

28TH JUNE, 1906.

PRESENT:—

HIS EXCELLENCY THE GOVERNOR, SIR MATTHEW NATHAN, K.C.M.G.

HIS EXCELLENCY MAJOR-GENERAL VILLIERS HATTON, C.B. (Commanding the Troops).

Hon. Mr. T. SERCOMBE SMITH (Colonial Secretary).

Hon. SIR H. S. BERKELEY, (Attorney-general).

Hon. Mr. A. M. THOMSON (Colonial Treasurer).

Hon. Mr. A. W. BREWIN (Registrar-general).

Hon. Captain L. A. W. BARNES-LAWRENCE, R.N. (Harbour Master).

Hon. Mr. W. CHATHAM (Director of Public Works).

Hon. Dr. HO KAI, M.B., C.M., C.M.G.

Hon. Mr. WEI YUK.

Hon. Mr. E. OSBORNE.

Hon. Mr. E. A. HEWETT.

Hon. Mr. W. J. GRESSON.

Mr. A. G. M. FLETCHER (Clerk of Councils).

MINUTES.

The minutes of the previous meeting were read and confirmed.

FINANCIAL.

The COLONIAL SECRETARY, by command of His Excellency, laid on the table Financial Minutes 41 and 42, and moved that they be referred to the Finance Committee.

The COLONIAL TREASURER seconded.

HIS EXCELLENCY—The first of these two small votes, which it is proposed to refer to the Finance Committee, is required on account of there having unfortunately been more executions this year than last year. The necessity for the second arises from a preliminary inspection of weights and measures that was made in the New Territory, where it was found that rough steel yards not very accurate and giving facilities for fraud were in general use. An inspector of weights and measures has therefore been appointed, and the vote now asked for is to provide standard weights for his guidance.

This was agreed to.

FINANCE COMMITTEE'S REPORT.

The COLONIAL SECRETARY moved that the report of the Financial Committee be adopted.

The COLONIAL TREASURER seconded, and this was agreed to.

LAW COMMITTEE.

The ATTORNEY -GENERAL moved the adoption of the report of the Standing Law Committee, which having considered the Bill entitled "An Ordinance to regulate the qualifications and to provide for the registration of dentists," at three consecutive meetings, found it impracticable under existing circumstances to frame a measure which would bear equally upon the various races of the community, and unanimously recommended that the Bill be withdrawn. He said—As honourable members will observe, the Law Committee, after having had three consecutive meetings to consider this Bill, have come to the conclusion it would be best for the Government to withdraw this Bill. The reasons which led the Committee to adopt that course I think I will, with your permission, state to you. At the second reading of this Bill it passed without any comment of any kind except from myself. There was no opposition to the principle and I assumed that it was generally accepted as a Bill which might pass as it was framed. I therefore moved that the Bill be referred to the Law Committee. I am not certain I am not somewhat to blame in having withdrawn the Bill by that motion from the consideration of the general body of the members of the Council and referred it to a special body, the Law Committee, whose duty is to see that the Bill in its legal shape is calculated to give effect to its principles. That Bill came before the Law Committee, and that was all the Committee gave its attention to. The Bill came back with slight modifications, nothing that would affect the principle of the Bill, which set forth that persons entitled to practice dentistry in the Colony should possess certain qualifications set out in the Bill. After the Bill was read a second time certain criticisms were suggested, criticisms made with the object of improving the Bill no doubt, but criticisms which it would have been well had they been delivered by members at the table. The Bill was again considered in the light of the suggestions that had been made, and was brought up to the Council a second time. In the meantime, between the report by the Committee and the meeting of the Council to consider the report, the Bill had been subjected to further criticism. The first point was that the Bill if passed into law would cause dentistry to be dearer to the inhabitants generally than it is at the present moment. By restricting the number of persons who practice in the Colony you will raise the cost of the dental service. The second objection was this, that the effect of requiring registration of dentists would be that the great body of Chinese and other Asiatics who live in the Colony would be deprived of dental aid because the unqualified Chinese and other dentists who practice at present would pass away in course of time, and would not be replaced. In other words the Chinese and other Asiatics would not be

