

**OFFICIAL REPORT OF PROCEEDINGS****Thursday, 2 August 1984****The Council met at half past two o'clock****PRESENT**

HIS EXCELLENCY THE GOVERNOR (*PRESIDENT*)  
SIR EDWARD YOUDE, G.C.M.G., M.B.E.

THE HONOURABLE THE CHIEF SECRETARY  
SIR CHARLES PHILIP HADDON-CAVE, K.B.E., C.M.G., J.P.

THE HONOURABLE THE FINANCIAL SECRETARY (*Acting*)  
MR. DOUGLAS WILLIAM ALFRED BLYE, C.M.G., O.B.E., J.P.

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

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

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

THE HONOURABLE DAVID AKERS-JONES, C.M.G., J.P.  
SECRETARY FOR DISTRICT ADMINISTRATION

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

THE HONOURABLE ALEX WU SHU-CHIH, 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 ALAN JAMES SCOTT, C.B.E., J.P.  
SECRETARY FOR TRANSPORT

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

THE HONOURABLE ERIC PETER HO, C.B.E., J.P.  
SECRETARY FOR TRADE AND INDUSTRY

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

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

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

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

THE HONOURABLE CHAN KAM-CHUEN, O.B.E., J.P.

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.

THE HONOURABLE MARIA TAM WAI-CHU, O.B.E., J.P.

DR. THE HONOURABLE HENRIETTA IP MAN-HING

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

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 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.

DR. THE HONOURABLE JAMES WILLIAM HAYES, J.P.  
COMMISSIONER FOR LABOUR (*Acting*)

DR. THE HONOURABLE RUDY KAIN-KANG KHOO, J.P.  
DIRECTOR OF MEDICAL AND HEALTH SERVICES (*Acting*)

THE HONOURABLE GORDON LOUIS MORTIMER, J.P.  
SECRETARY FOR SECURITY (*Acting*)

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.  
DIRECTOR OF EDUCATION (*Acting*)

**ABSENT**

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

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

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

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

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

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

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

**IN ATTENDANCE**

THE CLERK TO THE LEGISLATIVE COUNCIL  
MR. ROBERT IAN WILLIAM UPTON

**Papers**

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

<i>Subject</i>	<i>L.N. No.</i>
Subsidiary Legislation:	
Port Control (Cargo Working Areas) Ordinance. Port Control (Cargo Working Areas) (Amendment) Regulations 1984 .....	226
Road Traffic Ordinance. Road Traffic (Registration and Licensing of Vehicles) (Amendment) (No. 2) Regulations 1984 .....	227
Road Traffic Ordinance. Taxis (Lantau Taxis) (Limitation on Number) (No. 2) Notice 1984 .....	228
Boilers and Pressure Receivers Ordinance. Boilers and Pressure Receivers (Exemption) (Consolidation) (Amendment) Order 1984 .....	233
Evidence Ordinance. Evidence (Authorised Persons) (No. 5) Order 1984 .....	234
Evidence Ordinance. Evidence (Authorised Persons) (No. 6) Order 1984 .....	235
Evidence Ordinance. Evidence (Authorised Persons) (No. 7) Order 1984 .....	236
Evidence Ordinance. Evidence (Authorised Persons) (No. 8) Order 1984 .....	237
Metrication Ordinance. Metrication Amendments (Factories and Industrial Undertakings Ordinance) Order 1984 .....	238
Public Health and Urban Services Ordinance. Public Swimming Pool (Designation) (No. 2) Order 1984 .....	239
Shipping and Port Control (Hong Kong—China and Macau Ferry Terminals) Regulations. Sha Tin—Meisha Ferry Terminal Boundaries Order 1984 .....	240
Shipping and Port Control (Hong Kong—China and Macau Ferry Terminals) Regulations. Sha Tin—Meisha Ferry Terminal Restricted Area Boundaries Notice 1984 .....	241

<i>Subject</i>	<i>L.N. No.</i>
Factories and Industrial Undertakings (Cartridge-operated Fixing Tools) Regulations. Factories and Industrial Undertakings (Cartridge-operated Fixing Tools) (Amendment of Schedule) Notice 1984.....	242
Shipping and Port Control Ordinance. Shipping and Port Control Ordinance (Exemption) Notice 1984.....	243
Merchant Shipping Ordinance. Merchant Shipping (Certificates of Proficiency in Survival Craft) Rules 1984.....	244
Legal Practitioners Ordinance. Solicitors (General) Costs (Amendment) Rules 1984.....	245
Legal Practitioners Ordinance. Solicitors (Trade Marks and Patents) Costs (Amendment) Rules 1984.....	246
Companies (Amendment) Ordinance 1984. Companies (Amendment) Ordinance 1984 (Commencement) Notice 1984.....	247
Employment (Amendment) (No. 3) Ordinance 1984. Employment (Amendment) (No. 3) Ordinance 1984 (Commencement) Notice 1984.....	248

Sessional Paper 1983-84:

No. 69—Supplementary provisions approved by the Urban Council during the first quarter of the financial year 1984-85.

