

OFFICIAL REPORT OF PROCEEDINGS**Wednesday, 30 May 1984****The Council met at half past two o'clock****PRESENT**

HIS HONOUR THE DEPUTY TO THE GOVERNOR (*PRESIDENT*)
THE HONOURABLE THE CHIEF SECRETARY
SIR CHARLES PHILIP HADDON-CAVE. K.B.E., C.M.G., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY
SIR JOHN HENRY BREMRIDGE. K.B.E., J.P.

THE HONOURABLE THE ATTORNEY GENERAL
MR. MICHAEL DAVID THOMAS, Q.C.

THE HONOURABLE DENIS CAMPBELL BRAY. C.M.G., C.V.O., J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE LO TAK-SHING. C.B.E., J.P.

THE HONOURABLE FRANCIS YUAN-HAO TIEN. O.B.E., J.P.

THE HONOURABLE ALEX WU SHU-CHIH. C.B.E., J.P.

THE HONOURABLE CHEN SHOU-LUM. C.B.E., J.P.

THE HONOURABLE LYDIA DUNN. C.B.E., J.P.

THE REVD. THE HONOURABLE PATRICK TERENCE McGOVERN. O.B.E., S.J., J.P.

THE HONOURABLE PETER C. WONG. O.B.E., J.P.

THE HONOURABLE WONG LAM. O.B.E., J.P.

DR. THE HONOURABLE THONG KAH-LEONG. C.B.E., J.P.
DIRECTOR OF MEDICAL AND HEALTH SERVICES

THE HONOURABLE CHARLES YEUNG SIU-CHO. O.B.E., J.P.

THE HONOURABLE JOHN MARTIN ROWLANDS. C.B.E., J.P.
SECRETARY FOR THE CIVIL SERVICE

DR. THE HONOURABLE HO KAM-FAI. O.B.E., J.P.

THE HONOURABLE ALLEN LEE PENG-FEI. O.B.E., J.P.

THE HONOURABLE ANDREW SO KWOK-WING. O.B.E., J.P.

THE HONOURABLE GERALD PAUL NAZARETH. O.B.E., Q.C., J.P.
LAW DRAFTSMAN

THE HONOURABLE HU FA-KUANG. J.P.

THE HONOURABLE WONG PO-YAN. O.B.E., J.P.

THE HONOURABLE DONALD LIAO POON-HUAI. C.B.E., J.P.
SECRETARY FOR HOUSING

THE HONOURABLE CHAN KAM-CHUEN. J.P.

THE HONOURABLE JOHN JOSEPH SWAINE. O.B.E., Q.C., J.P.

THE HONOURABLE COLVYN HUGH HAYE. C.B.E., J.P.
DIRECTOR OF EDUCATION

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN. J.P.

THE HONOURABLE CHEUNG YAN-LUNG. M.B.E., J.P.

THE HONOURABLE MRS. SELINA CHOW LIANG SHUK-YEE, J.P.

DR. THE HONOURABLE HENRIETTA IP MAN-HING

THE HONOURABLE PIERS JACOBS. O.B.E., J.P.
SECRETARY FOR ECONOMIC SERVICES

THE HONOURABLE DAVID GREGORY JEAFFRESON. C.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE HENRY CHING. C.B.E., J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE CHAN NAI-KEONG. J.P.
SECRETARY FOR LANDS AND WORKS

THE HONOURABLE RONALD GEORGE BLACKER BRIDGE. J.P.
COMMISSIONER FOR LABOUR

THE HONOURABLE CHAN YING-LUN

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI

THE HONOURABLE MRS. PAULINE NG CHOW MAY-LIN

THE HONOURABLE PETER POON WING-CHEUNG. M.B.E., J.P.

THE HONOURABLE YEUNG PO-KWAN. C.P.M.

THE HONOURABLE JAMES NEIL HENDERSON. O.B.E., J.P.
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE JUSTIN YUE KWOK-HUNG. M.B.E., J.P.
SECRETARY FOR TRANSPORT (*Acting*)

THE HONOURABLE JOHN FRANCIS YAXLEY. J.P.
SECRETARY FOR TRADE AND INDUSTRY (*Acting*)

THE HONOURABLE IAN FRANCIS CLUNY MACPHERSON. O.B.E., J.P.
SECRETARY FOR DISTRICT ADMINISTRATION (*Acting*)

ABSENT

THE HONOURABLE ROGERIO HYNDMAN LOBO. C.B.E., J.P.

DR. THE HONOURABLE HARRY FANG SIN-YANG. C.B.E., J.P.

THE HONOURABLE WILLIAM CHARLES LANGDON BROWN. O.B.E., J.P.

THE HONOURABLE MARIA TAM WAI-CHU. J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MRS. JENNIE CHOK PANG YUEN-YEE

Papers

The following papers were laid pursuant to Standing Order 14(2):—

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Import and Export Ordinance Import and Export (Fees) (Amendment) Regulations 1984	126
Public Health and Urban Services Ordinance Slaughter-Houses (New Territories) (Amendment) Regulations 1984	127
Jury Ordinance Allowances to Jurors (Amendment) Order 1984	129
Audit Ordinance Audit (Director's Salary) Order 1984	130
Registrar General (Establishment) Ordinance Registrar General (Establishment) (Amendment of Schedules) Order 1984	131
Tax Reserve Certificates (Fourth Series) Rules Tax Reserve Certificates (Rate of Interest) (No. 3) Notice 1984	132
Chinese Permanent Cemeteries Ordinance Chinese Permanent Cemeteries Rules 1975	133
Public Health and Urban Services Ordinance Pleasure Grounds (Amendment) (No. 2) By-Laws 1984	134
Public Health and Urban Services Ordinance Public Swimming Pools (Amendment) By-Laws 1984	135
Urban Council Ordinance Urban Council Financial (Amendment) By-Laws 1984	136
Air Navigation (Overseas Territories) Order 1977 Authorization By the Governor	137
Dangerous Goods Ordinance Dangerous Goods (Classification) (Amendment) Regulations 1984	138
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<i>Subject</i>	<i>L.N. No.</i>
Dangerous Drugs Ordinance	
Dangerous Drugs (Amendment of Fourth Schedule) Order 1984.....	141
Port Control (Cargo Working Areas) Ordinance	
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Cross-Harbour Tunnel (Passage Tax) Ordinance 1984	
Cross-Harbour Tunnel (Passage Tax) Ordinance 1984 (Commencement) Notice 1984	145
Inland Revenue Ordinance	
Inland Revenue (Interest Tax) (Exemption) (Amendment) (No. 8) Notice 1984.....	146

Sessional Papers 1983-84:

No. 56—Report by the Trustee of the Police Children's Education Trust Police Education and Welfare Trust for the period 1 April 1982 to 31 March 1983.

No. 57—Hong Kong Polytechnic Annual Report 1982-83 with Balance Sheet and Income and Expenditure Account for the year ended 31 July 1983.

Oral answers to questions

The Hong Kong Coliseum

1. MR. S. L. CHEN asked:—*Will Government inform this Council what is the utilization rate of the Hong Kong Coliseum, particularly as a venue for sporting events?*

SECRETARY FOR HOME AFFAIRS:—Sir, the Coliseum is managed by the Urban Council to whom I am indebted for the information in this reply. Since its opening in 1983, the Coliseum has been used on 208 days in its first year of operation, representing a utilization rate of 57%. Of this, 44 days were used in sporting events which represent about 21% of the total utilization rate in this first year.

These utilization rates are remarkably close to the forecast made by the Director of Urban Services before the Coliseum opened. This forecast was that the Coliseum would be used for 200 days (it was used for 208) in its first year of operation with 40 days being used for sporting events.

MR. F. K. HU:—*Sir, can the Secretary for Home Affairs inform this Council what is the envisaged utilization rate for the year 1984-85 and is there any plan to utilize the Coliseum when the Coliseum is not hired out?*

SECRETARY FOR HOME AFFAIRS:—*Sir, I feel bound to suggest that the honourable Member might raise this question in another Council.*

Promotion of political awareness and knowledge in schools

2. MRS. FAN asked:—*Will Government clarify how its stated intention of promoting and strengthening political awareness and knowledge of young people in the school system will be compatible with the provisions of Regulation 98 of the Education Regulations?*

DIRECTOR OF EDUCATION:—*Sir, Regulation 98 of the Education Regulations prohibits curricular and extra-curricular activities, and the manifestations of activities which, in the opinion of the Director of Education, are prejudicial to the public interest or the welfare of pupils or of education generally.*

In other words, the Regulation is a safeguard against the political indoctrination and subversion of pupils and education.

This safeguard is entirely compatible with the plans and the programmes I have outlined at the last two meetings of this Council to promote and strengthen political awareness and knowledge of young people in our school system.

Members will appreciate the distinction which must be drawn between the promotion of political awareness and knowledge, and the use of political propaganda to indoctrinate and to subvert. Regulation 98 of the Education Regulations permits me to draw that distinction to protect the interests of pupils, the public and education generally.

MRS. FAN:—*Sir, can the Director of Education confirm that the teachers are fully aware of this distinction and will not be hindered by Regulation 98 in carrying out their duties?*

DIRECTOR OF EDUCATION:—*Yes, Sir, the teachers are aware of this distinction, and of course they will be reminded yet again.*

Development of the fisheries industry

3. MR. ALEX WU asked:—*Will Government state its policy on the development of Hong Kong's fisheries industry in general and mariculture in particular?*

SECRETARY FOR ECONOMIC SERVICES—Sir, the Government's policy in this area is part of an overall policy in relation to the supply of food. This requires the maintenance of a reliable supply to the community of fresh fisheries products.

The Government assists the local development of the fisheries industry in a number of ways.

For example, the Agriculture and Fisheries Department provides an advisory service for fishermen, giving them guidance in relation to the building of new vessels, the purchase of gear and equipment, the use of modern navigational and electronic equipment, and the application of improved fishing methods.

Also, the Fisheries Development Loan Fund, administered by the Director of Agriculture and Fisheries specifically for developing the fishing fleet, and the Fish Marketing Organization Loan Fund, are important sources of loan finance for fishermen.

In the context of our overall policy, the Government imposes some control over the development of mariculture with a view to increasing efficiency. The mariculture industry is, however, subject to a number of constraints imposed by the limited availability of suitable areas of coastal water. The Marine Fish Culture Ordinance enacted in 1980 was therefore designed both to prevent the undesirable proliferation of mariculture operations in coastal waters and to provide the control necessary for the industry to increase its efficiency. So far 26 mariculture zones have been gazetted.

Although fish produced by mariculture represent only a small proportion of total fisheries production, the industry's chief value is its contribution to meeting the demand for live fish, which the capture fish industry cannot meet in full.

MR. ALEX WU: — *Sir, does Government consider paying ex-gratia allowances to mariculturists for terminating their operations, compatible to the policy of assisting and developing the fisheries industry as stated?*

SECRETARY FOR ECONOMIC SERVICES:—Yes, Sir.

MR. ALEX WU:—*Sir, will Government confirm whether the fisheries research vessel Tai Shun will be sold after only 3½ years' service, and, if so, why? And what are her deficiencies as a fisheries research vessel?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the Tai Shun will in fact be sold at the end of this year. Following the completion of a comprehensive value for money study which showed that continuing with the operations of that vessel would not be economically viable. The vessel will, however, be allowed to complete its current research programme which will continue until the end of this year. As far as its deficiencies are concerned I don't think, Sir, that it has deficiencies as a vessel; it has carried out some useful research but the continuation of that programme would not, as I have said, be economically viable.

