

LAWS AND REGULATIONS

COMMUNICATED IN COMPLIANCE WITH THE TERMS OF THE

CONVENTION FOR LIMITING THE MANUFACTURE
AND REGULATING THE DISTRIBUTION
OF NARCOTIC DRUGS OF 13 JULY 1931

AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946



HONG KONG

COMMUNICATED BY THE GOVERNMENT OF THE

UNITED KINGDOM

E/NL.1948/50
15 February 1949

Note by the Secretary-General

In accordance with Article 21 of the Convention of 1931 for limiting the Manufacture and regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to forward to the Members of the United Nations and to the other parties to the Convention the following law communicated by the Government of the United Kingdom.

PROCLAMATION No. 13*

OPIUM

I, CECIL HALLIDAY JEPSON HARCOURT, C.B., C.B.E., Rear Admiral in His Britannic Majesty's Fleet and Commander-in-Chief of His Britannic Majesty's Forces in Hong Kong, DO HEREBY PROCLAIM AS FOLLOWS -

ARTICLE 1

SHORT TITLE

This Proclamation may be cited as the Opium Proclamation, 1945.

ARTICLE 2

INTERPRETATION

In this Proclamation, and in the reading and construction of the Dangerous Drugs Ordinance, 1935, and the Amending Ordinances, in accordance with the provisions of Section 3 of this Proclamation,

- (a) "Opium" includes raw opium, prepared opium, and opium dross, and every substance (other than medicinal opium as defined by the Dangerous Drugs Ordinance, 1935), in which raw opium, prepared opium or opium dross forms an ingredient.
- (b) "Opium divan" means any place opened, kept or used -
 - (i) for the sale of prepared opium to be smoked in such place; or
 - (ii) for the smoking of prepared 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 in such place.
- (c) "Opium dross" means the residuum produced by smoking prepared opium.
- (d) "Prepared opium" includes every preparation of opium, and every substance in which opium forms an ingredient, which preparation or substance is used or intended to be used, or is capable of being used for smoking, or for use as a substitute for smoking opium.
- (e) "Raw opium" means any kind of opium not prepared for smoking, chewing, swallowing or injecting and includes the leaves or wrappings in which raw opium has been wrapped, but does not include opium dross.

ARTICLE 3

DANGEROUS DRUGS ORDINANCE, 1935, APPLIED TO OPIUM

The Dangerous Drugs Ordinance, 1935, as amended by the Dangerous Drugs Amendment Ordinances, 1938 and 1939, shall be read and construed in all respects as if -

- (1) Paragraph (a) of sub-section (1) of section 3 had been amended by the substitution of the words "opium, including medicinal opium" for the words "medicinal opium."
- (2) Section 21A, as enacted by the Dangerous Drugs Amendment Ordinance, 1938, had been amended by the insertion of the words "or opium" after the word "heroin" wherever that word occurs throughout the said section otherwise than in conjunction with the word "divan" and by the insertion of the words "or opium divan" after the words "heroin divan" wherever those words occur in conjunction throughout the said section otherwise than in paragraph (d) of sub-section (2) thereof.

*NOTE: Proclamation No. 13 of 1945 was declared by Ordinance No. 2 of 1946 (Section 4 and Schedule I) to have effect as if it had been lawfully made under the provisions of an Ordinance enacted by the legislature of the Colony.

ARTICLE 4

LAWS IN ABEYANCE. ORDINANCE No. 7 of 1932, No. 36 of 1932, No. 16 of 1933, No. 7 of 1934

During such time as this Proclamation shall remain in force the Opium Ordinance, 1932, and all Ordinances amending the same and all regulations made thereunder shall be and remain in abeyance.

GIVEN under my hand at HONG KONG this 20th day of September, 1945.

Commander-in-Chief
Hong Kong Forces