**Oral answers to questions**

**Money Lenders Ordinance**

1. MRS. NG asked in Cantonese:—

政府可否考慮立例規定接受存款公司必須向借債人提供有關利息率的資料，一如放債人須按照「放債條例」第十八條第二款(i)段的規定提供資料？

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

*Will Government consider introducing a statutory requirement that a deposit-taking company should supply a borrower with the information relating to the rate*

*of interest required to be furnished by a money lender under section 18(2) (i) of the Money Lenders Ordinance?*

THE FINANCIAL SECRETARY:—Sir, the section of the Money Lenders Ordinance to which Mrs. NG has referred requires a money lender to disclose to a borrower the rate of interest charged on the loan. This must be done in one of two ways, either as a simple interest rate (that is, in effect, interest computed solely on the principal, expressed as a per cent per annum) or as a ‘true’ rate, which takes account of any decrease in the balance of principal outstanding if, for example, repayment is by instalments.

I am not aware of any instances of a deposit-taking company failing to provide a borrower with interest rate information which at least matches that required of money lenders, and I therefore see no need to introduce a statutory requirement.

MRS. NG asked in Cantonese:—

督憲閣下，政府有沒有規定財務公司或其他貸款機構，要向借款人列明，在分期付款攤還期內，每一個月所還的本金是多少，而利息又是幾多？

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

*Sir, does the Government require a finance company or other financial institutes to specify the amount of principal the borrowers have to repay each month and also the monthly interest rate thus charged if repayment of the loan is in terms of monthly instalments?*

THE FINANCIAL SECRETARY:—There is no such requirement under the law. Sir.

### **The CMB bus case at Happy Valley**

2. MISS TAM:—*Will the Government make a statement about the fact that despite the Coroner’s verdict on the CMB bus case at Happy Valley, there has been no prosecution much to the distress of the relatives of the deceased and injured?*

THE ATTORNEY GENERAL:—Sir, the decision whether or not to prosecute in a particular case lies with me. It is not my usual practice to make public comment because generally speaking a public debate would be unfair upon individuals under suspicion. But where there has been a Coroner’s inquest with a verdict of manslaughter, the matter inevitably is brought into the open.

Sir, the difficulty in this case stems from the fact that the verdict at the inquest was ‘involuntary manslaughter by a person or persons unknown but within the China Motor Bus Co. Ltd.’ After an inquest lasting seven days in which

evidence was given by about 30 witnesses, the jury still could not say who it was that was criminally responsible for the accident. It was clear enough that a wrong sized bolt, slightly smaller than it should have been, failed to restrain a moving anchor pin, as it should have done—and the direct result was that the near side front wheel of the bus jammed, causing the bus to veer suddenly and uncontrollably to the left onto the pavement. But as the evidence showed this bolt could have been fitted at any time in the last five years or even longer by any one of a large number of mechanics and fitters employed by CMB. If the culprit could be identified, and his recklessness established, it would be possible of course to bring a charge of manslaughter against that person. But despite the thorough investigation and enquiries by the accident investigation unit before the inquest, and other enquiries made by the police, the responsible person cannot be identified. Nor is there any evidence that any of the senior employees or directors of the CMB company were personally involved. Charges of manslaughter can only be brought against a company or its directors or managers if there is evidence of recklessness on their part. So far, the investigations which have been pursued as far as they can, have revealed nothing to justify serious allegations being made against them.

Sir, I am well aware of the sense of grievance of the distressed relatives and those who are articulating a cry for justice. But it would not be just to bring criminal charges against someone without evidence of legal responsibility merely to satisfy a call for a scapegoat. It is unfortunately not infrequently the case that culprits cannot be identified and that crimes go unpunished. This is such a case.

May I also add that these matters have been explained at great length to the relatives and their advisors by my assistant during lengthy sessions many weeks ago. It has also been explained to them that the absence of criminal charges does not in any way prevent them from taking civil proceedings against the bus company to recover compensation. My assistant has already expressed to them my sympathy for the distress this dreadful accident has caused them, and I am sure that Members of this Council will share that sentiment.