MR. ALEX WU:—*One final question, Sir, Is there any Government policy or are there plans to ensure sufficient supply of fish and to promote and expand overseas markets for local marine fish as an additional effort towards diversification of the local economy?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, the fisheries industry at the moment does export a considerable amount of its produce. In 1983 it exported nearly 27 000 tons at a value of \$577 million, and we feel that the correct policy is to leave it to the industry to develop further export markets if it considers that those markets can be developed. It is possible that the Trade Development Council might wish to take an interest in this particular aspect. *(laughter)*

Filming in public places

4. MR. YEUNG PO-KWAN asked:—*Will Government inform this Council:*

- (a) whether the prior approval of any department is required when movie, television and advertisement production companies film at locations in Hong Kong;*
- (b) are appropriate measures taken to prevent the unnecessary panic by members of the public when filming gun battle or car chase scenes in busy streets; and*
- (c) what redress is open to members of the public who suffer injuries as a result of such filming?*

SECRETARY FOR SECURITY:—

- (a) Sir, there is no legal requirement for film, television or advertising companies to obtain approval for filming in public places in Hong Kong. But over the years the police and the film companies have established a written code of practice. With few exceptions, the companies are most cooperative and follow it. Briefly, the procedures work as follows:*
 - (i) the companies give the police at least five days' notice of their intentions;*
 - (ii) the police advise on the legal requirements relation to safety, public order, private property, inconvenience and obstruction to the public;*

on the suitability of the location and of other aspects of the proposal; and on such special requirements as the wearing of uniforms, use of vehicles, and the use of explosives and firearms. When the police think there are aspects of the proposals that are against the public interest, they suggest changes;

- (iii) the police, including traffic police, then monitor the actual filming.
- (b) Turning to the second part of Mr. YEUNG's question, in the great majority of cases when the companies follow the code of practice the police do take appropriate measures to prevent unnecessary panic by the public, particularly when staged gun battles or car chases are being filmed. Also, the appropriate Police Regional Command and Control Centre is informed, in case the filming results in '999' calls from members of the public. Film companies are not exempt from the law and in cases where police advice is not heeded and offences result, the offenders are prosecuted. The police receive approximately 600 requests involving filming a month. So far this year only one prosecution has been necessary.
- (c) As regards the third part of Mr. YEUNG's question, any member of the public who suffers injuries as a result of such filming can take civil action against those who caused him the injury.

Sir, the procedure I have described applies mainly to filming in public places. There are instances when companies need to film on private property to which the public has access in large numbers, for example M.T.R. stations and trains, and the Ocean Park.

When companies wish to film on private property, they usually make arrangements directly with the owners. The code of practice does not include a requirement to notify the police in such cases, although the procedure has sometimes been followed when the companies or the owners have considered it necessary.

As a result of a recent incident at Diamond Hill M.T.R. Station, when some members of the public thought they were experiencing a real-life emergency during a filming sequence, the police will shortly be liaising with the film companies with a view to extending the code of practice to *all* private places to which the public has significant access.

MR. YEUNG PO-KWAN:—*Sir, may this Council be informed of the reasons why there is no legal requirement for film, television or advertising companies to obtain approval for filming in public places in Hong Kong?*

SECRETARY FOR SECURITY:—Because so far no-one has considered legal requirement to be necessary. The code of practice appears to be working very well. Personally I prefer codes of practice because they do not have to be

followed to the letter of the law. They can provide sufficient flexibility to account for particular circumstances of each filming project. and the circumstances behind each project can vary enormously.

MR. YEUNG PO-KWAN:—*Sir, how long does it take for the code of practice to be extended to all private places to which the public has significant access?*

SECRETARY FOR SECURITY:—*Sir, the police meet regularly with the companies, and this subject will be coming up at the next meeting which I believe is early next month, We can expect, judging by the way the companies have co-operated so far, that there will be little difficulty.*

Suicide rates among elderly people

5. DR. HO asked:—*Will Government inform this Council:*

- (a) the trend in terms of suicide rates of elderly people in the past three years;*
- (b) the general reasons behind this trend; and*
- (c) what services are available to help elderly people to overcome their emotional stress?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, the suicide rates per 100 000 persons aged 70 years and over were 45.3 in 1981, 24.1 in 1982 and 38.1 in 1983. The figures for persons aged 65 years and over were 35.7 in 1981, 25.2 in 1982 and 34.5 in 1983. The figures for persons aged 60 years and over were 29.0 in 1981, 23.0 in 1982 and 30.8 in 1983. I do not think there is any discernible trend in these figures of suicide rates amongst elderly people over the past three years.*

A variety of services is available to help elderly people under emotional stress. These include hotline telephone services run, for example, by the Social Welfare Department and the Samaritans, and counselling services provided at centres run by the Government and by voluntary agencies. And of course we should not overlook the help and moral support available from family, friends, neighbours, churches and community associations.

A great deal can be achieved by a caring community in helping the elderly to preserve their self-respect and to remain socially integrated, and so to fortify them against emotional stress. The Government's aim is to give every encouragement to the elderly to remain within the community as long as possible, rather than to withdraw into institutions, and in particular to remain within a family or familiar environment. Such services as home help, day care centres and social centres are essential for the achievement of this aim.

Emotional stress cannot, however, be altogether avoided, given that old age may bring with it such difficulties as ill-health and financial or housing problems. It is in these areas particularly that the Government can most

appropriately help, and there are on-going programmes designed to meet these needs of the elderly and so to assist in reducing some of the more important underlying causes of emotional stress.

DR. HO:—*Sir, I understand that such voluntary agencies as the Samaritans, which specialize in counselling services for people with a suicidal inclination, are facing financial difficulties due to the Community Chest cutting down its financial support. I wonder whether the Government would consider subsidizing these agencies so that they don't have to curtail their services including those for the elderly?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, I believe that the Samaritans do largely depend on the Community Chest for their finances. I can give Dr. Ho an assurance that if the Samaritans or any other similar agency engaged in this work applies for financial help, such an application would be most sympathetically considered.*

MR. PETER C. WONG:—*Sir, in the final paragraph the Secretary states that emotional stress cannot be altogether avoided given that old age may bring with it difficulties as ill-health, etc., and he says the Government can most appropriately help in these areas. May I ask the Secretary whether old age persons are given priority when they seek medical services in Government institutions or hospitals?*

SECRETARY FOR HEALTH AND WELFARE:—*Sir, I think that all I could say in reply to that is that anyone—any member of the public—in need of medical care would, if he presented himself at a Government clinic or Accident and Emergency department, receive the appropriate care that is required. I am not sure what Mr. WONG means by priority, but they would receive whatever care is necessary.*

Provision of mains water supply to Ma Wan

6. MR. CHEUNG YAN-LUNG asked:—*What action is the Government taking to provide mains water supplies to rural areas in the New Territories and to Ma Wan in particular?*

SECRETARY FOR LANDS AND WORKS:—*Sir, the provision of mains water to New Territories villages and squatter areas is an on-going exercise which seeks progressively to extend water supply to villages by the laying of mains and installation of pumping equipment. Where major works are involved, separate Public Works Programme items are created for specific projects. Minor extensions and improvements works are carried out with funds provided from recurrent vote under Departmental Annual Expenses.*

Apart from those projects which have already been completed a number of other major projects are in hand aimed at providing mains water supplies to New Territories villages and squatter areas.

Currently there are four Category A items in the Public Works Programme for works and installations which would enable the provision of water supply to a total of some 110 New Territories villages and squatter areas. Their total estimated cost is \$44.4 million.

Apart from the above, other projects are in various stages of planning which subject to the provision of funds, are programmed to be completed within the next three years. When that happens, practically all the remaining villages within reasonable reach of the mains supply system would have been connected.

As regards Ma Wan specifically, different methods of providing a supply to the island have been considered, and the preferred solution is to lay a submarine pipe to convey water from Sham Tseng. A feasibility study is in an advanced stage and firm proposals are expected in the latter part of this year with the view to seeking Public Works Sub-Committee's approval for commencement of work in the next financial year.

MR. CHEUNG YAN-LUNG:—*Sir, what interim measure will the Government employ to solve the water supply problem of Ma Wan Island?*

SECRETARY FOR LANDS AND WORKS:—The current system of water supply in Ma Wan consists of a number of wells, pipes, a storage tank and a distributing piping system. It is normally adequate for the normal residents of Ma Wan which, I think, is about 700. The problem arises when there is a drought and, in particular, at weekends when there is a large inflow of tourists onto the island. If the timings I have given in my main reply could be adhered to, I don't believe it is worthwhile for any interim works to be implemented.

I think if there is going to be another drought this coming winter, the first thing that the local people can do is to restrict the water supply as has been done generally in Hong Kong when water is in short supply—and they can, of course, carry out restriction selectively as I think they have been doing by not turning on the taps to the beach areas during the daytime at weekends so as to conserve the water for the normal residents.

MR. CHARLES YEUNG:—*Sir, can the Secretary inform this Council as to when was the first time the Government was aware of the agitation of the local public in Ma Wan for the water supply; when did the Government plan to supply piped water to that island; and when was it put in the Public Works Programme?*

SECRETARY FOR LANDS AND WORKS:—Sir, the item for Ma Wan water supply is in Category AB now. I think it was first included in the Public Works Programme in 1981. We have been, as I said in my main reply, considering

various means of supplying water to Ma Wan and, as I said, investigation is in hand to see whether the submarine pipe solution is feasible. If it is, then we will take action to seek Public Works Sub-Committee's approval for amending the scope of the item and for its upgrading to Category A for implementation next financial year.

MR. CHARLES YEUNG:—*Sir, would the Secretary agree that the speed of the programme has much to be desired?*

SECRETARY FOR LANDS AND WORKS:—The speed of the planning and investigation, I think, is compatible with the speed of all other items in the Public Works Programme. And as I said in my supplementary answer to Mr. CHEUNG, the problem is only one of weekends when there is a drought.

Secondary school places in Tuen Mun

7. MRS. NG asked in Cantonese:—

政府可否告知本局：

- (甲) 在一九九〇年屯門區提供的中學學位和特殊教育中學學位的預計數字；
- (乙) 預測屆時屯門區適齡中學生的人數和特殊教育中學學位需求數字；以及
- (丙) 倘若這兩方面的學位不足，政府有甚麼補救辦法？

(The following is the interpretation of what Mrs. NG asked.)

Will Government inform this Council:—

- (a) *the number of secondary school places and special school places at secondary level planned for Tuen Mun by 1990;*
- (b) *the projected number of children of secondary school age and the projected demand for special school places at secondary level in Tuen Mun by that time; and*
- (c) *what action will be taken if a shortfall exists in these two areas?*

DIRECTOR OF EDUCATION:—Sir, the number of secondary school places planned for Tuen Mun by 1990 will depend on precisely how many schools can be built there by then. Current figures for provision stand at 25 760, but this number will be exceeded. The number of special school places for Tuen Mun by 1990 is 195.

The projected number of children of secondary school age in Tuen Mun by 1990 is 61 098; and the projected demand for special school places at secondary level in Tuen Mun by that time is 430. Not all these children, particularly of secondary school age above 15 when schooling is no longer compulsory, will demand places.

The apparent shortfall can be explained and will be met by the following measures:—

- (i) For secondary school places, any demand for public sector places will be met by territory-wide allocation. In other words, the places planned for Tuen Mun by 1990 will be based on schools that actually exist in Tuen Mun and which will be built between now and 1990. Any demand in excess of places in these schools will be met by allocation of pupils to neighbouring districts.
- (ii) For special school places, any shortfall will be similarly met by allocations to schools elsewhere with vacancies for the type of disability involved. Disabled children will of course be provided with transport.

If it is possible to simplify a somewhat complicated situation, the apparent differences between planned provision and projected numbers will be met by allocation. In the case of secondary school places, there is a system of school nets which are adjusted annually to balance demand and supply of Form I places in each district by taking into account the position in neighbouring districts. Selection and allocation invariably seeks the greatest convenience to pupils in that we do not ask them to travel much further than their neighbourhood unless they particularly wish to do so and places are available to match their wish, bearing in mind the availability of public transport.

As for special school places, it must be remembered that there are seven different types of special schools, and again allocation must have regard to vacancies as and where they occur. The additional proviso here is that disabled children are provided with transport and with boarding care where necessary.

It will be impossible to meet every district demand with neighbourhood schools until the present policy of territory-wide allocation is abandoned.

MRS. NG asked in Cantonese:—

本人非常同意，在某一個區域的中學學位不足時，中學生是可以到鄰近的地區就讀。但是，由於屯門區的地理環境特殊，由屯門居屋計劃的滯銷，足以證明屯門的交通問題，尚未完滿解決，政府可否考慮加速該區之興校計劃，以減輕學生長途跋涉上學之苦？

(The following is the interpretation of what Mrs. NG asked.)

Sir, I agree that when there are not sufficient secondary school places in a certain district, the secondary school children can attend school in nearby districts. However, in view of the special geographical situation of Tuen Mun, and its unresolved transport problems as evidenced by the slow selling H.O.S. flats, will the Government consider speeding up the school building programme in Tuen Mun so as to alleviate the problems of school children having to travel long distances to school?

