his badge of office to the person against whom he is acting.

and to return it to Superintendent when ordered so to do.

(5.) Every revenue officer shall on demand return to the Superintendent his badge of office.

Police to be deemed revenue officers :

38.—(1.) All police officers shall for the purposes of this Ordinance be deemed to be revenue officers.

and, when on duty in plain clothes, to carry and produce distinctive badge.

(2.) Every police officer when acting against any person under this Ordinance shall, if not in uniform, on demand declare his office and produce to the person against whom he is acting such badge as the Captain Superintendent of Police may direct police officers to carry when on special service.

Searches, examinations, arrests and seizures.

Revenue officer may board and remain on ship.

39. Any revenue officer may board any ship (not being or having the status of a ship of war) and remain on board as long as such ship remains in the Colony.

Search of goods and baggage of person entering Colony : either by any revenue or police officer, on arrival, or under European supervision at police station :

40.—(1.) Every person landing from any ship or entering the Colony by land accompanied by any goods or baggage shall :—

on arrival by or under European supervision.

- (a.) on demand by any revenue or police officer either permit his goods and baggage to be searched by such officer or, together with such goods and baggage, accompany such officer to a police station and there permit his goods and baggage to be searched by any revenue or police officer in the presence and under the supervision of any European revenue or police officer or other police officer not below the rank of sergeant ;
- (b.) on demand by any European revenue or police officer permit his goods and baggage to be searched by such European revenue or police officer or by any revenue or police officer in the presence and under the supervision of such European police or revenue officer.

Person whose baggage searched entitled to be present at search.

Provided always that the goods and baggage of any person who claims to be present when they are searched shall not be searched except in his presence.

Penalty on refusal to allow search.

(2.) Any person who may refuse to comply with any lawful demand under this section may be arrested by the officer making the demand without warrant.

41. Any box, chest, package or other article (not being passengers' baggage accompanied by the owner) which is being landed or has been recently landed from any ship, or which is in or upon any ship (not being or having the status of a ship of war), islet, landing place, wharf, warehouse or place adjoining any wharf and used in connection therewith, or which is being removed from any such ship, islet or other place, or which is being brought into or has recently been brought into the Colony by land :—

(a.) may be examined and searched by any revenue officer, and may be detained until any person in charge thereof shall have opened the same to admit of such examination and search, and in default of such opening may be removed by such officer to a police station ;

Examination of articles (other than passengers' baggage) on shore, ship, wharf, and other places :

by revenue officer :

(b.) may be broken open by the orders of any European revenue or police officer to facilitate such examination and search, provided that any person in charge or possession of such box, chest, package or other article shall be afforded every reasonable facility for being present at such breaking open, examination and search.

and may be forcibly opened under European supervision.

42.—(1.) Any revenue or police officer may arrest without warrant any person within the Colony whom he reasonably suspects to be conveying or to have in his possession any opium in contravention of this Ordinance, and may take such person to a police station in order that, if necessary, he may be brought before a Magistrate, to be dealt with according to law.

Arrest without warrant of person suspected of possessing opium illegally :

(2.) Every such person and his luggage shall be liable to be searched before he is taken to the police station but only under the supervision of an European revenue or police officer not under the rank of sergeant.

and search of such person and his luggage under European supervision.

43. Any revenue or police officer, having reasonable ground for believing that there is any opium in any ship within the Colony in contravention of this Ordinance (such ship not being or having the status of a ship of war) may proceed without warrant on board such ship and search for such opium and may seize any such opium so found together with all implements connected therewith and shall take the same, together with the person in whose possession it may be found, to a police station in order that he may be brought before a Magistrate, to be dealt with according to law.

Search of ship without warrant for opium illegally thereon, and seizure thereof, and arrest of possessor.

44.—(1.) Where it appears to any Justice of the Peace, upon the oath 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 opium subject to forfeiture or as to which an offence has been committed or is about to be committed against this Ordinance, such Justice of the Peace may, by his warrant directed to any revenue or police officer, empower such officer, by day or by night,—

Search of dwelling house, shop, or ship by revenue or police officer for opium illegally thereon with warrant.

(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 opium and of the ship in which the same is found and of any implements in such place or ship ; and

entry and search :

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

and arrest of possessor.

(2.) Such officer may, if necessary,—

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

Powers of officer executing warrant.

- (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 place or on board such ship until such place or ship has been searched;
- (e.) seize and detain any such opium or implements found in such place or ship; and
- (f.) seize and detain any such opium or implements found in the possession of any of the persons, against whom his warrant has been issued, in any place whatever within the Colony.