MISS TAM:—*It is said that someone gave evidence at the inquest that the driver was talking to a passenger before the accident, is there any case against him?*

THE ATTORNEY GENERAL:—The police did take statements from all the witnesses including all the passengers in the bus. Most of them saw or heard nothing significant that could be said to have caused this accident. About ten passengers gave evidence at the inquest, only one of whom deposed that she observed such a conversation before the accident. No other witness or statement supported this. But even so it would not make the case against the unfortunate driver. While the bus was being driven in a reasonable manner, a front wheel locked because of the presence of a wrong size bolt that I have mentioned. This inevitably drove the bus to veer to the left of the pavement, and I have taken the view that the driver cannot fairly be accused of criminal negligence.

MISS TAM:—*Has the Honourable Attorney General considered repealing the rule that in order to protect the prosecuted company for a serious criminal offence that has to be criminal conduct that can be identified with the company on the part of a senior manager or director?*

THE ATTORNEY GENERAL:—Sir, yes, I have had this review in Chamber and I have concluded that this very well established rule of criminal law ought not to be disturbed.

MISS TAM:—*What action is taken to protect future public safety?*

THE ATTORNEY GENERAL:—Sir, I understand my honourable colleague the Secretary for Transport will soon be announcing the terms of an inquiry into China Motor Bus Company's bus maintenance procedures. I hope this will reassure the public that if there are lessons to be learned from this tragedy, the inquiry and this report will result in all necessary steps being taken to prevent a recurrence.

### **Waiting and parking with respect to street lighting**

3. DR. FANG:—*Would Government inform this Council of its policy regarding waiting and parking on the road with respect to street lighting and whether this policy is to be implemented?*

SECRETARY FOR TRANSPORT:—Sir, the Fixed Penalty (Traffic Contraventions) Ordinance (Chapter 237), which has been in force since 20 September 1971, is the legislative expression of government policy in this regard. Section 7 of the Ordinance prohibits parking on a road provided with parking places and a system of street lighting with lamps not more than 200 yards apart, except in the parking places. The Schedule to the Ordinance sets out a number of circumstances which may constitute 'recognised defences' against a charge of contravening section 7. Waiting for no longer than is necessary to pick up or to set down passengers, or to load or unload personal effects, or to load or unload goods or material if access is not possible from an unrestricted road, is a recognised defence.

A Bill to amend the Fixed Penalty (Traffic Contraventions) Ordinance was introduced into this Council on 30 May last and enacted on 14 June. The revised Ordinance retains the substance of the existing section 7. Certain changes, however, are made: first, 200 yards has been converted to 200 metres. The second change affects the present provision that if there is no sign prohibiting parking on a road with a street lighting system as defined earlier, and even if there are no designated parking spaces, parking is permitted. The new legislation provides that parking in such circumstances will no longer be permitted unless there is an authorising sign or road marking. Third, the

concept of 'parking' has been redefined to exclude vehicles engaged in loading or unloading goods, or picking up and setting down passengers. The amendments will come into effect on 25 August 1984.

DR. FANG:—*In view of the Secretary's reply especially in paragraph 5, as in urban areas there would hardly be spaces which the street lights are more than 200 metres apart, would the Secretary for Transport assure this Council that in the implementation of this Fixed Penalty Ordinance due consideration will be given to drivers?*

SECRETARY FOR TRANSPORT:—Sir, little change will be caused by the revised Ordinance in the business district. In the fringe urban areas, some spaces currently used for parking will initially be rendered unavailable but there is no specific intention of depriving the motoring public of on-street parking spaces. The policy is to provide it where it can be provided without causing inconvenience or danger to other road users. I think that in the implementation of this, Sir, and I gave this assurance to a UMELCO meeting recently, that the Police Force can be relied upon to handle the difficult problems of policing a crowded urban environment with their usual common sense and in accordance with a sensible allocation of their manpower.