DIRECTOR OF EDUCATION:—Sir, there are at present 16 schools in Tuen Mun, and seven more will be built between now and 1990, plus an as yet to be specified number because there are some 25 secondary schools that have yet to be allocated. I don't doubt that some of these school will be allocated to Tuen Mun because of the very special problems of that area. But I must reiterate that it is impossible really to give every district the number of secondary schools that it requires, or at least wishes, because allocation to secondary schools is on a territory wide basis and, as I have indicated, through the net system it is possible to match allocations with a very large degree of parental and pupils' preference.

DR. IP:—*Sir, out of the 430 students requiring special places in Tuen Mun by 1990, how many will be under 15 years of age and how does this figure compare with the figure of 195 school places available in Tuen Mun by 1990?*

DIRECTOR OF EDUCATION:—Sir, none of the people that we are talking about in special schools will be under pressure at 15 because, as Dr. IP well knows we do permit pupils to go to special schools up to the age of 20. As to the second part of her question, she is probably also aware that her own association has been awarded one of the schools that will be built between now and 1990 in Tuen Mun, and I think that there will be in fact another two special schools. I trust that this will help reassure Dr. IP that we have not forgotten her special area of interest.

DR. IP:—*Did I hear the answer wrong that, out of this 430 students that was mentioned in the answer, none of these children will be under the age 15?*

DIRECTOR OF EDUCATION:—The distinction I wished to draw was that the age of 15 is no absolute bar to children in special schools. It is very possible that some of the 430 children will indeed be under 15, but they will not be expected to leave school at 15 where they may normally do in secondary schools.

Reserve stocks and supplies of oil and coal

8. MR. CHAN KAM-CHUEN asked:—*In view of the crisis in the Gulf, would Government state whether our stock and supply of oil and coal are adequate for our industries and general consumption?*

SECRETARY FOR ECONOMIC SERVICES:—Sir, at present our reserve stocks and supplies of oil and coal are adequate.

As to coal, both power companies obtain their supplies from divers sources. The crisis in the Gulf does not therefore constitute a threat to these supplies, which come from various parts of the world.

With regard to oil, the major oil companies in Hong Kong are currently maintaining stocks and supplies sufficient to cover between 2 to 3 months consumption. This well exceeds the levels established in the code of practice which came into force in May 1982 following consultation between the Director of Oil Supplies and the oil companies.

Materials used for wrapping open food

9. MR. SO asked in Cantonese:—

政府可否告知本局：

- (甲) 現正採取甚麼措施去禁止使用可能有害的物質來包裹食物；和
- (乙) 現行法例對這方面的管制是否足夠？

(The following is the interpretation of what Mr. SO asked.)

Will Government state:—

- (a) what measures are being taken to prohibit the use of potentially hazardous materials for wrapping open food; and*
- (b) whether the existing legislation is adequate in this regard?*

SECRETARY FOR HEALTH AND WELFARE:—Sir, the Food Business (New Territories) Regulations and the Food Business By-laws enable legal action to be taken against any person engaged in any food business who fails to take such reasonable steps as may be necessary to protect the food from the risk of contamination, including contamination from the materials used for wrapping open food.

Coloured plastic bags are sometimes used for wrapping open food and some, but not all, of these plastic bags have been found in the past to contain varying amounts of leachable metals. There is no evidence that such bags have been the cause of any poisoning through the consumption of any food contaminated by them. Nonetheless, the Government repeatedly advises those engaged in the food trade of the potential health risk, reminds them of the provisions in the law under which they could be prosecuted if they were found to be using wrapping materials hazardous to health, and urges them to use safer wrapping materials.

Existing legislation is considered to be adequate. The Government continues, however, to sample and analyse wrapping materials and their effect on the food wrapped in them. If the leachable metallic contents of wrapping materials increased significantly, we would need to think again.

On-street metered parking

10. DR. IP asked:—*Will Government inform this Council:*

- (a) the size of a standard on-street metered parking space; and*
- (b) the maximum size of vehicles permitted to use it?*

SECRETARY FOR TRANSPORT:—Sir, the size of a standard on-street metered space is approximately 2.5 metres in width and five metres in length. With only a few exceptions, this is sufficient to accommodate all makes of private car. In addition, to ensure that vehicles have enough room to manoeuvre, a gap of at least 0.5 metre is provided between each pair of metered parking spaces.

There are no specific restrictions on the size of a vehicle permitted to use a metered parking space. However, it is illegal for a parked vehicle to project over any of the lines marking a space or to occupy more than one space unless the vehicle is longer than one space. A person committing either offence will be issued with a fixed penalty ticket. If it is necessary for a vehicle to occupy more than one space because of its length, the driver is required to pay the meter charge for each of the spaces occupied or partially occupied. Failure to do so will also result in the issue of a fixed penalty ticket.

DR. IP:—*Sir, are these standard on-street metered parking spaces originally designed for goods vehicles?*

SECRETARY FOR TRANSPORT:—No, Sir, they are not.

DR. IP:—*Sir, although any size vehicles which theoretically can fit into an onstreet parking space can be allowed to park there as stated, given no other regulations which indicate otherwise, would Government comment on whether the following may occur in practice if there is a tight fit in the case of tall large lorries—(1) obstruction to traffic particularly in one lane and on busy roads when such vehicle is having multiple attempts to park, and (2) obstruction to the angle or view where such metered parking spaces are located near the corner of the roads?*

SECRETARY FOR TRANSPORT:—Sir, my reply specifically pin-points the fact that a standard on-street metered parking space is one designed for private cars, and I made it quite clear that the size at the moment is sufficient to accommodate all makes of private cars.

Metered parking spaces are separately designated for private cars and lorries as appropriate, so in so far as I am able to answer Dr. IP's question, it will be an offence for a large lorry to occupy a metered parking space designated for a private car.

Parking places for goods vehicles, public light buses, private buses and coaches

11. DR. IP asked:—*Will Government inform this Council whether existing public parking places for goods vehicles, public light buses, private buses and coaches in Hong Kong are adequate?*

SECRETARY FOR TRANSPORT:—Sir, the provision of parking for private buses and coaches is considered adequate. Owners of private buses and coaches are required to produce proof that overnight parking accommodation is available before the vehicle can be licensed.

Parking for public light buses is available at public light bus stands during certain hours and in Government-owned multi-storey car parks. On the whole, it is not a problem.

The provision of parking for goods vehicles however is generally inadequate. Recently, however, more on-street spaces in industrial areas have been designated for the exclusive use of goods vehicles and new temporary open-air lorry parks have been provided. I should mention that the problem of goods vehicle parking is being examined by consultants as part of a comprehensive study into the economic and transport aspects of the trucking industry which is being carried out under the direction of the Secretary for Economic Services. The consultants will be presenting their final recommendations later this year.

DR. IP:—*Sir, is Government aware that the acute shortage of parking spaces for goods vehicles have forced owners of such vehicles who depend on them for a livelihood to park their vehicles illegally, such as on pavements and on the side of dual carriageways at night and on weekends, and that such conditions are worst in areas such as the Po Kong Village Road at Diamond Hill, Shun Ching Street in Shun Lee Tsuen Road at Shun Lee Estate, Lei Yue Mun Road in the Yau Tong District, Sau Mau Ping Road and Clearwater Bay Road, and such illegal parking is damaging to both the high standard of construction as offered by the P.W.D.—not to mention the danger it may impose on traffic?*

SECRETARY FOR TRANSPORT:—Sir, as I have already mentioned, this problem is being looked into by consultants; but in the interim I should perhaps make a comment that a large part of this problem is created by the many industrial and commercial buildings not providing areas specifically for the parking, loading and unloading of goods vehicles.

DR. IP:—*Sir, what measures would Government take in the long and short term to remedy such deficiencies and the untoward effects which follow without causing further hardships to the owner/drivers of such goods vehicles, and will such measures include urgent conversion of some vacant Crown land to temporary parking lots?*

SECRETARY FOR TRANSPORT:—Sir, I think I have already made that clear in my main reply, and I would like to repeat what I have already said that, more recently, on-street parking spaces in industrial areas have been designated for the exclusive use of goods vehicles, and that new temporary open-air car-parks have been provided and this will continue.

Statement

The Hong Kong Polytechnic Annual Report 1982-1983

MR. S. L. CHEN:—Sir, among the various papers laid on the table of this Council today is the 11th Annual Report of the Hong Kong Polytechnic, covering the year ended 31 July 1983.

Last year, Sir, when the Polytechnic's 10th Report was tabled in this Council, I spoke at some length on the achievements of this institution over the first decade. This year I will be brief.

1982-83 was a year of modest expansion in terms of student numbers, but it was a year of intensive preparation for a significant move up-market, that is to say towards the introduction of the Polytechnic's first five degree courses in October last year. These degree courses, in Computing Science, Electronic Engineering, Mechanical Engineering, Social Work and Combined Studies in Mathematics and Science were many times over-subscribed. In the case of Computing Science there were no less than 1 100 applicants for the 42 places available. Plans were in hand for three more degree courses, in Civil Engineering, Electrical Engineering and Design. These courses have been validated by the Council of National Academic Awards in the U.K. and have been approved for introduction in October this year.

Despite the recession, 90% of last year's graduates were either in full-time employment or were pursuing further studies by October 1983. The remaining 10% had not found suitable employment at that time, and this was the highest short-term unemployment percentage in the 11-year history of the Hong Kong Polytechnic. Graduates in most of the engineering disciplines and in banking were the hardest hit whilst the graduates of other disciplines fared better.

The year covered by this Report, Sir, was also the year in which the bulk of the work was done in preparation for the launching of the new City Polytechnic of Hong Kong, in January of this year. As members of this Council are already aware, the planning task was entrusted to the Council and Administration of the Hong Kong Polytechnic, and I think it can be fairly said that their efforts have enabled Hong Kong to provide further opportunities for many more young people who acquire advanced technical education which will be vital to the community as a whole in the years to come.

Government business**First reading of bills****DUTIABLE COMMODITIES (AMENDMENT) BILL 1984****DUTIABLE COMMODITIES (AMENDMENT) (NO. 2) BILL 1984****INLAND REVENUE (AMENDMENT) BILL 1984****EVIDENCE (AMENDMENT) BILL 1984****THE HONG KONG ACADEMY FOR PERFORMING ARTS BILL 1984****FIXED PENALTY (TRAFFIC CONTRAVENTIONS) (AMENDMENT)
(NO. 2) BILL 1984**

Bills read the first time and ordered to be set down for second reading pursuant to Standing Order 41(3).

Second reading of bills**DUTIABLE COMMODITIES (AMENDMENT) BILL 1984**

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Dutiable Commodities Ordinance’.

He said:—Sir, I move that the Dutiable Commodities (Amendment) Bill 1984 be read the second time.

The main object of the Bill is to provide, with effect from 29 February 1984, the means of valuing goods for duty assessment purposes. This is required to implement my 1984 Budget Speech proposal for a modified *ad valorem* system of collecting duty on European-type liquors, other than beer, cider and perry. The amendments proposed in clauses 2 and 3 seek to empower the Customs and Excise Service to require the production of documents relating to the value of dutiable goods, while clause 4 adds a new section 26A which provides criteria for duty valuation purposes. Under the Bill, the Commissioner of Customs and Excise has the authority under certain circumstances to fix a value for duty purposes and there is a provision under section 26A(7) for an appeal to the Governor against his decision.

Sir, I move that the debate on the motion be now adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*THE FINANCIAL SECRETARY.

Question put and agreed to.

DUTIABLE COMMODITIES (AMENDMENT) (NO. 2) BILL 1984

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Dutiable Commodities Ordinance’.

He said:—Sir, I move that the Dutiable Commodities (Amendment) (No. 2) Bill 1984 be read for the second time.

The Bill seeks to amend the minimum required strength for whisky and rum from 43% to 42% of ethyl alcohol by volume, so as to correct a technical error following the metrication of the Dutiable Commodities Ordinance.

The amendment will have no financial and little other implications. (*laughter*)

Sir, I move that the debate on the motion be now adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—THE FINANCIAL SECRETARY.

Question put and agreed to.

INLAND REVENUE (AMENDMENT) BILL 1984

THE FINANCIAL SECRETARY moved the second reading of:—‘A bill to amend the Inland Revenue Ordinance’.