Search of dwelling house, shop, or place without warrant by European revenue officer for opium illegally therein in cases of urgency.

45. Whenever it appears to any European revenue officer generally or specially authorized in writing by the Superintendent for the purpose of carrying out the provisions of this section that there is reasonable cause to believe that in any dwelling house, shop, or other building or place, there is concealed or deposited any opium subject to forfeiture or as to which an offence has been committed or is about to be committed against this Ordinance and he shall have reasonable ground for believing that by reason of the delay in obtaining a search warrant the opium is likely to be removed, the said officer in virtue of his office may exercise in, upon and in respect of such dwelling house, shop, or other building or place all the powers in the last preceding section mentioned in as full and ample a manner as if he were empowered to do so by warrant issued under the said section.

Ship prohibited from being utilized in smuggling opium.

46.—(1.) No ship shall be used for the importation, landing, removal, carriage, or conveyance or for the exportation of any opium in contravention of this Ordinance.

Presumption of smuggling in certain cases.

(2.) An amount of any such opium found on board any such ship and exceeding,—

- (a.) in the case of any steamship of 60 tons burden and upwards, 50 taels in weight; or,
- (b.) in the case of any steamship under 60 tons burden, 25 taels in weight; or,
- (c.) in the case of any other ship, 10 taels in weight,

shall be deemed evidence of the unlawful use of such ship, unless it is proved, to the satisfaction of the Magistrate, that every reasonable precaution had been taken to prevent the unlawful use of such ship, and that none of the officers or their servants or any of the crew of such ship were implicated therein.

Opium not on ship's manifest.

47.—(1.) No person shall bring or have in his possession on board any ship any opium, other than prepared opium or dress opium not exceeding the quantity specified in section 33, unless the same is entered on the manifest of the ship.

may be seized by master;

(2.) The master of such ship may seize any such opium as aforesaid found on board his ship which is not entered on the manifest, and may retain the same in his possession until he can deliver it to the police.

and will be forfeited.

(3.) Notwithstanding anything in this Ordinance, all such opium as aforesaid found on board any such ship which is not entered on the manifest shall be forfeited.

Compensation for unsuccessful search without warrant to be paid by Superintendent.

48. If any search made without warrant under this Ordinance be unsuccessful and there be no reason to suppose that any opium liable to forfeiture under this Ordinance has been thrown away or otherwise disposed of in order to avoid detection, the Superintendent shall cause to be repacked any goods unpacked during such search, and shall make good any damage caused thereby. In the event of any dispute as to the amount of any damages so caused the same shall in every case be ascertained by the Superintendent or by some person nominated by him for that purpose.

Forfeitures.

49.—(1.) All fines and forfeitures under this Ordinance or any rule or regulation made thereunder and any bail which may be estreated by a Magistrate under this Ordinance shall go to the Superintendent and shall be disposed of in such manner as the Governor shall direct.

Disposal of fines and forfeitures.

(2.) All opium in respect of which any offence against this Ordinance or against any permit granted thereunder or any breach of the restrictions and conditions subject to or upon which any licence has been granted has been or is being committed may together with any implements be seized by any revenue or police officer and all such opium and implements, as also any ship of less than 15 tons in which the same may be found, may be forfeited.

General forfeitures.

(3.) Any opium or implement shall, if found without any apparent owner or if unclaimed after such notice given as to a Magistrate may seem fit, be forfeited.

Forfeiture of opium discovered but unclaimed.

Procedure and Legal.

50. 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 any day including holidays.

Process may be served on holidays.

51. In any proceedings before a Magistrate or on appeal to the Supreme Court relating to the seizure of any opium, implements, or other articles, the seizure whereof is authorized by any of the provisions of this Ordinance, it shall be lawful for such Magistrate and for the Judges, 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.

Manner of seizure not to be enquired into on a trial before a Magistrate or on appeal to Supreme Court.

52.—(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.

Rules as to secrecy of information and protection of informers.

(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.

Except where necessary.

53.—(1.) Whenever two or more persons are charged with any offence against this Ordinance the Magistrate may permit any of them to give evidence for the prosecution.

Magistrate may permit accused persons to give evidence for prosecution in certain cases.

(2.) Every person so permitted to give evidence who shall in the opinion of the Magistrate make true and full discovery of all things as to which he is lawfully examined, shall be entitled to receive a certificate of indemnity under the hand of the Magistrate stating that he has made a true and full discovery of all things as to which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid.