### **Written answers to question**

#### **Computerised Central Registry for the Disabled**

4. DR. IP asked:—*Regarding the computerised Central Registry for the Disabled, would Government inform this Council:—*

- (a) how much has Government spent on its establishment (capital cost and recurrent cost);*
- (b) the total number of mentally handicapped registered for each age between four to twenty;*
- (c) following from (b), a detail breakdown for each age into 'mild', 'moderate' and 'severe' mentally handicapped;*
- (d) following from (b), the figures to be expressed in terms of a ration—'the number of mentally handicapped persons of that age registered' to 'the estimated population of that age in Hong Kong';*
- (e) following from (c), the figures to be expressed in terms of a ration—'the number of the mild/moderate/severe mentally handicapped of that age registered' to 'the estimated population of that age in Hong Kong';*
- (f) a comparison of the ratios in (e) with those in the United Kingdom, United States of America or any country with documented records of the handicapped; and*
- (g) if any of the above (a) to (f) cannot be answered, please state the reasons why and when will the answers be available?*

SECRETARY FOR EDUCATION AND MANPOWER:—Regarding the computerised Central Registry for the Disabled:—

- (a) Government has spent \$4.7 million on capital costs. The annual recurrent cost is \$1.1 million. Appendix 1 shows the breakdown of the capital and recurrent costs respectively.
- (b) and (c) The total number of mentally handicapped registered for each age between four to twenty is shown in Appendix 2 Column 7. The detailed breakdown for each age into 'mild', 'moderate' and 'severe' mentally handicapped is shown in Appendix 2 Columns 4, 3 and 2 respectively.
- (d) and (e) The ratios of the number of mentally handicapped persons registered in each age between four to 20 to the estimated population of that age in Hong Kong are given in Appendix 3 Column 7, while the ratios of the mild/moderate/severe mentally handicapped of each age between four to 20 to the estimated population of that age in Hong Kong are given in Appendix 3, Columns 4, 3 and 2.
- (f) We have no comparable ratios for the United Kingdom, the United States of America, or any other country.
- (g) Only question 4(f) cannot be answered immediately. Approaches will be made to the U.K., the U.S.A. and other sources, but it is not possible to say whether or when the answers will be forthcoming.

## APPENDIX I

### A. Capital Cost

#### (I) Incurred by the Government Data Processing Agency

	HK\$
Computer equipment	237,000
Computer time	250,000
Data entry staff	180,000
Programme development	670,000
staff salary (Project Manager—6 man-months, Analyst—19 man-months and Programmer—37 man-months)	
TOTAL:	1,337,000

Note: Programme development started in November 1982 and was completed in September 1983.

#### (II) Incurred by the Central Registry for the Disabled

Total salary incurred was (Staff employed to provide executive support to project feasibility, system requirement, functional specification studies, to establish a data input system, to input existing records of disabled persons in the Social Welfare Department, Education Department,

3,407,775

Technical Education and Industrial Department and Labour Department and to reconcile errors in these records detected by the computer. The Central Registry for the Disabled started with 32 staff in March 1982, increased to 66 in April 1982 and by stages reduced to 15 in December 1983.)

(III) Total capital cost incurred	4,744,775 (say \$4.7m)
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*B. Recurrent Costs*

(I) Incurred by the Government Data Processing Agency

	HK\$
Computer time	156,000
Data entry staff	82,000
Telephone line rental	3,600
Service staff salary (Project Manager—1/2 man-month, Programmer—4 man-months)	50,000
TOTAL:	291,000

(II) Incurred by the Central Registry for the Disabled

15 staff employed to maintain and develop the data input system, to code data submitted by reporting sources and to reconcile errors in the data detected by the computer	760,440
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(III) Total recurrent cost	1,052,040 (say \$1.1m)
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*APPENDIX 2*

*Number of Mentally Handicapped Persons Registered by Age and Degree, Central Registry of the Disabled (Report HO1 dated April 1984)*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
<i>Age</i>	<i>Severe</i>	<i>Moderate</i>	<i>Mild</i>	<i>Others</i>	<i>Unknown</i>	<i>Total</i>
4	48	70	105	13	95	331
5	42	76	122	5	84	329
6	57	149	120	11	67	404
7	54	148	139	3	61	405
8	41	136	121	2	96	396
9	55	160	147	8	113	483
10	56	150	149	5	112	472
11	65	159	122	8	123	477
12	62	173	111	5	143	494
13	58	169	98	2	140	467
14	79	174	121	4	141	519

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
<i>Age</i>	<i>Severe</i>	<i>Moderate</i>	<i>Mild</i>	<i>Others</i>	<i>Unknown</i>	<i>Total</i>
15	84	168	77	6	172	507
16	87	159	81	7	122	456
17	94	190	82	16	132	514
18	95	186	87	13	136	517
19	123	245	115	16	133	632
20	111	215	117	17	110	570
<b>Total</b>	<b>1 211</b>	<b>2 727</b>	<b>1 914</b>	<b>141</b>	<b>1 980</b>	<b>7 973</b>

*Notes:*

- (i) 'Severe' refers to those whose IQ scores range from 01 to 24.
- (ii) 'Moderate' refers to those whose IQ scores range from 25 to 49.
- (iii) 'Mild' refers to those whose IQ scores range from 50 to 70.
- (iv) 'Others' refers to those whose IQ scores are above 70 and who require rehabilitation services.
- (v) 'Unknown' refers to those who are considered mentally handicapped by rehabilitation workers without formal assessments.