He said:—Sir, I move that the Inland Revenue (Amendment) Bill 1984 be read the second time.

This Bill seeks to give legislative effect to the proposals made in paragraphs 136 to 140 of this year’s budget speech—

firstly, to increase, with effect from the year of assessment 1984-85, the standard rate of tax from 15% to 17% and the profits tax rate applicable to corporations from 16½% to 18½%;

secondly, to provide, with effect from 1 April 1984, measures to minimize potential losses of profits tax revenue (following the removal of the interest tax charge from interest on deposits with financial institutions), by stipulating the conditions which must henceforth be complied with in order to qualify interest payments as deductible expenses in the computation of assessable business profits; and

thirdly, again with effect from 1 April 1984, to bring to charge to profits tax sums received by or accruing by way of interest to businesses carried on in Hong Kong which had previously escaped the tax net, either because the deposits were denominated in a non-Hong Kong currency, or because of the application of the artificial ‘provision of credit’ test.

These proposals were the subject of a Revenue Protection Order, signed on 30 March 1984. They have been exhaustively debated in this Council. I do not therefore again intend to expand on them. Following publication of the Order, they have been the subject of several representations by various interested person and institutions to the UMELCO Office and to the Administration. Some have been entirely reasonable. The Bill now tabled before this Council reflects changes which the Administration has agreed should be made to the Bill. They have emanated from most helpful discussions which have taken place with a Legislative Council *Ad Hoc* Group, with whom agreement has been reached on the acceptability of various representations, while retaining the overall philosophy of my proposals. I believe that the changes proposed will meet with the approval of the business community in particular, and the general public at large. They seem to me to be fair. Specifically, the refinements contained in the Bill—

- (i) make clear that the new provisions will apply only to interest payable or receivable on or after 1 April 1984;
- (ii) provide that the relief presently available to financial institutions in respect of foreign taxes suffered on interest income brought to charge to tax will be available to all other corporations managed and controlled here and to all other persons who carry on business here;
- (iii) ensure that those who purchase machinery or plant or stock-in-trade on credit terms will receive a full deduction for any related interest payments, provided that the transactions involved are at arms length with persons who are not closely connected to the taxpayer; and
- (iv) lastly, refine the definition of an ‘overseas financial institution’ to provide the Commissioner of Inland Revenue with powers to refuse to recognize any such institution if he is of the opinion that it is not adequately supervised by a supervisory authority.

Since these changes were agreed two further issues have surfaced. Firstly, the point has been made that interest payments in relation to publicly listed Bonds, issued prior to 1 April 1984, ought not to be subject to the new conditions for deductibility. Secondly, it has been suggested that interest income received by authorized unit trusts should not be subject to the extended charge to tax on such income on the ground that this would inhibit the growth of the unit trust industry in Hong Kong, to the detriment of Hong Kong’s position as an international financial centre. I have been advised that Unofficial Members may comment in these two specific areas. It thus seems wise for me to await their views. Committee stage amendments are of course still possible. The Government is always responsive to constructive criticism.

Sir, I move that the debate on this motion be now adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*THE FINANCIAL SECRETARY.

Question put and agreed to.

EVIDENCE (AMENDMENT) BILL 1984

THE ATTORNEY GENERAL moved the second reading of:—‘A bill to amend the Evidence Ordinance’.

He said:—Sir, I beg to move that the Evidence (Amendment) Bill 1984 be read the second time.

The laws of evidence, that is, the code of rules and restrictions that govern the way in which facts are presented to the Courts, lies at the very heart of our legal system. If changes are to be made, great care is needed to ensure that the ends of justice are not sacrificed to expediency. But equally there is no virtue in preserving archaic rules in a computer age if equally reliable modes of proof can be devised.

Sir, the Bill contains a number of proposals designed to overcome the problems of proving transactions with an international dimension, involving the movement of persons and funds into and out of Hong Kong, and the problems created by the use of technology and telecommunications in commercial life. The laws of evidence have simply not kept pace with the way business is done in today’s world and the result, not surprisingly, has been to the benefit of no-one other than the dishonest and the unscrupulous. While I fully subscribe to the need for care in determining how best to tackle these problems, it seems to me beyond all argument that in the public interest, changes need to be made.

The Bill covers a number of different aspects. It is in the main concerned with criminal proceedings, and in particular with the way in which recorded transactions may be proved. The manner in which business records are kept nowadays has very little to do with the ledgers or books or handwritten entries, and that is what the law authorities are mostly about. The international character of business transactions means that quite often essential evidence is located overseas, involving financial and other institutions as well as individuals.

Lawyers are familiar with the expression ‘banker’s book’ as used in the principal Ordinance. Copies of entries in so-called bankers’ books have long been admissible in evidence to prove banking transactions; this has been permitted by statutory provision on the ground that such books are a reliable source of evidence. In proposing to replace the expression ‘banker’s book’ with ‘banker’s record’, the Bill maintains the present principle of admissibility but extends it to cover records kept by electronic and other modern means, such as computers, tapes, microfilm and so forth.

The international element in the new proposals appears, first, in the introduction of an arrangement for admitting evidence in criminal proceedings which has been obtained from the records of foreign banks. Such banks are not

now within the scope of the principle I have mentioned, but there is no reason why reputable foreign banks should be assumed to be less reliable in the way they maintain their records than their counterparts here.

Secondly, foreign records of a public nature are often incapable of proof here for technical reasons; nor are copies of relevant entries in those records readily admissible in evidence. In many instances, however, the original foreign records are inherently reliable sources of information so that authorized extracts can equally be relied upon to state the truth as to their contents. For the purpose of criminal proceedings, therefore, the Bill proposes to apply to such records much the same principle as in the case of bankers' records.

Sir, apart from the difficulties pertaining to recorded information, problems of proof also arise where necessary witnesses reside outside Hong Kong. To meet these difficulties a new procedure is proposed whereby the High Court may seek the assistance of overseas courts to obtain evidence overseas for transmission to Hong Kong in the form of depositions. To ensure a reasonably co-operative response in promoting reciprocity of treatment, the present power of the High Court to assist overseas courts is extended to apply to criminal matters where a prosecution overseas has not yet been instituted.

These new proposals raise questions of fairness. I would like to emphasize again that we are seeking solutions to modern problems that will not result in any injustice.

Where therefore the Bill contains provision making hearsay evidence admissible, appropriate safeguards are also provided. In particular, where recorded information is relied on to prove certain facts, the new provisions will not apply to render the record admissible unless direct oral evidence of those facts would itself be admissible.

This express requirement is intended to ensure that the presiding judge will continue to have a discretion to exclude evidence tendered under the new provisions, if in his opinion direct oral evidence of that kind would not be admissible on the ground that its prejudicial effect would outweigh its probative value. The Bill also makes changes in the law relating to the admission of hearsay evidence.

Sir, there has been useful consultation in Hong Kong in the course of preparing this Bill. The Bar Association has made a number of suggestions, some of which have been included in the present version of the Bill. The Law Society, the Judiciary and the Royal Hong Kong Police Force, as well as a number of academics and interested persons in Hong Kong have also been consulted. The result I may describe as generally supportive. It may also be of interest to members to know that a member of the Law Commission of England and Wales with whom I have exchanged views said that he envied the proposed updating of our laws and hoped it would not be too long before the

United Kingdom followed suit. It seems therefore that we in Hong Kong are again in the forefront of law reform with the proposals in this Bill.

Sir, I move that the debate on this matter be now adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—THE ATTORNEY GENERAL.

Question put and agreed to.

THE HONG KONG ACADEMY FOR PERFORMING ARTS BILL 1984

THE SECRETARY FOR HOME AFFAIRS moved the second reading of:—‘A bill to provide for the establishment of the Hong Kong Academy for Performing Arts and for matters connected therewith.’

He said:—Sir, I rise to move the second reading of The Hong Kong Academy for Performing Arts Bill 1984. This is the Bill which seeks to provide for the establishment of the Academy for Performing Arts as a legal entity. The building for the Academy is making good progress and most of its staff have been recruited. It is now time to give it statutory existence before it seeks to enroll its first students.

As can be seen from the draft Bill, the objects of the Academy are ‘to foster and provide for the training, education and research in the performing arts and related technical arts’.

The Academy is established as an incorporated body with the Governor as president.

It is to be governed by a Council which comprises the Director, two members elected by the eligible staff from their number and not more than 15 other members appointed by the Governor, of whom not more than six shall be public officers. Provision is made for the Governor to appoint three of the non-staff members to be Chairman, Deputy Chairman and Treasurer of the Council. Its academic regulation will be by an academic board.

I have not spoken at length on the legal structure of the Academy partly because it follows closely that of the Hong Kong Polytechnic, and partly because the details are set out in the Explanatory Memorandum. I should however like to say a little more about the Academy itself.

This is one of the most exciting developments in the field of the performing arts in Hong Kong for the Academy will encourage the interaction of eastern and western approaches to the performing arts. The Academy building will house the Academy’s four schools—the schools of dance, drama, music and

technical arts—and their close proximity to one another will allow for the interaction of the various artistic disciplines. The opportunities given by this mix of cultural influences and artistic programmes will offer both the staff and the students a unique environment for study and experiment in the performing arts.

The performing arts have taken great strides in Hong Kong in recent years and the Director of the Academy and his staff are most encouraged by the tremendous enthusiasm and the talent they have found in Hong Kong—a fact which augurs well for the future of the Academy and the arts in general.

The building is going to be one of the most advanced of its kind in the world. It has been made possible by the generous capital donation from the Royal Hong Kong Jockey Club with a contribution for special equipment from the Government. The Project Board under the Chairmanship of the Honourable F. W. LI has undertaken this difficult scheme from the beginning. Donations in cash for objects are always welcome but the donation is even more welcome when it comes as a completed building as it does in the case of the Academy. All the supervision of the architects, consultants and contractors has been undertaken by the Club's staff under the Project Board. In spite of the building's complexity it still looks as though its cost will be contained within the original budget and the building opened on time.

The containment of sound in such a building is obviously a difficult problem which is to be overcome by the use of acoustic separation techniques. All the teaching rooms and studios, the Orchestral Recording Hall, the Recital Hall and the television studios are floating slab structures. That is they are completely isolated from the structural walls of the Academy building, by interposing rubber or other materials between their walls and those of the Academy building. The result is an excellent interference-free performing or recording environment. The Orchestral Recording Hall will accommodate a full symphony orchestra and choir and has a very advanced adjustable acoustic system. The building is also served by a network of eight closed-circuit television and audio lines making it possible to broadcast to or from any part of the building. The flexibility of the performing spaces permits the adaptation of all the halls for a variety of functions without compromising their primary usages. For example, the main theatre is equipped with a movable ceiling element and wall to close off the upper circle thereby reducing the seating capacity from 1 200 to 800 and the volume of the auditorium by about 20%.

The Bill which is before members has been carefully considered by the Academy's Provisional Council, whose Chairman, my honourable friend Mr. Alex WU, and members have done sterling work in overseeing and monitoring the progress of all aspects of the Academy effectively and speedily.

The Academy will shortly announce the enrolment of students this year, with a gradual build-up to its full complement of six hundred. The Academy will

offer a three year Diploma Course in each of the four schools of the Academy, the entrance requirements for which will be the achievement of the Hong Kong Certificate of Education Examination with Grade E and above in English Language, Chinese Language and three other subjects, *and* the demonstration of the necessary degree of achievement or potential in the relevant performing arts discipline. The Provisional Council of the Academy has also advised that the Diploma Course should, certainly for sometime, be underpinned by a one year Foundation Course. This is considered necessary because, as yet, the Hong Kong school curriculum does not feature the performing arts prominently. The Foundation Course will provide a year of intensive specialist training for students before entry into the Diploma Course. This will ensure that only suitable students are enrolled in the Diploma Course and that the Diploma may be pitched at the correct level to gain international recognition. That said, exemption from the Foundation Course, at the Director's discretion, will be granted to students who can demonstrate that they have reached a satisfactory level of artistic achievement. I am glad to say that the Government has accepted the Provisional Council's advice and that the enrolment exercise will begin soon.

The Hong Kong Academy for Performing Arts will be a major addition to the tertiary education institutions of Hong Kong and those who complete its courses will bring much pleasure to a great many people. It will provide the bedrock upon which the arts will prosper. It was, therefore, with much pleasure and confidence that I introduced this Bill.

I now move that the debate be adjourned.

