

Draft Bill.

No. S 240.—The following bill is published for general information :—

[No. 18.—29.5.33.—2.]

(C.S.O. 1/4299/32).

A BILL

INTITULED

An Ordinance to amend the law relating to Opium.

BE it enacted by the Governor of Hong Kong, 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, 1933.

Substitution for Ordinance No. 7 of 1932, s. 13, as amended by Ordinance No. 36 of 1932. **2.** Section 13 of the Opium Ordinance, 1932, as amended by the Opium Amendment Ordinance, 1932, is repealed and the following section is substituted therefor :—

Sale and possession of prepared opium and sale of dross. **13.**—(1) No person except the Superintendent or a person appointed by him under section 10 shall sell or offer or expose for sale any prepared opium.

(2) No person except the Superintendent or a person appointed by him under section 10 shall have in his possession more than five taels of prepared opium.

(3) No prepared opium shall be sold or purchased otherwise than for cash.

(4) Except in the case of sales to the Superintendent, no person shall purchase, sell or expose for sale any opium dross.

Amendment of Ordinance No. 7 of 1932, s. 15. **3.** Section 15 of the Opium Ordinance, 1932, is amended by the addition of the following sub-section at the end thereof :—

(3) No person being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, shall knowingly suffer any person to use the same as an opium divan.

Objects and Reasons

1. Under Article 5 of the Agreement concerning the Manufacture of, the Internal Trade in, and the Use of Prepared Opium, which was signed at Geneva on the 11th February, 1925, His Majesty's Government undertook to prohibit the purchase and sale of dross except when the dross is sold to the Monopoly.

2. Section 13 of Ordinance No. 7 of 1932 as amended by section 4 of Ordinance No. 36 of 1932 did not expressly enact this prohibition and apparently authorised sales by the Superintendent; though in fact no such sales have ever been made or proposed.

3. Section 2 of this amending Ordinance therefore repeals section 13 and substitutes a redrafted section.

4. In the substituted sub-section (1) the words "under section 10" are new and are added to make the sub-section conform with sub-section (2) which is a re-enactment of sub-section (2) of Ordinance No. 7 of 1932 as amended by section 3 of Ordinance No. 36 of 1932. Moreover the words "or any opium dross" at the end of the sub-section have been omitted in the substituted sub-section (1).

5. In the substituted sub-section (3) the words "or opium dross", which appeared in the sub-section added to the principal Ordinance by No. 36 of 1932, have been omitted.

6. Sub-section (4) is new and contains the prohibition required by Article 5 of the Agreement of the 11th February, 1925.

7. Section 3 of this Amending Ordinance adds a sub-section to section 15 of the principal Ordinance. The section already penalises the keepers of opium divans and the smokers therein. The added sub-section, which is drafted on the lines of section 11 of Ordinance No. 4 of 1897, brings within the scope of the section owners, occupiers and managers of premises who knowingly suffer them to be used as divans.

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May, 1933.