*APPENDIX 3**Ratios of the Number of Mentally Handicapped Persons Registered for Each Age between 4 to 20 to the Number of Estimated Population of That Age*

Note: Ratios are expressed per 10 000 persons.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>
<i>Age</i>	<i>Severe</i>	<i>Moderate</i>	<i>Mild</i>	<i>Others</i>	<i>Unknown</i>	<i>Total</i>
4	5.73	8.35	12.53	1.55	11.34	39.50
5	5.15	9.31	14.95	0.61	10.29	40.32
6	6.92	18.08	14.56	1.33	8.13	49.03
7	6.87	18.83	17.68	0.38	7.76	51.53
8	4.91	16.29	14.49	0.24	11.49	47.43
9	6.47	18.82	17.29	0.94	13.29	56.82
10	6.52	17.48	17.37	0.58	13.05	55.01
11	7.57	18.51	14.20	0.93	14.32	55.53
12	7.23	20.19	12.95	0.58	16.69	57.64
13	6.75	19.67	11.41	0.23	16.29	54.37
14	9.03	19.89	13.83	0.46	16.11	59.31
15	9.25	18.50	8.48	0.66	18.94	55.84
16	9.02	16.49	8.40	0.73	12.66	47.30
17	9.22	18.63	8.04	1.57	12.94	50.39
18	8.78	17.19	8.04	1.20	12.57	47.78
19	10.75	21.42	10.05	1.39	11.63	55.24
20	9.41	18.24	9.92	1.44	9.33	48.35

*Notes:*

- (i) 'Severe' refers to those whose IQ scores range from 01 to 24.
- (ii) 'Moderate' refers to those whose IQ scores range from 25 to 49.
- (iii) 'Mild' refers to those whose IQ scores range from 50 to 70.
- (iv) 'Others' refers to those whose IQ scores are above 70 and who require rehabilitation services.
- (v) 'Unknown' refers to those who are considered mentally handicapped by rehabilitation workers without formal assessments.

**Illegal medical advertisements**

5. DR. IP asked:—*Regarding illegal medical advertisements in the form of displayed signboards, newspaper, magazines and television broadcasts, would Government inform this Council:—*

- (a) the total number of prosecutions annually in each of the above categories in the last five years;*
- (b) which bodies, Government or otherwise, are responsible for bringing such illegal advertisements to the attention of Government; and*
- (c) were those prosecuted for making illegal medical advertisements registered medical practitioners, and if not what category of persons did they belong to?*

THE ATTORNEY GENERAL:—

- (a) Statistics of prosecutions under the Undesirable Medical Advertisements Ordinance are not maintained in a separate form by the Royal Hong Kong Police Force. Consequently it is not possible to extract readily the details that have been requested. I am informed by the Secretary to the Medical Council that there were some prosecutions brought in the last five years.
- (b) The Undesirable Medical Advertisements Ordinance places no specific duty upon any person or body to report breaches. In enforcing these provisions, the police only acts on complaints referred to them by members of the public directly or through the Medical and Health Department or the Medical Council. It is not practicable to examine all advertisements on a regular basis. The enforcement of the law therefore depends upon the co-operation of the public in lodging complaints that can be acted upon.
- (c) I am informed by the Secretary to the Medical Council that his records reveal that no registered medical practitioners were prosecuted under the Undesirable Medical Advertisements Ordinance during the last five years. As full statistics are not available, it is not possible to categorise those who were prosecuted.

**Hepatitis B vaccine for patients requiring dialysis**

6. DR. IP asked:—*Regarding Hepatitis B vaccine for patients requiring dialysis, would Government inform this Council:—*

- (a) whether the vaccine is available for such use in all government and government subvented hospitals;*
- (b) which type of vaccine is being used;*
- (c) how effective is that vaccine when used on dialysis patients;*
- (d) compared with (c) above, is there another type of vaccine which is more effective when used on dialysis patients, if so, what are the reasons why Government does not use such vaccine?*

DIRECTOR OF MEDICAL AND HEALTH SERVICES:—The following is my answer to the above-mentioned question:—

The Hepatitis B vaccine has not been used in government and government subvented hospitals for patients requiring haemodialysis.