Accused persons thus assisting prosecution to obtain indemnity from prosecution:

any accused person may give evidence on his own behalf.

(3.) Provided always, that any person charged with an offence against this Ordinance, may, if he thinks fit, tender himself to be examined in his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequence as any other witness.

Certificate of Superintendent conclusive evidence of market value of opium.

54. A certificate signed by the Superintendent shall be conclusive evidence in any proceedings under and for any purpose in connection with this Ordinance of the market value of any opium in respect of which any offence has occurred.

Penal Provisions.

Penalty for contraventions of section 11;

55.—(1.) The master of any ship departing from the Colony without the memorandum required by section 11, or ;

sections 13, 14, 16, or 17;

Any person who contravenes any of the provisions of sections 13, 14, 16, or 17 ; or

section 18;

Any person who refuses to give such account or without reasonable cause shown to permit such entry as is prescribed under section 18 or gives any false or incorrect account in lieu of such true or correct account so prescribed,

shall, on summary conviction, be liable to a fine not exceeding 2,000 dollars.

section 30;

(2.) Any person who contravenes the provisions of section 30 shall be liable

(a.) if the keeper of an opium divan to a fine on summary conviction not exceeding 500 dollars ;

(b.) if smoking prepared opium or dross opium in an opium divan to a fine not exceeding 25 dollars.

section 37 (5);

(3.) Any revenue officer who contravenes the provisions of section 37 (5) shall be liable to a fine not exceeding 50 dollars or to imprisonment for a period not exceeding 3 months.

section 40;

(4.) Any person who may refuse to comply with any lawful demand under section 40 shall, on summary conviction, be liable to a fine not exceeding 500 dollars and to imprisonment for a period not exceeding 3 months.

section 46.

(5.) If any ship is used for the importation, landing, removal, carriage, or conveyance, or for the exportation of any opium in contravention of section 46 the master, owners or agents thereof shall, on summary conviction, be liable to a fine not exceeding 5,000 dollars.

Counterfeiting Government opium preparations or distinctive marks thereon.

56. Any person who mixes anything with prepared opium or dross opium with the intention of causing it to be believed that such prepared opium or dross opium is Government prepared opium or Government dross opium or has been made or supplied by the Superintendent, or uses, as Government prepared opium or Government dross opium, prepared opium or dross opium with which anything is mixed with such intention, or counterfeits any mark used by the Superintendent to denote that the prepared opium or dross opium contained in any receptacle is Government prepared opium or Government dross opium or has been made or supplied by the Superintendent, or uses as genuine any such mark, shall, on summary conviction, be liable to a fine not exceeding 5,000 dollars and to imprisonment for a period not exceeding 12 months.

Penalty on discovery:

57. If, in a search authorized under the provisions of this Ordinance, any raw opium is found

of raw opium illegally imported;

(a.) to have been imported in contravention of the provisions of this Ordinance ; or

of shortage in raw opium in place where stored on importation;

(b.) to be missing from the place where it was stored on importation ; or

(c.) to be missing from the place where it has been stored under a permit

of shortage in raw opium in place where stored under permit.

then, in the case referred to in paragraph (1) the person in whose possession such raw opium so imported may be found, and in the case referred to in paragraph (2) the person in whose name such raw opium so missing has been stored, and in the case referred to in paragraph (3) the person named in such permit, shall, respectively, on summary conviction, be liable to a fine not exceeding 2,000 dollars or 10 times the market value (whichever may be greater) of the opium which is found to be so imported or missing and to imprisonment for a period not exceeding 12 months.

58. Any person who shall, under the provisions of this Ordinance, make, deliver or supply any requisition, particulars, return, or accounts or other written statement required by this Ordinance or by any regulation made thereunder, shall, if such requisition, particulars, return, account or written statement be false or incorrect either in whole or in part to the knowledge of the person so making, delivering or supplying the same, whether the same be signed by him or not, be guilty of an offence.

Giving of false particulars, returns, etc., an offence.

59.—(1.) Any person licensed under this Ordinance who commits any contravention of the terms or conditions of his licence or recognisance shall be guilty of an offence.

Contravention by licensee of terms of licence, an offence.

(2.) Whenever any person licensed under this Ordinance would be liable under the provisions of this Ordinance or of any regulations made thereunder to any punishment, penalty or forfeiture for any act, omission, neglect or default he shall be liable to the same punishment, penalty or forfeiture for every similar act, omission, neglect, or default of any agent or servant employed by him in the course of his business as such licensed person, and every agent or servant employed by him in the course of his business as such licensed person shall also be liable to every punishment, penalty, or forfeiture prescribed for such acts, omissions, neglects or defaults contrary to the provisions of this Ordinance as fully and effectually as if such agent or servant had been the person to whom the licence had been granted.