Motion made. That the debate on the second reading of the Bill be adjourned—SECRETARY FOR HOME AFFAIRS.

Question put and agreed to.

FIXED PENALTY (TRAFFIC CONTRAVENTIONS) (AMENDMENT) (NO. 2) BILL 1984

THE SECRETARY FOR TRANSPORT moved the second reading of:—‘A bill to amend the Fixed Penalty (Traffic Contraventions) Ordinance’.

He said:—Sir, I move the second reading of the Fixed Penalty (Traffic Contraventions) (Amendment) (No. 2) Bill 1984.

The object of the Bill is to bring the Fixed Penalty (Traffic Contraventions) Ordinance (Chapter 237) in line with the new Road Traffic legislation coming into effect in August 1984.

Principally, the Ordinance has to be aligned with the Road Traffic (Parking) Regulations 1983. In particular, the new regulations have a new definition for parking which combines and supercedes the definitions for parking and waiting

in the existing regulations. Hence all references to 'waiting' in the Fixed Penalty (Traffic Contraventions) Ordinance will need to be deleted. Other amendments in the Bill seek to align the principal Ordinance with changes already made in other Ordinances and regulations.

The opportunity is also taken to review court costs as set out in sections 20B and 22 of the Fixed Penalty (Traffic Contraventions) Ordinance. These have not been revised since 1971.

Section 20B requires the defendant to pay an additional cost of \$15 if he settles an outstanding fixed penalty after a summons has been issued. At the time, this was the equivalent of 50% of the fixed penalty. It is now proposed that it should be increased to \$70 to bring it up again to half of the current fixed penalty.

Section 22 allows a magistrate to demand payment of court proceeding costs by the complainant or defendant, as the case may be, of not less than \$20 and not more than \$400, if at the conclusion of any proceedings a complaint is dismissed, or a court order is made. The Registrar of the Supreme Court has recommended raising the lower limit to \$80 and the upper limit to \$1,500, which the Bill now seeks to do.

I should explain that court costs are regulatory fees, not based on the cost of providing a service, but on the need to enforce prompt payment of fixed penalties. The updating of these costs is to ensure their effectiveness is preserved.

Given the need to update such court costs from time to time, the Bill also proposes that the amount of these costs may be varied as circumstances may require by resolution of this Council.

Sir, I move that the debate on this Bill be now adjourned.

*Motion made. That the debate on the second reading of the Bill be adjourned—*SECRETARY FOR TRANSPORT.

Question put and agreed to.

STAMP DUTY (AMENDMENT) (NO. 2) BILL 1984

Resumption of debate on second reading (16 May 1984)

Question proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

MERCHANT SHIPPING (AMENDMENT) BILL 1984**Resumption of debate on second reading (16 May 1984)**

Question proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

IMMIGRATION (AMENDMENT) (NO. 2) BILL 1984**Resumption of debate on second reading (16 May 1984)**

Question proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

BUILDINGS (AMENDMENT) BILL 1984**Resumption of debate on second reading (16 May 1984)**

Question proposed.

MR. CHARLES YEUNG:—Sir, section 38(1)(d)(xii) of the Buildings Ordinance has already made provision in the law to require the installation of refuse chutes in a new building. The object of the Bill now before this Council is to make it mandatory for refuse storage chambers to be provided in the construction of new buildings. If the Bill is passed into law, it will have to be followed by suitable regulations with particulars specified therein as soon as possible.

Within this decade or so one can see with one's own eyes the tremendous environmental improvements to our Hong Kong's building design and facilities, not only for the rich but also for the poor. These improvements, coupled with the community's increasing awareness of the importance of general cleanliness and environmental beautification promoted by the Clean Hong Kong Campaign, have made Hong Kong a place of comfort and pride in which to live.

As a matter of fact, the mandatory provision of a refuse storage chamber in a new building was mooted and endorsed by the Clean Hong Kong Campaign Committees two years ago; and as a member involved I am pleased to see the recommendation of the Committee crystalized into a simple bill. It is so simple that it contain only two clauses.

Finally, I would like to say that the UMELCO Environmental Affairs Panel had discussed the proposals in the bill and had generally endorsed the spirit of the Bill. This Bill has also the full support of my Unofficial Colleagues of this Council.

With this remarks I have the greatest pleasure in supporting the motion.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

EMPLOYMENT (AMENDMENT) (NO. 2) BILL 1984

Resumption of debate on second reading (16 May 1984)

Question proposed.

Question put and agreed to.

Bill read the second time.

Bill committed to a committee of the whole Council pursuant to Standing Order 43(1).

Committee stage of bills

Council went into Committee

STAMP DUTY (AMENDMENT) (NO. 2) BILL 1984

Clause 1

THE FINANCIAL SECRETARY:—I move that clause 1 be amended as set out in the paper circulated to Members. This amendment is necessary in order to reflect the sequence in which the Bills to amend the Stamp Duty Ordinance are passed.

The earlier Bill which is a part of a package relating to the Landlord and Tenant legislation is currently the subject of consultation with the *Ad-Hoc* Group of the Legislative Council.

Proposed amendment

Clause 1

That clause 1 be amended by deleting '(No. 2)'.

The amendment was agreed to.

Clause 1, as amended, was agreed to.

Clause 2 was agreed to.

MERCHANT SHIPPING (AMENDMENT) BILL 1984

Clauses 1 to 5 were agreed to.

IMMIGRATION (AMENDMENT) (NO. 2) BILL 1984

Clauses 1 to 14 were agreed to.

BUILDINGS (AMENDMENT) BILL 1984

Clauses 1 and 2 were agreed to.

EMPLOYMENT (AMENDMENT) (NO. 2) BILL 1984

Clauses 1 and 2 were agreed to.

Council then resumed.

Third reading of bills

THE ATTORNEY GENERAL reported that the

MERCHANT SHIPPING (AMENDMENT) BILL

IMMIGRATION (AMENDMENT) (NO. 2) BILL

BUILDINGS (AMENDMENT) BILL and the

EMPLOYMENT (AMENDMENT) (NO. 2) BILL

had passed through Committee without amendment and the

STAMP DUTY (AMENDMENT) (NO. 2) BILL

had passed through Committee with amendment, and moved the third reading of the Bills.

Question put on the Bills and agreed to.

Bills read the third time and passed.

Adjournment

Motion made. That this Council do now adjourn—THE ATTORNEY GENERAL.

3.48 p.m.

The Future of Hong Kong

HIS HONOUR THE PRESIDENT:—Three Members have given notice of their intention to speak on the adjournment. As I think Members are aware, Standing Orders provide for a total of thirty minutes for the whole debate. In view of the particular interest in this subject I propose on this occasion to exercise my discretion under Standing Orders 9(7) and 9(8) to allow those Members such time as is necessary to complete their speeches, and such time as is then necessary for the Official Member to reply to those speeches, before putting the question on the adjournment. However, in case I feel obliged to take the view that the speeches are too lengthy, I reserve the right under Standing Order 8(6) to suspend the sitting or adjourn the Council for tea at any time of my choosing. (laughter)

MR. LO delivered his speech in Cantonese:—

閣下：行政立法兩局非官守議員上星期五開會時，決定要將他們所發表有關香港前途的立場書呈交立法局正式記錄在案，同時報告由行政局首席非官守議員鍾士元爵士率領的代表團倫敦之行的情形。

行政立法兩局非官守議員代表團於本年五月九日至二十二日前往英國，向英國國會議員反映香港人對香港前途的意願和憂慮。為着能有效地達到這目的，兩局非官守議員更根據他們自中英為香港前途進行會談以來所收到的意見及資料，發表了一份立場書。這立場書獲全體兩局非官守議員同意，認為能達到反映香港人對香港前途意見的目的。這份立場書，現附於演辭附錄甲。

閣下亦可從本人演辭的附錄乙中知道兩局非官守議員代表團留英期間的活動情況。我們會見了很多認識香港或對香港關注的國會議員，向他們解釋立場書中所提出的憂慮，問題及建議。我們亦曾接受了不少英國報章、電視台及電台訪問，向廣大的英國人民表達香港前途的問題。為着令到香港的市民知道代表團活動的最新消息，代表團每天都利用第一時間為由香港往倫敦的香港記者舉行新聞簡報會，有時甚至在凌晨三時舉行。我們收到香港方面許多支持我們的電訊，得到很大的鼓勵，又非常感激。同時，不單只我們工作辛苦，和代表團一同前往英國的新聞界朋友，整日奔波，毫無怨言，為港人服務，真是值得一讚。

在香港及英國都有人問我們，為甚麼要選擇這個時候派代表團到英國會晤國會議員。言下之意是問我們為甚麼不早些去或遲些才去。事實上答案已經包括在我們的立場書內，但請容許我在此重複一次。本年四月二十日，英國外相賀維爵士在本港發表聲明，第一次代表英國公開透露香港前途會談的部份內容。在此之前，會談一直都在保密情況下進行，香港人全不知其內容，故此我們無從適當地表達香港人的意願。

那為甚麼我們又不稍為等待一下，等有更詳細的公佈才去英國呢？我們是知道英國下議院會在五月十四日起的一星期內辯論香港前途問題時才決定組織代表團往英。我們認為如果要這辯論有效及有用地進行，便需要將香港人自己認為重要的有關問題向下議院各議員表達。

代表團在英國曾受到批評，指行政立法兩局非官守議員並非民選，故他們絕不能代表香港人的意見。我們的批評者似乎忘記了我們一直都說，我們的任務只是反映民意。立場書的內容，乃綜合兩局非官守議員所接觸到的各諮詢委員會、工商業團體、市政局、區議會、街坊會及其他民間組織的意見，再加上個人或團體向兩局非官守議員辦事處呈遞的請願文件裡面所載的資料組合而成。其實明眼人一定看得出這種批評並非基於關心我們有無適當地代表民意，而只是一種戰略，希望可以因而不用正面答覆我們所反映的問題。

代表團在英國逗留期間，會晤了多位國會議員，外相賀維爵士及首相戴卓爾夫人，並出席下議院及上議院分別在五月十六日及二十一日就香港前途問題舉行的辯論。下議院辯論中有二十三位議員發言，他們都贊成協議應包括一九九七年後各種安排的細則。這等於接受立場書所提到的四個因素的第一點，但有關其他三個因素，他們的意見便不一致。接着在上議院的辯論有十位議員發言，他們較能體諒在一九九七年後保留香港英籍人士權益的需要，及提出分兩階段簽署協議的建議，以便中英政府有更多時間考慮香港人的意願。

大致上，兩局非官守議員代表團此行到倫敦，為在國會辯論香港前途之前向英國各部長及議員反映香港人意願的目的已經達到。同時他們亦引起英國人民對香港前途問題的關注。

最後，我想引用代表團團長鍾士元爵士於五月二十三日所說的一句話作為總結。他說：「對香港人來說，香港前途比其他任何問題更為重要及迫切，我們只是一個開端，兩局非官守議員及全體市民均須繼續努力，為大家及下一代爭取美好的前途」。

(The following is the interpretation of what Mr. LO said.)

Sir, at its meeting on Friday last, UMELCO decided that it wished to place on formal record its position paper and to report on the trip of its Delegation to London under the leadership of the Senior Unofficial Member of Executive Council, Sir S. Y. CHUNG.

The UMELCO Delegation was in London from 9 May to 22 May to reflect to the Members of the U.K. Parliament the wishes and worries of the Hong Kong people on the future of Hong Kong. To drive home the points effectively, UMELCO had prepared a position paper based on the views and representations it had received since the beginning of the Sino-British talks on the future of Hong Kong. All Unofficial Members agreed that the position paper did reflect accurately Hong Kong people's views on the future. I now annex a copy of the position paper to my speech as *Appendix I*.

Sir, *Appendix II* to my speech is a programme of activity of the UMELCO Delegation in London. During our stay, we met many M.P.s familiar with or concerned about Hong Kong and we explained to them the views, wishes, fears and feeling of the Hong Kong people. We also had many press, radio and television interviews at which we conveyed to the U.K. public the problem of Hong Kong's future. To keep the people back in Hong Kong abreast of the latest development, we gave daily press briefings for the Hong Kong reporters in London, sometimes at three o'clock in the morning. We were encouraged and grateful for the response of the people and for the very many supportive telex messages they sent. But we were not the only ones who have been working hard. Members of the press who went to London with us have also been working incessantly without a murmur of complaint. I applaud their service to the people of Hong Kong.