A special Advisory Committee on this subject consisting of experts from the Government and both Universities has been set up to advise on the most cost effective strategy of immunisation and to identify the high risk groups which should receive priority for vaccination. In the last meeting of the Advisory Committee, it was decided that vaccination of haemodialysis patients should be further studied in the light of local epidemiological data.

**Government Business****Motion****CROSS-HARBOUR TUNNEL ORDINANCE**

THE SECRETARY FOR TRANSPORT moved the following motion:—That the Cross-Harbour Tunnel (Amendment) By-laws 1984, made by the Cross-Harbour Tunnel Company, Limited on 25 July 1984, be approved.

He said:—Sir, I rise to move the motion standing in my name under section 62(2) of the Cross-Harbour Tunnel Ordinance (Chapter 203).

The Cross-Harbour Tunnel (Amendment) By-laws 1984 made by the Cross-Harbour Tunnel Company Limited, amend their existing by-laws to make them consonant with the new road traffic legislation due to come into force on 25 August 1984, so that the provisions of the new road traffic legislation will also apply in the Tunnel area.

Sir, I beg to move.

*Question put and agreed to.*

## Unofficial Member's Motion

### GREEN PAPER—

### THE FURTHER DEVELOPMENT OF REPRESENTATIVE GOVERNMENT IN HONG KONG

MR. R. H. LOBO moved the following motion:—That this Council welcomes Government's publication of the Green Paper on The Further Development of Representative Government in Hong Kong and commends it to the public for examination and comment.

He said:—Sir, two weeks ago, Your Excellency called a special meeting and addressed this Council on a subject of crucial importance to our future.

Today, I rise to move a motion standing in my name on the Order Paper. It reads:—

‘That this Council welcomes Government's publication of the Green Paper on the Further Development of Representative Government in Hong Kong and commends it to the public for examination and comments.’

This motion is straightforward; it says what it means; it should not be misunderstood or misrepresented; it is a motion about inviting the public to examine and comment on the Green Paper.

My Unofficial colleagues who will be speaking after me this afternoon, will be expressing their views on various ideas and suggestions.

It is a matter of public record that some Unofficial Members, and indeed Officials too, have already taken part in various public debates, seminars and discussions on this subject—no doubt, with more to come.

We have listened most intently to what people had to say and we will continue to do so; for we share a common objective—the continuation and preservation of a stable and prosperous community in which we live.

It has been said that in Hong Kong, ordinary people have no power to influence their own future. That is not really true today. Ordinary people may not have as much direct influence on government decisions as they would, perhaps, in a full parliamentary system—even though that is not entirely beyond question.

Ours is, in fact, a very responsive Government which devotes a great deal of time and resources to finding out what people want.

We live in a free society with an educated and highly intelligent populace and the Government here would certainly hear loudly and clearly from the people, if it did not carry the people with it.

This fact was amply demonstrated by a survey which showed that the overwhelming majority supported 'status quo' as their first option on the system of our Government.

It is the people who live here that made Hong Kong and not the Government's decisions. Indeed, Hong Kong's success is recognised to be due largely to the fact that the Government interfered as little as possible.

As a result, this territory has become, to a large extent, what Hong Kong people wanted it to be.

While the Unofficial Members of this Council never claimed to represent the people of Hong Kong—there should be no doubt that we come from the people, and we find it our duty to act in what we think is their best interest—and in this process, ever conscious of being credible and accountable.

Government decisions are taken on the basis of broad consensus between different and sometimes conflicting interests outside and inside this Chamber—perhaps, not the most efficient way of doing things—for instance, some of the legislation bear little resemblance to the original proposals—but it means, nonetheless, that views have been taken into account.

All these should serve as a timely reminder that the decision-making process of Government today is not divorced from the people in general and the many diverse interest groups, in particular.

Nothing is perfect and there is certainly room for improving our system of Government; there are numerous ways as to how the interests of the people can be, and seen to be, represented in Government in a more open and structured fashion.

The Green Paper puts before us certain ideas worthy of consideration. I suggest that we examine the present system first, identify its strengths and then find a way to build on these strengths. It may not be the only nor the best way, but at least, it is a safe way.

Sir, we continue to face the future with some concern and apprehension; amidst the cries for democracy and direct election, we must not overlook the one thing which is foremost in our mind—'stability'.

Let us also tread carefully through the path of autonomy—for we may not get a helping hand if we fall.

Neither should we lose sight that Hong Kong is also built on people's determination and people's confidence—indeed, still a fragile commodity today.