able to pay the fees which it was natural to expect would be demanded by persons who were properly trained dentists, as only the qualified persons would be allowed to practice. It was suggested that that difficulty might be overcome by exempting what were called Chinese dentists, and so the Law Committee at its final consideration of the Bill had these two propositions before it. As to the first of these, it could not be denied. If they limited the number of persons who were to practice it would be difficult for dentists to get assistants, and they could be sure that prices will not go down, but in all probability they would go up. On the second point they had to admit that the criticism was exact; that unless the Bill was altered in a way to exempt Chinese dentists—those who worked among the poorer people—the Chinese would be without any dental assistance. It was proposed to exempt Chinese dentists as in the case of Chinese medical practitioners, but the hon. senior unofficial member, Dr. Ho Kai, pointed out there was no such thing as Chinese dentistry. There was a system of Chinese medicine, but you cannot define a Chinese dentist as practising a system of Chinese dentistry. It was therefore impossible to amend the Bill in that way. Having regard to the first consideration, and in view of the difficulty, the impracticability, from our point of view, of making the necessary amendments, and in view of the feelings which pervaded the Committee generally, and which I am inclined to think is somewhat general throughout the community, that the Bill is really not called for in the interests of the community, the Committee came to the conclusion to recommend the Government to consent to the Bill being withdrawn. Therefore, I now move the adoption of this report.

Dr. Ho Kai seconded. He said—When the Bill came up for the second reading I did not oppose it in Council, thinking that in committee some clause might be introduced to modify the Bill and make it applicable to the mixed community in this Colony, that is to say those Europeans or those who care to pay a heavy fee for high-class dentistry should be at liberty to do so, but at the same time the poorer classes of the community, Europeans as well as Chinese and others, should as heretofore be allowed to employ Chinese or other dentists who have not obtained the qualifications required by the New Ordinance. I was thinking of introducing a clause something like the one contained in the Medical Ordinance, exempting Chinese dentists who might be allowed to practice as heretofore, and providing that the provisions of the new Ordinance should not apply to them. If that were not put in the effect would be that a large number of the community of Hongkong would be without efficient dental aid. As regards Chinese dentistry, so far as my experience goes the Chinese have no system of dentistry to speak of, most of the Chinese dentists in this Colony practise the

European system of dentistry, therefore if that exemption were granted, the Chinese would be favoured and the European practitioners would be placed in a disadvantageous position. After a considerable debate and discussion, it was agreed that for the present there was no need for an Ordinance of this kind, and for this reason I beg to second the motion, and I hope the Council will unanimously consent to the withdrawal of this Bill.

Hon. Mr. HEWETT—I trust I may be in order in supporting there resolution that this Bill should be withdrawn, if I state briefly my reasons for supporting the resolution. The hon. and learned Attorney-general just now seemed to suggest that members who had criticisms to offer against the Bill should have done so at the second reading. Personally I disapproved of the Bill, and I am very glad that this course has been adopted in connection with it. I did not speak on the second reading, as the hon. and learned Attorney-general had proposed that it be referred to the Law Committee, and it seemed to me it would undoubtedly be materially altered in committee. In my ignorance of the procedure of the Council I deferred my remarks to a less suitable date I express my regret. At the second reading of the Bill I think I am right in stating that the hon. and learned Attorney-general stated that one of the reasons for the Bill was as far as possible to ensure that for the future persons practising as dentists in this Colony should be professionally educated as such. He further spoke of the Bill as being liberal in its scope, "because it is proposed to permit persons "possessing qualifications as dentists other than "those recognised by the Medical Council of "England to practice. In other words it is "proposed that the large body of American, "dentists who have been practising here for "many years shall continue to do so if they "possess the qualifications which the Bill requires "that is to say, if they have a degree or diploma "granted by the Universities of Pennsylvania, "Michigan or Harvard". We all know, Sir, that it is the human failing of the fond parent to ignore the faults of his offspring, faults which are patent to the most casual observer, and I can only suppose that this feeling explains the mental attitude which the hon. and learned Attorney-general has adopted towards his child, the Bill for the registration of dentists He claims that it is a liberal measure, but I fail to find any indications of liberality in it at all; in this Bill the only sign of liberality apparent was that it was *not* proposed to deprive gentlemen who have been following an honourable calling, with success to themselves and satisfaction to their patrons, of their livelihood. We know perfectly well that at the number of colleges all over the civilized world where diplomas are granted the men must undergo a severe training, and must be highly qualified to enter a position of helping suffering