We have been asked, both in Hong Kong and U.K., why we have chosen such a time to send a delegation to London to meet the M.P.s. In other words, people were asking why we had not gone earlier or later. In fact, the answer can be found in our position paper. But allow me to repeat it here. On 20 April 1984, the British Foreign Secretary, Sir Geoffrey HOWE made a statement in Hong Kong and for the first time Britain revealed part of the contents of the talks on Hong Kong's future. Before that, the talks were kept strictly confidential and the people of Hong Kong knew nothing about them. The people's views and wishes cannot be reflected in a vacuum.

Then why didn't we wait a bit longer for a more detailed announcement before going to London? It was only when we learned that the House of Commons would hold a debate on the future of Hong Kong within the week commencing 14 May that we decided to send a delegation to London because if the debate was to be meaningful and effective, Members of the House of Commons should be presented with pertinent issues in the view of the Hong Kong people.

The Delegation was criticized in Britain, it being alleged that since the Unofficials were not elected, they did not represent the people of Hong Kong. Our critics seemed to have forgotten that all along we have been emphasizing that our purpose was merely to reflect public opinion. Our position paper is a synopsis of the views we have gathered in our contacts with the people through

advisory and consultative committees, commercial and industrial organizations, the Urban Council, District Boards, kaifong associations and other civic bodies, and through representations from individuals and organizations received by the UMELCO Office. Any discerning person would see that our critics were not motivated by their wishing to hear more representative views but merely to avoid giving direct answers to the points we raised.

During our stay in Britain, the Delegation held meetings with a large number of M.P.s, the Foreign Secretary Sir Geoffrey HOWE, and the Prime Minister Mrs. Margaret THATCHER. The Delegation also attended the Debates on the future of Hong Kong in the House of Commons and the House of Lords on 16 May and 21 May respectively. Twenty three M.P.s spoke in the House of Commons Debate, and they all agreed that the Agreement should include details of all arrangements after 1997. This is tantamount to agreeing with the first of the four suggestions mentioned in the position paper. However, for the remaining three factors, there was no consensus view. In the House of Lords Debate that followed in the next week ten peers spoke and almost all appreciated the need to preserve the rights of British nationals in Hong Kong after 1997, and proposed that the Agreement might be signed in two stages, so that both the Chinese and British Governments could have more time to consider the views and wishes of the Hong Kong people.

As a whole, the aim of the UMELCO Delegation's visit to reflect the views and wishes of the Hong Kong people to the British Ministers and M.P.s before the parliamentary Debate on the future of Hong Kong has been achieved. The Delegation has also aroused the concern of the British public towards the problems relating to our future.

To conclude, I wish to quote what Sir S. Y. CHUNG said on 23 May, 'There is no topic in Hong Kong which is more important and more urgent than the issue of our future. Our visit was only the beginning. UMELCO and all of us in Hong Kong have a great deal of work ahead if we are going to secure a good future not only for the present generation but also for our children.'

APPENDIX I

Statement issued by the Unofficial Members of the Hong Kong Executive and Legislative Councils on 9 May 1984:

THE FUTURE OF HONG KONG

The Executive and Legislative Councils are the two central organs of the Government of Hong Kong. Unofficial Members are in the majority in both Councils. They are appointed by the Governor from a wide spectrum of society. Through their membership of these two Councils, Unofficial Members advise on the formulation of Government policies, participate in the enactment of legislation, monitor the effectiveness of public administration and consider complaints by members of the public against Government departments.

As they are appointed by the Governor rather than elected, Unofficial Members make no claim to representative status, but they are in touch with all sector of the community through their membership of over 300 boards and committees dealing with public affairs, and with all facets of Hong Kong's economic and social life. Since the Sino-British talks on the future of Hong Kong began in late 1982, Unofficial Members have received, both individually and through the UMELCO Office, many representations on the question of Hong Kong's future after 1997. So they are in a position to reflect the views and wishes of Hong Kong people on this vital question.

The Sino-British talks have been conducted throughout in the strictest confidence, although there have been many statements from the Chinese side. Sir Geoffrey Howe's Statement in Hong Kong on 20th April publicly lifted the veil for the first time from the British side on some aspects of the talks. *Inter alia* he said that:

- It would not be realistic to think of an agreement that provides for continued British administration in Hong Kong after 1997.
- Other ways were being explored to secure the assurances necessary for the continuation of Hong Kong's stability, prosperity and way of life and, although Hong Kong would become a part of China, it would enjoy, as a Special Administrative Region, a high degree of autonomy.
- The Chinese leadership claim that they wish existing systems and freedoms in Hong Kong and the free market economy to remain fundamentally unchanged for at least 50 years after 1997.

Hong Kong has enjoyed a constitutional link with the British Crown for 143 years. This link has provided an effective external insulator against interference from the ruling government on the Mainland, despite the turbulence which has characterised China's history for so many years and despite the essential incompatibility of the political system prevailing in present day China, on the one hand, and the liberal traditions of a capitalist society, on the other.

It is now suggested that this link should be removed but that, in order to achieve a high degree of autonomy for Hong Kong under Chinese sovereignty, there would be a devolution of power from the Central People's Government to the Hong Kong Special Administrative Region *via* a Basic Law to be promulgated in the early 1990's. Hong Kong people are being asked to accept, in other words, that the Chinese Government will resume sovereignty and exercise administrative control over the whole of Hong Kong after 1997, against a promise that Hong Kong's existing systems and accustomed life style will remain unchanged.

But many anxious questions spring to mind to which no satisfactory answers have been given as yet. For instance:

- Will the essential elements of the Basic Law be enshrined in the Sino-British Agreement? If not, would not the British Government run the risk of signing an agreement which the Chinese side may later unilaterally alter on the grounds that it is in conflict with the Basic Law?
- In the final analysis, the more detailed the Agreement, the more that the Basic Law is compatible with it and the more binding it is in form, the more likely that the people of Hong Kong will find it acceptable in the belief that the Chinese are more likely to honour it. Thus, if the Agreement *is* to be *signed* before the Basic Law is promulgated, should not Parliament withhold *ratification* until the details of the Basic Law are known?
- Even so, given the historical reality that Hong Kong has developed over many years as a recognisable community in its own right, with its own distinctive life-style, surely Hong Kong people have the right to ask for assurances that any Agreement entered into between the British and Chinese Governments will be honoured? That is to say, should not the British Government insist on a mechanism which will ensure that the agreement is faithfully implemented?
- To this end, should not Britain insist on retaining some residual status in Hong Kong beyond 1997 to provide re-assurance that the terms of the Agreement will be kept?
- Given the possibility that the Chinese authorities will seek to anticipate 1997 and start interfering with the administration of Hong Kong between now and then, will the British Government insist that it must retain effective control, as the sovereign power, during the next 13 years? If effective control is not exercised by the Hong Kong Government under the authority of HMG, a smooth transition up to, let alone stable government beyond, 1997 will not be possible for Hong Kong people will not feel it is worthwhile even to try to adjust to their new circumstances. A collapse of confidence before 1997 would make Hong Kong virtually ungovernable. For example, the allegiance of the police and the civil service will be seriously impaired. Quite apart from the

disastrous effect on the people of Hong Kong, this would be as embarrassing to the British Government as a ruined economy would be disappointing to the Chinese Government.

- About half of Hong Kong's present population of 5.3 millions came to Hong Kong from China to seek a better life here. They do not relish the thought of a return to Chinese Communist rule. But what of the rest of the population? They are British nationals by birth (a small number by naturalisation) holding British passports with a right of abode in the British Dependent Territory of Hong Kong. Parliament may cede sovereignty over the territory, but it cannot, by the same act, deprive British nationals of their national status. What then will be the fate of Hong Kong's BDTCs? How will their rights and status be preserved? How will BDTCs continue to enjoy British protection? Will they, and other Hong Kong belongers who cannot accept the idea of living under Communist authority, have a right to settlement in the United Kingdom and should not the British Government negotiate settlement places for them?

Recently, when in Hong Kong, Sir, Geoffrey Howe said the Agreement must be such that the British Government can commend it to Parliament, but the people of Hong Kong will need to know the terms of the Agreement and have time to express their views, and he added that Parliament itself will need time to reflect and take account of the views of Hong Kong people. The Foreign Secretary was reiterating what has been said many times before, namely, that any Agreement reached between the British and Chinese Governments must be acceptable to the people of Hong Kong. This raises at least two questions:

- How is it proposed that acceptability is put to the test?
- What will be HMG's reaction if Hong Kong people do not accept the Agreement or parts of it?

Parliament cannot take lightly the responsibility of transferring authority over a community (as opposed to the territory) for which the constitutional link with Britain has meant so much for so long to a communist government, albeit the Chinese Government which has a legitimate claim to sovereignty over the territory of Hong Kong itself. The inescapable fact is that the Chinese Government is committed to a political philosophy which is at least incompatible, and at worst hostile, to the philosophy on which the various systems and freedoms enjoyed by Hong Kong today rest.

It follows that acceptability will depend on the Agreement now being negotiated:

- containing* full details of the proposed administrative, legal, social and economic systems applicable after 1997;
- providing* adequate and workable assurances that the terms of the Agreement will be honoured;

- stating* that the provisions of the Basic Law will incorporate the provisions of the Agreement;
- guaranteeing* that the rights of British nationals will be safeguarded.

We believe that Members of Parliament will wish to take account of our views. We also believe that these views are an accurate reflection of the views of Hong Kong people as a whole, to whom the imminent withdrawal of the British link has been a great, if not entirely unexpected, disappointment.

(The following is the Chinese version of the statement)

香港的前途

下列聲明乃香港行政及立法兩局非官守議員於一九八四年五月九日的立場：

行政立法兩局是香港政府的中樞，其成員大多為非官守者。非官守議員由總督委任，來自社會各階層。他們的職責是提供意見，協助釐定政府政策，參與制訂法律，監察政府機構的工作效率和處理市民對政府部門的投訴。

由於非官守議員受總督委任而非由市民選出，他們並無自認具有代表的身份，但是他們透過參與三百多個與公共事務有關的議會和委員會，與社會各階層和香港的經濟及社會各方面保持緊密的連繫。自一九八二年末期，中英就香港前途展開談判以來，非官守議員直接及透過行政立法兩局非官守議員辦事處收到很多就一九九七年後香港前途問題而發表的意見。因此他們能夠就這個重大的問題反映香港人的意願。

雖然中英會談向來都在嚴守秘密的情況下進行，但中國方面曾多次發出有關香港前途的聲明。四月二十日賀維爵士在香港發表聲明，英方首次公開了會談的若干內容，他特別提及：

- (一) 要達成一份協議，使香港在一九九七年以後，仍然繼續由英國管治，是不切實際的想法。
- (二) 現正尋求其他方法，來確保香港的穩定、繁榮和生活方式得以延續，縱使香港成為中國的一部份，仍能以特別行政區的地位，享有高度自治權。
- (三) 中國領導人曾表示希望在一九九七年後，香港的現行各項制度和自由及其自由市場的經濟體系，最少在五十年內基本上維持不變。

香港與英國保持憲法上的連繫已有一百四十三年歷史，這個連繫，形成有效的隔離作用，縱使中國在歷史上有過多年動盪不安的局面，縱使中國現時的政制與資本主義社會的自由傳統基本上有矛盾，香港亦能避免中國當權政府的干擾。

雖然現在建議撤去這個連繫，但為了使香港能夠在中國主權下有高度的自治權，中央人民政府將會在九十年代初期頒佈基本法，將自治權力授與香港特別行政區。換言之，這個建議要求香港人接納中國政府在一九九七年以後收回整個香港的主權和治權，同時亦保證香港的現行制度和自由生活方式維持不變。

但是有很多令人感到焦慮的問題，懸而未決。舉例說：

- (一) 中英協議的內容是否包括基本法的主要綱領？如果答案是否定的話，中國方面日後可能會藉着協議與基本法有所抵觸的理由，單方面不顧協議，英國應否仍冒這個險去簽訂協議呢？