The proposals before us will, in the years ahead, give the Officials and the people's representatives, whoever chosen, the challenges and the opportunities of maintaining our prosperity and stability, and, I hope, Hong Kong will remain to be the magic place in which we now live.

Sir, with these opening remarks, I beg to move.

MR. ALEX WU delivered his speech in Cantonese:—

督憲閣下：本人認為政府提出的「代議政制在香港進一步發展」的綠皮書用意良好，步驟恰當，該綠皮書採取漸進方式來達到港人治港之目的，尤其明智，特此支持當前動議。

在過去的一個時代，香港人對政治毫無興趣，大家抱着別人當家，我來謀生的態度，現在時移世易，香港難以避免進入一個新時代，以前的看法，非得改變不可，從今之後任何人都要拿出一些時間來協助當家了。

但是當家不能說當就當，我們必須有充份準備、學習和瞭解民主的真諦，來建立一個健全的制度，令到有能力有興趣和對民主政制有深切認識的人士，能夠適當地被選為議員，替香港人民謀取福利。而政府經過深思熟慮之後提出的建議，是建立這種制度的最佳途徑。正如閣下指出，我們必需暫時保留目前政制的一部份來引導香港進入民主領域，古語有云：「羅馬非一日可以建成」，用來形容這過程，實在是極為恰當的，因為我相信大家會同意：如果操之過急，反而欲速不達。

香港政制改革的建議，對我們是一種挑戰，本人認為香港人除了長袖善舞之外，一定另有才能，來接受這個前所未有的機會，發揮我們的全部潛質，本人同時相信，在五百五十萬港人之中，不乏能者，讓我們本着香港人傑地靈的信念，通過上述之健全的選舉制度，選出賢能人士，參與管理香港，使它不但能繼續安定與繁榮，而且成為一個為世界稱許和效法的民主典範。

本人謹預祝政府提出的建議，經修訂後，順利完成。

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

Sir, I think that the proposed Green Paper on The Further Development of Representative Government in Hong Kong is well intended, and the steps of implementation are appropriate. It is especially sensible for the Green Paper to adopt a gradual approach to achieve the objective of 'Hong Kong people to rule Hong Kong'. I hereby support this motion.

In the past, Hong Kong people were not at all interested in politics. Their attitude was: 'you'll be the housekeeper, I'll care about earning my own living'. Now the times have changed and Hong Kong has entered into a new era. Accordingly, our attitude must change. From now on, every one should spare some time to help 'keep the house'.

However, in order to keep the house, we have to prepare ourselves well, to learn and understand the real meaning of democracy in a bid to set up a sound system, to help people who have the interest, ability and a deep understanding of democracy to be suitably elected councillors to work for the welfare of the people of Hong Kong. The proposals made by the Government after careful consideration are the best means to establish this system. As pointed out by Your Excellency, for the time being, we need to retain part of the existing administrative system to guide us to the realm of democracy. It is most appropriate, I think, to quote an old saying 'Rome was not built in one day' to describe this process. I believe all of you will agree: more haste, less speed.

The proposed changes in the administrative system of Hong Kong will be a challenge to us. I believe that the people of Hong Kong are endowed with the

necessary talents, other than those in business, to make use of this unprecedented opportunity to give full play to all their potentials. I also believe that there is no lack of able men among the 5.5 million people in Hong Kong. With the belief that wise men will make the place productive and prosperous, let us select the wise and the able, through this sound electoral system, to participate in the administration of Hong Kong so that it may continue to enjoy stability and prosperity and become a model of democratic system which will win the acclaim of the world and set an example to other countries.

May I wish the Government's proposals, subject to the necessary amendment, every success.

MISS DUNN:—Sir, the development of this Council since the Second World War has made it steadily more representative of the various interests in the community it exists to serve. In one sense the proposals in this Green Paper can be presented as having continuity with that development, but really they represent a fundamental change of direction.

It seems to me that there are three guiding principles behind the proposals in the Green Paper:

- first, that we should go along the road of indirect elections to start with, some members being elected by 'populist' bodies—namely, the District Boards and the Regional Councils—and some from functional bodies, yet to be defined;
- second, that development should be progressive. In other words, we should walk steadily along the road, step by step, rather than take a helicopter flight to the final destination;
- and, third, that we should be flexible in our approach. In other words, we should not try to decide now the precise pattern of long term change (and certainly we should not actually close the door to, for example, direct elections to the Legislative Council and the assumption by elected members of executive responsibilities).