Liability of any licensee for acts of servant and personal liability of servant of licensee.

60. Any person who:—

- (a.) attempts to commit any offence in contravention of this Ordinance;
- (b.) aids or abets any other person in any such offence or in the attempt to commit any such offence;

Attempt to commit offence or abetting in the same.

shall, on summary conviction, be liable to the same punishment and penalties as if he had been guilty of the actual offence.

61. Any person who commits any contravention of or does or attempts to do anything contrary to or omits or neglects to comply with or refuses to permit or obstructs any act commanded by any of the provisions of this Ordinance or of any order or regulation made by the Governor-in-Council or other proper authority under the provisions of this Ordinance shall be guilty of an offence and shall in respect of every such offence for which no special penalties are otherwise prescribed, be liable to a fine not exceeding 2,000 dollars or 10 times the market value (whichever may be the greater) of the opium in respect of which such offence shall have occurred and to imprisonment for a period not exceeding 12 months and further any opium or other article in respect of which any such offence shall have occurred shall be seized and forfeited.

General penalty for contravention of Ordinance or regulations in cases where penalty is not specially prescribed.

Miscellaneous.

62. The Governor-in-Council shall have power to make regulations for any of the following purposes:—

Governor-in-Council to have power to make regulations.

- (a.) To regulate the management of general warehouses.
- (b.) To regulate the licensing and management of licensed warehouses.
- (c.) To regulate the licensing and management of places for the sale of prepared opium and dross opium.
- (d.) To regulate the collection of opium dross.
- (e.) To determine the prices at which prepared opium and dross opium may be sold to the public.
- (f.) To determine the packages and receptacles in which prepared opium or dross opium shall be sold to the public and the quantities to be contained therein.
- (g.) To fix fees for licences issuable under this Ordinance.
- (h.) Generally to give effect to the provisions of this Ordinance.

PART IV.

TEMPORARY PROVISIONS.

Superintendent may investigate business of Farmer on Ordinance coming into operation.

63. At any time after the passing of this Ordinance and its publication in the *Gazette* the Farmer shall upon demand by the Superintendent produce for his inspection and permit him to inspect, examine and take extracts from all books of account kept by such Farmer in connection with his business as such Farmer and all bank or pass books, agreements, contracts and other documents whatsoever examination of which may be necessary or desirable to permit of a thorough investigation of the manner in which the business of such Farmer has been conducted and the profits or losses arising therefrom.

Superintendent may purchase from Farmer at market rates such opium or implements as former may want.

64. At any time after the passing of this Ordinance and its publication in the *Gazette* the Farmer shall make over to the Superintendent all opium in his possession and shall also make over such of the machinery and vessels or other articles used by him in the manufacture and preparation of prepared opium as the Superintendent may require. Such opium, machinery, vessels, and other articles shall be paid for by the Superintendent at the market value thereof.

Arbitration to be resorted to in event of difference as to value of opium or implements purchased by Superintendent from Farmer.

65. In the event of any difference arising between the Superintendent and the Farmer as to the value of any such opium, machinery, vessels, or other articles which are referred to in the last preceding section, such difference shall be settled by arbitration in manner following:—

Arrangements for arbitration.

- (a.) The Farmer may forward to the Governor a statement of claim against the Superintendent in which shall be clearly set out the amount and nature of the claim together with the name of some person nominated by such Farmer as arbitrator. Upon receipt of such statement of claim the Governor will cause the same to be forwarded to the Superintendent and will call upon him to nominate an arbitrator within a specified period after receipt of notice so to do. Upon the expiration of such period the Governor will refer the claim to the arbitration of the two arbitrators so nominated and of a third arbitrator appointed by himself.

Award of ; when final.

- (b.) The award of the arbitrators or of a majority of them shall be final.

May be filed in Supreme Court.

- (c.) Any award made may be filed in the Supreme Court pursuant to the Code of Civil Procedure.

66.—(1.) It shall be lawful at any time after the passing of this Ordinance and its publication in the *Gazette* for the Governor to appoint a Superintendent for the purposes of this Ordinance.

Governor may appoint Superintendent prior to coming into operation of Ordinance.