humanity. If this Bill becomes law none of these men can practise in Hongkong unless holding a British diploma. One small exception is to be made in favour of dentists holding certificates granted by three American colleges alone out of the number of colleges which exist in that country. That is to say, the effect of this provision is that only those holding British diplomas or those who are graduates of the three universities in the United States shall be entitled to practice. This is to practically make a close corporation. Members will remember that we are indebted to the United States for the discovery of dentistry. As I have already said, one of the provisions of the Bill was to ensure that those who practised dentistry shall have had a proper professional training, but Section 2 of the Ordinance distinctly exempts from professional training any medical man who likes to practise dentistry in Hongkong. I maintain, without fear of contradiction from any unprejudiced hon. member present, that no medical men who have not been trained as dentists are qualified to act as dentists, and I for one should be extremely sorry to put myself into the hands of medical men where there were specially trained men whose services as dentists were available. I will not go further into detail, but I would remark, your Excellency, that there are a large number of people, Chinese and others, who cannot afford to pay the high fees charged by those special experts in the Colony and have to obtain a certain amount of relief at less cost. I think it will be admitted that it is not necessary to have the same high standard for dentistry as for medical surgery, yet, according to the Bill, you are enforcing a higher standard for dentists than for medical practitioners. The medical profession is practically thrown open to anyone. According to Section 12, Sub-sec. 2, of Ordinance 1 of 1884 the medical profession is open to anyone who has a diploma, provided he has a good character. (Quotes Section of Ordinance of 1884). Now in the event of this Bill becoming law, the effect would be to impose greater restrictions upon dentists than are imposed on the medical profession. If it became law nobody but those holding British diplomas or diplomas from three American universities would be allowed to practise, whereas now people of any nationality can practise as doctors.

The ATTORNEY -GENERAL—No. If a German doctor practises here he must have English qualifications.

Mr. HEWETT—I beg your pardon. I am a member of the Medical Board and have been for over two years. I only remember one application being refused. That was a doctor holding a diploma from a college in the United States, and the reason the application was refused was that he had not served the minimum number of years that are required by the British Medical Board. If this Bill is put forward in the interests of the public, it will have to be considerably modified. I have pointed out that it will make dentistry a close corporation, that it will not improve the standard of dentistry, that it would increase the cost of charges here, which are already sufficiently high, and it will deprive the poorer class of people of any dental aid at all. I can only say, in conclusion, that this Bill does not appear to have been

called for, except perhaps by one or two professional men. Neither the majority of the members of the profession nor the public generally desire this measure, which is absolutely unnecessary and uncalled for. Furthermore, I maintain its provisions are unjust. They are opposed to the principles on which our colonies have been successfully governed, that we admit anybody, whatever his nationality, provided he comes here to work honestly and is likely to make a good citizen. Why should we depart from the traditions of our empire and begin to legislate against certain people? I am glad the Bill has been withdrawn, and I hope that next time a Dentists Registration Bill is brought forward it will be free of the objectionable features which this Bill possesses.

His EXCELLENCY—Before putting the motion I should like to enquire of the Hon. the Attorney General whether without this Bill it is possible for dentists not holding a British diploma to recover fees?

The ATTORNEY -GENERAL—I don't know. I would rather not say.

The COLONIAL TREASURER—That is a matter of agreement, Sir.

His EXCELLENCY—Can you recover on such an agreement?

The COLONIAL TREASURER—Certainly.

Mr. HEWETT—The usual practice here among dentists is to examine you for nothing and give you an estimate of the cost of the work that may be necessary.

His EXCELLENCY—That hardly answers the question I asked.

Mr. HEWETT—I beg your pardon.

His EXCELLENCY—The question is whether they can legally recover fees?

The ATTORNEY -GENERAL—I cannot say. There is no legislation on the subject.

The COLONIAL SECRETARY—There is an Imperial Act.

The ATTORNEY -GENERAL—Yes.

The motion was agreed to.

REFUSE DESTRUCTOR.