- (二) 肯定地說，協議內容愈詳盡，基本法的內容跟協議愈融合，便更有約束力，而香港人便更會相信中國履行協議的可能性較高，因而更有可能接受這個協議。因此，如果需要在頒佈基本法之前簽訂協議，國會應否等到獲悉基本法的詳細條款後才正式批准簽署協議呢？
- (三) 就算如此，事實證明香港過去多年來已發展為一個有目共睹的自由社會，有獨特的生活方式，因此香港人當然有權要求獲得保證，確保中英雙方會履行所簽訂的任何協議。既然如此，英國政府應否堅持採用一個有效的方法，去保證日後協議得以切實履行？
- (四) 要達到這個目的，英國應否堅持在一九九七年後仍然保留若干程度上的地位，藉以進一步保證協議的履行？
- (五) 我們不能排除一個可能性，便是中國政府為準備一九九七年的來臨，或會從現在起便干預香港的行政。在這情況下，英國應否有責任堅持在未來十三年有效地控制局勢？如果香港政府在英國轄下也不能有效地控制十三年內的局勢，那麼更不必談十三年後的情景了，香港人會認為不值得去嘗試適應嶄新的環境。如果在一九九七年之前喪失信心，香港會達到不能管治的地步。例如，警務人員和其他公務員對政府的效忠會受到嚴重損害。這情況除了會對香港人造成不堪設想的後果之外，亦會令英國政府感到尷尬，而中國政府也會對頹敗崩潰的香港經濟感到失望。
- (六) 本港現時有五百三十萬居民，其中約有半數來自中國，他們是為尋求較美好的生活而來，當然不願意再生活在中國共黨統治之下。其他的人又怎樣呢？他們在英國屬土出生（另一小部份是歸化英籍人士），持有英國護照，有權在英國屬土的香港居留。國會可以放棄對香港行使主權，但它不能因此而褫奪英籍人士的國民地位。那麼，在香港的英國屬土公民的命運如何？他們的權利又如何得以保存？他們怎樣可以繼續受到英國的保護呢？他們和其他不願在共產政權下生活的香港人是否有權移居英國？英國政府應否與其他國家商討，為他們作移民的安排呢？

最近，賀維爵士曾在香港表示，協議內容必須是英國政府認為可以接納，然後才向國會推薦的，但香港人需要知道協議的條文，也需要時間發表意見。他補充說，英國國會方面亦需要時間去反映和考慮香港人的意見。在這方面，外相只是重覆以前的多次聲明，即中英雙方政府達成的協議，必須是香港人能夠接受的。這便引起了最少兩個問題：

- (一) 用些甚麼辦法去測驗香港人是否接受協議？
- (二) 香港人如果不接受全部或某部份協議內容，英國政府將會有甚麼反應？

雖然在法理上中國政府擁有香港主權，但國會決定要將一個長期和英國有深厚憲法連繫的社會（並非只是土地）的管治權移交給一個共產政權，實在不能輕視這事。香港人面對一個無可避免的事實，就是中國政府的政治信仰，和香港現時享有的各種自由與制度比較之下，即使不致於互相敵對，也是互不相容的。

因此，是否可以接受正在商談的協議，要視乎該協議能否：

- (一) 詳細臚列一九九七年後擬實施的行政、法律、和經濟等制度；
- (二) 獲得充分和可行的保證，確保雙方遵守協議條款；
- (三) 說明協議條款將納入基本法的條文；
- (四) 保證維護英籍人士的權益。

我們相信國會議員會願意考慮我們的意見，而且相信這些意見確實反映了一般香港人的意願。他們對於與英國的連繫即將撤除，即使並不感到完全出乎意料之外，但亦覺得非常失望。

APPENDIX II

PROGRAMME FOR UMELCO VISIT TO LONDON

<i>DATE</i>	<i>TIME</i>	<i>VENUE</i>	<i>PROGRAMME</i>
May 10 Thursday	12.00 noon	Library Suite (PH)	Logistical and Programme briefing
	2.30 p.m.	Library Suite (PH)	Background briefing and interview with UK TV
	4.00 p.m.	Committee Room 6 House of Commons	Labour Party Foreign Affairs Committee Tom CLARKE, MP
	5.00 p.m.	Committee Room 9 House of Commons	All Party Hong Kong and China Groups Sir Peter BLAKER, MP and Robert ADLEY, MP
	6.30 p.m.	Library Suite (PH)	Continuation of 12 noon meeting and post-mortem
	9.00 p.m.	Montagu Suite (PH)	Introductory Press briefing with HK Stringers and Reporters
May 11 Friday	7.20 a.m.	Broadcasting House (BBC)	TV interview
May 12 Saturday	9.00 a.m.	Library Suite (PH)	Background briefing to UK press
	9.30 a.m.	Library Suite (PH)	Daily HK Press Briefing
	10.00 a.m.	Library Suite (PH)	Interview with UK radio
	10.00 a.m.	Library Suite (PH)	Baroness Vickers
	11.00 a.m.	Library Suite (PH)	Background briefing to UK press
	12.30 p.m.	Portman Hotel Waldorf Hotel, Aldwych	Interview with UK radio Lunch with diplomatic and political correspondents
	2.30 p.m.	Library Suite (PH)	Interview with UK radio
	2.30 p.m.	Portman Hotel	Background briefing to UK press
	4.00 p.m.	Library Suite (PH)	Background briefing to UK press
	9.30 a.m.	Library Suite (PH)	Daily HK Press Briefing
May 13 Sunday	11.00 a.m. to 12.00 noon	44 Gerrard Street, Chinese Community Centre	Meet Chinese Community leaders
	1.30 p.m.	Private Flat, Kensington	Interview with UK TV
	3.00 p.m. to 4.30 p.m.	44 Gerrard Street, Chinese Community Centre	Meet HK Students (University and Polytechnic)
	9.30 a.m.	Library Suite (PH)	Daily HK Press Briefing
May 13 Sunday	6.30 p.m.	5 Westminster Gardens Marsham Street	Drinks with Sir Paul BRYAN
	7.30 p.m.	Man Fu Kun Restaurant Leicester Square	Dinner with Chinese Community leaders

<i>DATE</i>	<i>TIME</i>	<i>VENUE</i>	<i>PROGRAMME</i>
May 14 Monday	9.30 a.m.	Library Suite (PH)	Daily HK Press Briefing
	10.15 a.m.	House of Commons	Edward HEATH, MP
	11.00 a.m.	Official Corridor, Room 7, House of Commons	Liberal Party David STEEL, MP
	12.45 p.m.	Jubilee Room, Westminster Hall, House of Commons	John PAGE, MP
	3.30 p.m.	House of Commons Room W6	Sir Humphrey ATKINS, MP and others
	4.00 p.m.	House of Commons Room 13	Official Opposition Denis HEALEY and George ROBERTSON
	5.00 p.m.	House of Commons Room 11	Michael BROWN and some cosignatories
	6.30 p.m.	House of Commons Room 8	Foreign Affairs Select Committee Sir Anthony KERSHAW and other members
	7.30 p.m.	Whealers Restaurant Duke of York Street, SW1	Sir Ian PERCIVAL
	8.00 p.m.	Karlywah Restaurant 35/36 Greek Street, W1	Hal Miller Sir Paul BRYAN
May 15 Tuesday	10.30 p.m.	Library Suite (PH)	HK Press Briefing
	8.00 a.m.	Library Suite (PH)	Meeting of Delegation
	9.30 a.m.	No. 10 Downing Street	Prime Minister
	11.00 a.m.	Hambros Bank, 51 Bishopsgate	Meeting with Mark WOLFSON, MP
	12.45 p.m.	Cavalry & Guards Club 127 Piccadilly	HK Association Buffet Lunch John SWIRE, Henry KESWICK, and others
	2.45 p.m.	4 Cowley Street	Social Democrats Shirley Williams Ian WRIGGLESWORTH, MP
	2.45 p.m.	House of Commons Central Lobby	Meeting with Mark CARLISLE, MP
	4.00 p.m.	Main Entrance F.C.O. King Charles Street	Meeting with Richard LUCE, MP
	5.30 p.m.	Library Suite (PH)	Meeting of Delegation
	6.00 p.m.	Library Suite (PH)	HK Press briefing
7.45 p.m.	Admiralty House Whitehall	Working Dinner with Sir Geoffrey HOWE	
May 16 Wednesday	10.30 p.m.	Library Suite (PH)	Meeting of Delegation
	9.30 a.m.	Library Suite (PH)	Daily HK Press Briefing
	9.45 a.m.	House of Commons	Edward du CANN, MP
	10.30 a.m.	Library Suite (PH)	Sir Ian PERCIVAL
	10.30 a.m.	150 Walworth Road London, SE17	Miss Jenny LITTLE
	12.30 p.m.	Waldorf Hotel	Lunch with Lobby and political correspondents

<i>DATE</i>	<i>TIME</i>	<i>VENUE</i>	<i>PROGRAMME</i>
May 16 Wednesday (<i>cont.</i>)	2.30 p.m.	5th Floor, Morgan House, 1 Angel Court, EC2	Lord SHAWCROSS
	5.00 p.m.	1 Stanhope Gate, Mayfair	Lord WEINSTOCK
	6.15 p.m.	Library Suite (PH)	Meeting of Delegation
	7.00 p.m.	House of Commons	Debate on future of Hong Kong
May 17 Thursday	12.00 midnight	Library Suite (PH)	Meeting of Delegation
	3.00 a.m.	Library Suite (PH)	HK Press Briefing
	10.50 a.m.	House of Lords Guest Room 3	Meeting with Lord RHODES, Lord KABERRY and Lord CLEDWYN
	12.30 p.m.	Library Suite (PH)	Meeting of Delegation
	2.30 p.m.	Bryanston Suite (PH)	Press Conference
	4.00 p.m.	House of Lords Room 4	Lord FANSHAWE and Conservative Lords
May 18 Friday	10.30 a.m.	7 St. Albans Mansions Kensington Court Place London, W8	Lord SOAMES
	12.00 noon	Library Suite (PH)	Eleanor SUTTER (Political Section of American Embassy)
	12.15 p.m.	Molinaire Studios, 44 Great Marlborough Street, W1	RTHK TV interview—News Plus
	2.30 p.m.	Victoria Coach Station, 172 Buckingham Palace Road, London, SW1	Lord SHEPHERD
May 19 Saturday	4.00 p.m.	Library Suite (PH)	Lord TANLAW
	Lunch	Oxford	Sir Philip GOODHART
	6.30 p.m.	34 Danvers Street Kings Road, Chelsea	Dr. WILSON of Foreign Office
May 21 Monday	9.30 a.m.	Library Suite (PH)	Interview with UK TV
	10.30 a.m.	Library Suite (PH)	Lord KADOORIE
	11.00 a.m.	Library Suite (PH)	Background interview with international magazine
	4.30 p.m.	Library Suite (PH)	Bow Group
	7.00 p.m.	House of Lords Room 3	Lord GEDDES
	9.30 p.m.	House of Lords	Debate on the Future of Hong Kong
	12.00 midnight	Library Suite (PH)	Delegation Meeting to review Debate at House of Lords
May 22 Tuesday	1.30 a.m.	Library Suite (PH)	Press Briefing
May 23 Wednesday	9.30 a.m.	Kai Tak Airport	Press Conference, Kai Tak Airport

MISS DUNN:—Sir, the negotiations now in progress in Peking are between the Governments of the United Kingdom and China. That reality is understood and accepted by the people of Hong Kong. But the two governments, for their part, have an obligation to bear in mind another reality, namely, that the outcome of the negotiations will determine the fate of the people of Hong Kong.

We now know that the Chinese Government has in mind the establishment, after the transfer of sovereignty in 1997, of a Special Administrative Region within China, but with a high degree of autonomy. The declared intention of both governments is to devise arrangements, to be enshrined in a bilateral agreement, which will ensure the continuity of existing systems and the lifestyle of the people of Hong Kong. This is in recognition of the historical circumstances of Hong Kong: whereas this territory is an integral part of the mainland of China, this community has developed a lifestyle of its own. This is not to deny the essentially Chinese quality of this community and we share that sense of patriotism which binds all Chinese together, but in unity not uniformity. So, as I understand it, both governments accept that it is only fair and reasonable for the people of Hong Kong, as well as being in the interest of Sino-British relations, that continuity of our familiar lifestyle should be secured.