(2.) The Superintendent so appointed by the Governor shall have power to issue licences and appoint revenue officers in the same manner as if he had been appointed on or after the coming into operation of this Ordinance provided that no licence so issued or appointment of revenue officers so made by him shall come into force before the coming into operation of this Ordinance.

Officer thus appointed to have power to issue licences and appoint revenue officers.

67. Notwithstanding any of the provisions of this Ordinance it shall not be an offence for any person who may have bought prepared opium from the Farmer or from any person licensed by the Farmer to sell prepared opium or dross opium, to have in his possession such prepared opium or dross opium, provided it does not exceed 3 taels in weight, at any time before noon on the 3rd day after the coming into operation of this Ordinance.

Saving rights for short period of purchasers of prepared opium from Farmer.

Passed the Legislative Council of Hongkong, this 5th day of February, 1914.

A. G. M. FLETCHER,
Clerk of Councils.

Assented to by His Excellency the Governor, the 6th day of February, 1914.

CLAUD SEVERN,
Colonial Secretary.

SCHEDULE

No. Section 9.

FORM NO. 1.

(*Opium Ordinance No. of 1914.*)

SIR,—I hereby declare that I wish to land on the _____ day of 191 _____ between the hours of _____ a.m. and _____ p.m. the opium described hereunder from the S.S. _____ arrived on _____ from _____ and to store the same in the _____ Warehouse at _____

Marks.	Government No.	Certificate No.	Description of Opium.	No. of Chests.	Nett Weight of each Chest.

.....
Importer.

Date..... Address.....

Permission is hereby granted for the landing of the opium described above.

Superintendent,
Imports & Exports Office.

Note.—If this permit is not made use of on the day in respect of which it is issued, it must be returned to the office of the Superintendent of Imports and Exports.

This permit must be produced whenever demanded by any Revenue or Police Officer.

50

No. Section 10.

FORM NO. 2.

(Opium Ordinance No. of 1914.)

SIR,—I hereby declare that I wish to move from at on the day of 191 between the hours of a.m. and p.m. the opium described below for export to by S.S.

DESCRIPTION OF OPIUM.

Table with 7 columns: Importing Ship and Date of Arrival, Marks, Govt. No., Cert. No., Description of Opium, No. of Chests, Nett Weight of each Chest.

Exporter.

Date..... Address.....

Permission is hereby granted to move the opium mentioned for export in the manner described.

Superintendent, Imports & Exports Office.

Note.—If this permit is not made use of on the day in respect of which it is issued, it must be returned to the office of the Superintendent of Imports and Exports.

This permit must be produced whenever demanded by any Revenue or Police Officer.

No. Section 12.

FORM NO. 3.

(Opium Ordinance No. of 1914.)

SIR,—I hereby declare that I wish to move from Warehouse at on the day of 191 between the hours of a.m and p.m. the opium described below and to store the same in the Warehouse at

DESCRIPTION OF OPIUM.

Table with 9 columns: Importing Ship and Date of Arrival, Marks, Govt. No., Cert. No., Description of Opium, No. of Chests, Nett Weight of each Chest, From Warehouse, To Warehouse.

Applicant.

Date.....

Address.....

Permission is hereby granted to move the opium mentioned for removal in the manner described.

Superintendent, Imports & Exports Office.

Note.—If this permit is not made use of on the day in respect of which it is issued, it must be returned to the office of the Superintendent of Imports and Exports.

This permit must be produced whenever demanded by any Revenue or Police Officer.

No.
 Section 11.

FORM No. 4.

IMPORTS AND EXPORTS OFFICE,
 Hongkong,.....191

(*Opium Ordinance No. of 1914.*)

Memo of Raw Opium for export per S.S. on

Permit No.	Marks.	Govt. No.	No. of Chests.	Description of Opium.	Exporter.	Destination.

Superintendent.

Section 16.

FORM No. 5.

(*Opium Ordinance No. of 1914.*)

SIR,—I hereby certify that I have received into my Licensed Warehouse situated at the following Raw Opium :—

Importing Ship and Date of Arrival.	Marks.	Govt. No.	Cert. No.	Description of Opium.	No. of Chests.	Nett Weight of each Chest.	Person storing.

Licensee.

Date.....

NOTICES.

SUPREME COURT.

No. 40.—It is hereby notified that at the expiration of three months from the date hereof the Ch'uan Li Manchurian Development Company, Limited, will, unless cause is shewn to the contrary, be struck off the Register and the Company will be dissolved.

HUGH A. NISBET,
 Registrar of Companies.

2nd February, 1914.