The Hon. DIRECTOR of PUBLIC WORKS laid on the table the report of proceedings of the Public Works Committee at a meeting held on June 21st. It read as follows:

The Committee had before it a scheme for reclaiming an area of land immediately west of Cadogan Street and south of Chater Street (extended), and for erecting on this a destructor

capable of dealing with 100 tons of refuse per day, together with quarters for a superintendent and 300 coolies, the estimated cost being as follows:—

Reclamation of site, including 50-foot road in extension of Chater Street -----	\$160,700
Destructor buildings, including piled foundations, chimney, approach road (incline) and iron boundary fence -----	98,100
Machinery, including 12 cells and furnaces with fan and engine, two boilers, slab-making machine, tram-lines and trucks, etc. -----	82,500
Quarters for Superintendent -----	15,000
Do. 300 Coolies -----	75,000
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Total -----	\$431,300

After full discussion it was resolved unanimously that the Committee are prepared to recommend, in principle, the provision of a destructor for dealing with the refuse of the city of Victoria, but advise that, before any further steps are taken, the makers of the type of destructor which it is proposed to adopt should be requested to send out a representative to investigate local conditions and submit a tender, accompanied by a guarantee for 3 years, for dealing effectively with 100 tons of refuse per day.

His EXCELLENCY—I have already explained to the Council that it will not be possible to take action at once on this report of the Public Works Committee with regard to the proposed refuse destructor. The subject is one which has been under my consideration for a long time. I am perfectly satisfied that the provision of such a destructor is the only satisfactory way of getting rid of the refuse of this city. I assure the Council the matter will not be lost sight of as soon as it possible to make the necessary financial provision for it.

MINERALS IN THE NEW TERRITORY.

The ATTORNEY -GENERAL moved the second reading of the Bill entitled "An Ordinance to empower the Governor to grant licences to search for and prove minerals and to grant licences and leases of land for the purpose of working mines and minerals." He said—If minerals should be found in the New Territory it is well the Governor should have the right to authorise persons to go and prospect for them. If they should be found in paying quantities it would add enormously to the wealth of the Colony. It is desirable that His Excellency should have power to grant licences and leases.

The COLONIAL SECRETARY seconded, and this was agreed to.

On the motion of the ATTORNEY -GENERAL, seconded by the COLONIAL SECRETARY, the Council went into committee and considered the Bill clause by clause.

On the Council resuming,

His EXCELLENCY reported that the Bill had passed through committee without amendment.

The ATTORNEY -GENERAL—The Bill has just passed through committee, and as the next meeting of Council will not be for some considerable time it is well that the Bill giving these powers should become law at the earliest possible moment. I beg to move the suspension of the Standing Orders, and with the consent of this House to move that the Bill be read a third time.

The COLONIAL SECRETARY seconded, and the Bill passed into law.

BILL DISCHARGED.

The ATTORNEY -GENERAL moved that the second order of the day, the consideration in committee of the Dentists' Bill, be discharged.

The COLONIAL SECRETARY seconded, and this was agreed to.

NAVAL AND MILITARY WORKS.

The ATTORNEY -GENERAL moved the third reading of the Bill entitled "An Ordinance to authorize the construction and maintenance of certain naval and military works upon and over certain portions of the Crown foreshore and sea bed situate upon the harbour frontage of the City of Victoria in this Colony."

The COLONIAL SECRETARY seconded, and the Bill passed into law.

His EXCELLENCY—The Council stands adjourned till after the meeting of the Finance Committee.

FINANCE COMMITTEE.

A meeting of the Finance Committee was held afterwards—the Colonial Secretary presiding.

The following votes were passed:

PRISON DEPARTMENTS.

The GOVERNOR recommended the Council to vote a sum of one hundred dollars (\$100) in aid of the vote Police and Prison Department, Prison—Other Charges, Executioner's Fee, and for Inflicting Corporal Punishment.

JUDICIAL AND LEGAL.

The GOVERNOR recommended the Council to vote a sum of four hundred and eighteen dollars and thirty cents (\$418.30) in aid of the vote Judicial and Legal Departments, B.— Magistracy—Other Charges, New Territories, Weights.

On the Council resuming—

The COLONIAL SECRETARY—As it is understood that the Council will not meet till 6th September it may be necessary to use the money provided for in the two minutes just passed by the committee. I beg to report, Sir, that the sums of money recommended to be paid in Financial Minutes 41 to 42 have been approved unanimously. I beg to move the adoption of the report.

The COLONIAL TREASURER seconded, and this was agreed to.

His EXCELLENCY—The Council stands adjourned until Thursday, September 6th, at 2.30 p.m. when I hope to be able to lay before hon. members the Estimates for the year 1907 and also some important legislation.

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