We appreciate that the two systems—one country concept is an imaginative concept. But there is a difficulty: the concept is without precedent and involves such a sharp break, from a constitutional point of view, with the past. It is not surprising, therefore, that people are worried and anxious about the arrangements which will come into play after the transfer of sovereignty in 1997. It is true, as a number of commentators have pointed out in recent weeks in Westminster and elsewhere, that Hong Kong has survived many changes of circumstances in the past. But those affected, the people of Hong Kong, cannot be criticized for taking the view that the transfer of sovereignty *could* have such profound implications for their future that it is simply not good enough to invoke past experience by way of reassurance.

It is entirely understandable, therefore, that the people of Hong Kong, in all walks of life, should have recently become intensely interested in the outcome of the negotiations. They are being asked, after all, to believe that the expected course of their lives will not be subject to fundamental change, despite the transfer of sovereignty and the essentially different political philosophy which prevails in China.

The people of Hong Kong do not deny the validity of the Chinese claim to sovereignty over this part of China. But a new framework within which they are to pursue their lives in the future is now being negotiated and so they feel they are justified in laying claim to their own human rights.

Likewise, the people of Hong Kong do not claim the right to participate in the negotiations themselves. But, unless their apprehensions are frankly recognized by both governments and taken account of in the provisions of the agreement, these apprehensions will remain.

Furthermore, these apprehensions—these fears and anxieties—will not be dispelled by decree, let alone by exhortations, even from on high, that people should simply have faith and be confident. Indeed, it is not easy to be tolerant of such exhortations when they come from those who, on the one hand, are in the privileged position of having the ultimate say in determining our fate, and, on the other hand, share none of the risks.

So no one can argue that these apprehensions are groundless. Equally, it is perfectly understandable that these apprehensions should exercise the minds of those who *are* at risk or, *see* themselves at risk, namely, the people of Hong Kong. Although the conclusion of an agreement may remove uncertainty, an agreement will not in itself eliminate apprehensions and, certainly, the arbitrary implementation of an agreement will not eliminate them, unless that agreement is perceived to be consistent with the declared objective of the two governments.

In recent weeks, under the impact of repetitive references to the absence of so-called democratic institutions in Hong Kong, an idea has emerged that the development of a more representative form of government in Hong Kong will *in itself* secure our future. Clearly, if the government of the future S.A.R. is to enjoy a high degree of autonomy, as promised, then that government must be built upon representative institutions. We all look forward—and we look forward positively—to the Government's Green Paper on this subject. And how tremendously important it is that the diversity of talent in our community should be tapped and invested in the Hong Kong of tomorrow. But the establishment of a more representative system of government will not *in itself* dispel current fears and anxieties. What the bilateral agreement now being negotiated must provide is credibility that such a representative system of government, when devised, will be allowed to operate without interference.

Perhaps I may sum up, Sir, by saying that, as the two governments proceed with their negotiations, they should remember that they are concerned with yet another version of 'the problem of people', to recall a phrase made famous by Mr. Claude BURGESS 30 years ago. How to cope with 'the problem of people' has been a constantly recurring theme in Hong Kong's history, but no period in our history is comparable with the events unfolding today. These events are bound to generate all sorts of tensions and stresses and strains. If the agreement now being negotiated provides satisfactory answers to those questions posed in the UMELCO statement, then the people of Hong Kong will face up to the future with a sense of purpose and with confidence. But if the agreement does not, then the present day version of 'the problem of people' will not be resolved as in the past.

MRS. NG delivered her speech in Cantonese:—

閣下：我想就一般市民對兩局非官守議員訪英代表團行前發表的立場書的反應報導一下。

自中英雙方進行會談以來，本港市民不斷在報章及其他公開場合發表意見，並且向兩局非官守議員辦事處表達對香港前途的意見，同時，兩局非官守議員通過各諮詢委員會、市政局、鄉議局、工商團體及其他社區組織，獲悉市民的意願；非官守議員並親自列席各區議會為討論香港前途問題而舉行的特別會議，進一步瞭解各區市民的意願。立場書的基礎便是通過上述各種途徑，得以確立。因此，兩局非官守議員一致認為這份立場書足以準確地反映一般香港人對香港前途的意見。

代表團在英國時，有部份國會議員以兩局非官守議員並非民選為理由，批評他們不能代表香港市民及反映民意。當這消息傳回本港時，一般市民十分激動，因為他們認為非官守議員是能夠忠實地反映他們的意願，於是他們以行動表示對非官守議員大力支持。在短短幾天之內，為支持兩局非官守議員而拍往倫敦的電報及電訊，可以說如雪片般飛到倫敦，計有八千多位市民、一千五百個團體、十五個區議會，以及鄉議局，表示支持代表團的行動及立場書。這些電報及信件，給予代表團及在本港的非官守議員們莫大的鼓勵。有些區議員並且在本月二十三日親自前往機場迎接代表團回港，以實際行動表示對非官守議員的支持，我想藉着這個機會向這些市民、社團、區議會、鄉議局和各團體，致以萬二分謝意。

記得在辯論羅保動議時，我曾提及香港人未成熟，但從這次香港人主動支持兩局非官守議員的行動看來，他們經已開始認識到爭取表達意願機會的重要性，這是一個可喜的現象，希望市民繼續朝這個方向努力，民政司在上次立法局會議時曾表示政府將逐步推行代議制，當有關代議制的綠皮書發表時，希望市民抱着同一態度，踴躍發表意見。

另外值得一提的是，自非官守議員發表立場書以來，本港大多數報章社評均表示代表團此行目的及言論正確。此外，本港一份英文報章最近委託一間獨立研究社展開一項電話訪問調查，結果顯示，百分之八十接受電話訪問的市民，均表示全部或部份贊同兩局立場書的意見。

總括而言，一般市民大致上對兩局非官守議員今次赴英的目的表示贊同，並且對他們發表的立場書表示大力支持。

(The following is the interpretation of what Mrs. NG said.)

Sir, I wish to speak briefly on the reaction of the general public to the position paper released by UMELCO at the departure of its Delegation to London.

Since the commencement of the Sino-British talks, the people of Hong Kong have been expressing their views on the future of Hong Kong in the press, on public occasions and through representations to the UMELCO Office. At the same time, Unofficial Members of the Executive and Legislative Councils have been in constant touch with the people and learn about their wishes through the various advisory boards and consultative committees, the Urban Council, the Heung Yee Kuk, industrial and commercial organizations and other civic bodies. UMELCO Members have also attended special District Board meetings held to discuss the future of Hong Kong in order to obtain at first hand the opinion of residents in the districts. The position paper was based on information gathered through these channels, and UMELCO therefore agree unanimously that it is an accurate reflection of the views of the people of Hong Kong on the future of the territory.

While the Delegation was in London, some Members of Parliament criticized them, saying that they could not represent the people of Hong Kong since they were not elected. When the news reached Hong Kong, the reaction of the general public was strong because they considered that the Delegation could reflect their views and wishes faithfully. So they showed their support by action. In the short span of a few days, the Delegation received overwhelming support from telex messages and telegrams sent by the people of Hong Kong. Altogether more than eight thousand individuals, one thousand and five hundred organizations, fifteen District Boards and the Heung Yee Kuk had expressed support for the UMELCO Delegation's action and the position paper. The Delegation as well as UMELCO Members in Hong Kong were greatly encouraged by these telegrams and letters. Some District Board members even went to the airport on 23 May to welcome the Delegation upon their return to Hong Kong. I would like to take this opportunity to express our heartfelt thanks to these members of the public, civic organizations, District Boards and the Heung Yee Kuk for everything they have done to support UMELCO.

I remember when we had the debate on the Lobo Motion, I mentioned that the people of Hong Kong were not yet mature. But judging from the fact that they have now taken the initiative to pledge support to UMELCO, I must say they have begun to realize the importance of grasping every opportunity to express their wishes. This is indeed a good sign. I hope the people of Hong Kong will keep up their efforts in this direction. At the last Legislative Council meeting, the Secretary for Home Affairs revealed that the Government would gradually move towards more 'representative' lines. When the Green Paper on this subject is published, I hope the people of Hong Kong will adopt the same attitude and freely express their opinion.

Another point which is worth mentioning is that ever since UMELCO published their position paper, the majority of local newspapers have commented in their editorials that the objectives and views of the UMELCO Delegation are correct. Furthermore, the results of a survey conducted by an independent research institute for a local English language newspaper revealed that 80% of those interviewed by phone agreed, some fully and others partially, to the views of UMELCO as expressed in their position paper.

I can confidently report that a large proportion of the general public agree with the objectives of the UMELCO Delegation and fully support their position paper.

4.11 p.m.

THE ATTORNEY GENERAL:—Although no matters of Government policy have been raised during this debate, I should like to reply briefly on behalf of the Government, if only to thank Members for the account they have given to the Council of the UMELCO visit to London. As Miss DUNN has pointed out, the

inhabitants of Hong Kong, who are the people most affected by the process of negotiation currently under way, are not directly involved in the talks. It is therefore perfectly understandable that there should be concern and anxiety here about the outcome of these historic negotiations, and that UMELCO Members should wish to reflect these concerns and anxieties to members of the British Parliament. The Secretary of State himself paid tribute to the important role played by Unofficial Members of both Councils as advisers to the Governor and as a channel for the expression of the wishes and concerns of Hong Kong people.

It was in this latter capacity that UMELCO Members took the decision to go to London using funds allocated to them to aid them in the performance of their duties. The matters they raised in the course of that visit were those which UMELCO Members themselves decided to put forward. They were doing no more than exercising the freedom enjoyed by all people in this territory to speak their minds.

There were those in London who questioned their right to represent the people of Hong Kong. But as Mr. T. S. LO and Mrs. Pauline NG have pointed out, Unofficials have never claimed that status or authority. All they have ever done is to claim the right to present or represent views of the people of Hong Kong. That right can be claimed regardless of whether spokesmen are elected to office or appointed to office or indeed have occupied that office at all. Spokesmen need only be honest and well-informed and no-one can deny that Unofficials are both.

Sir, surely we would all agree that Unofficial Members went to London out of a desire to do their duty, faithfully and accurately reflecting those anxieties and concerns which they sincerely believed were widely held by many people in Hong Kong. Mrs. Pauline NG has given this Council some details of the grounds for that belief.

Looking back on the Unofficials' initiative, it seems to me that the visit succeeded in raising considerably the level of awareness in Westminster of the problems of Hong Kong's future. The Unofficials' activities over the many days before the debates in the Commons and the Lords brought about a remarkable amount of public discussion, in the press and television and radio, quite apart from the numerous meetings they had with members of Parliament. I would suggest that the debates themselves would have been far less well-informed and much less well-attended if the Unofficials had stayed in Hong Kong.

I also believe that the events of the last few weeks have boosted their standing as leaders of this community. And this important development comes at the very time when Hong Kong is facing a most difficult and testing period of impending change. As the complex issue come into focus with the conclusion of the negotiations, the people of Hong Kong will be looking for realism, clear thinking and above all a positive lead from Unofficial Members and all persons

of standing in the community. I am confident, Sir, that UMELCO will play its part in providing that leadership, fortified by their recent experiences. And Sir S. Y. CHUNG, in the remarks quoted by Mr. T. S. LO, has drawn attention to the great deal of work that lies ahead.

In that connection, I should like to express appreciation of Miss DUNN's assertion that she and her colleagues look forward positively to the Government's Green Paper on the development of the Government structure along representative lines. The forthcoming Green Paper is but one example of the many opportunities which will exist and which will need to be grasped to build on Hong Kong's past successes and present strengths to ensure that Hong Kong itself is as well prepared for the future as it can possibly be.

Finally, Miss DUNN has underlined the importance of an agreement in providing the framework within which Hong Kong may develop and flourish, and within which the continuity of Hong Kong's essential characteristics can be assured. The best assurance of this lies in the conclusion of a binding international agreement in which arrangements for Hong Kong's continuing prosperity and stability, based upon a substantial degree of autonomy, are formally recorded with clarity and precision. As Members know, this is the objective of the British side. Sir Geoffrey HOWE made this clear both during his visit to Hong Kong and during the recent parliamentary debate in London.

In that respect, Unofficials may well feel satisfied, indeed Mr. T. S. Lo himself has emphasized, that one of their main concerns is fully shared by the British Government. As you adjourn this Council, Sir, let us all hope that His Excellency and the negotiating teams who have been meeting in Peking this afternoon have made progress to the end.

Question put and agreed to.

Adjournment and next sitting

HIS HONOUR THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 13 June 1984.

Adjourned accordingly at eighteen minutes past four o'clock.