One step at a time. It sounds very dull and slow and in contrast to many other aspects of life in Hong Kong. But, so far as constitutional development is concerned, Hong Kong has always moved slowly. If, for quite long periods of time, we seem to have stood still, that has been due, at least in part, to our geopolitical circumstances. And by no stretch of the imagination have we been governed unsuccessfully.

You said, Sir, when you introduced this Green Paper, that the first aim of the proposals was 'to develop a system of government which is firmly rooted in our community; on which the views of the community are fully represented; and which is more directly accountable to the people of Hong Kong'. If this aim is not realised and in respect of each of the three elements, then, whatever version of these proposals goes through, we shall have a mirage not a reality.

I should like to deal with each of these three elements separately: to begin with the foundations of our Government. The quality and effectiveness of any form of elected government depends on freedom from outside interference and on the quality and commitment of those who stand for election. But, above all, it depends on the good sense and critical judgment of those who are called upon to vote for them.

In Hong Kong as elsewhere, the effectiveness of an elected legislature will depend on the interest shown by the electorate. If the majority of voters fail to vote when they have the opportunity, then we shall have elected an unrepresentative legislature and government. That would be a disastrous outcome. Mr. Denis BRAY in a speech in June referred to a disturbing statistic: in the 1982 District Board elections 87 per cent of those who could have voted did not do so. As Mr. BRAY went on to say, if these people continue to stay away in future elections, then any claim to representative status by those elected by 13 per cent will look rather unconvincing, but through no fault of their own.

I suggest that that speech would make a very good basis for a campaign to persuade the people of Hong Kong to participate in whatever elective system we devise. Unless a representative system actually emerges from the proposals in the Green Paper, we may well then end up regretting that we sought to develop the present system.

We must not underrate the magnitude of the task. The people of Hong Kong are just as concerned as others elsewhere about what their Government is up to but, in the past, they have not seen—let alone been encouraged to see—an elective system as the means by which they can make their concerns known or to bring about changes. There will need to be a major change in public attitudes.

Turning now to the second element of the first aim of the proposals in the Green Paper: how best to ensure that the views of the community are represented in any reform of the present system. Again, the importance of the electorate exercising their right to vote is obvious. But what sort of voting system would best serve the public interest? That is the question. Here I must admit I share the doubts of those who believe we would be unwise to jump straight into direct elections. Yet, I must also admit that, more recently, I have wondered if the proposals we are now considering sufficiently emphasise that we are moving away from the system of nomination. We are proposing that, until 1988, there should be only 12 elected members out of 48 in our Legislative Council and that only six of them should be elected by an electoral college of only 430 people, not all of whom will necessarily themselves be directly elected members of the Urban Council and District Boards. I support the step by step approach, but we can only hope to get a high level of public participation in, and support for, these proposals if we emphasise that this is but a first step in an exercise designed to achieve a majority of elected members in the Legislative Council.

I have been particularly struck by one disadvantage of the proposed indirect system pointed out by some commentators. At present when we vote for District Board or Regional Council candidates, we do so generally on the basis of their suitability for the job. We know what we expect them to do. But, in future, those we vote for will become the electorate for part of the Legislative Council which in turn will produce a majority of Members of the Executive Council. Also they will themselves be potential elected members of these Councils. Yet membership of these two Councils involves obligations different in both substance and degree from membership of local Councils.

I am not sure what the right answer is. But we have time between now and 1989 to reflect and learn from the experience of the changes envisaged in 1985 and 1988; and, of course, the discussion and comment that this Green Paper provokes will also greatly influence our thinking.

Finally, there is the third element of the first aim of the proposals: accountability. It is fundamental that we should develop a system that is more directly accountable to the people of Hong Kong. It must lead to real changes in how we are governed. If it does not, then it will have failed. And if the public does not think it is likely to lead to real change, that is to say, change which they perceive as protecting their interests in the new circumstances the future will bring, then I foresee a continuation of the apathy that has characterised the public attitude to Urban Council and District Board elections in the past.

I have spoken about a so-called ministerial type system in this Council before. I believe that our longer term objective must be to link the people's elected representatives with the administration of this territory, rather than relying on officials alone to provide that link. In other words, the new style Legislative Council should not only throw up a majority of the membership of Executive Council, but some of these should be endowed with executive authority as well, taking over responsibility for certain portfolios from Secretaries and becoming answerable for those portfolios in the Legislative Council.

The point here is that people must be convinced that their future elected representatives will have real influence and this can best be achieved *via* executive responsibility. It is surely self-evident that if people are not convinced that their votes matter, they won't bother to exercise them, whatever persuasive campaigns are mounted to encourage them to do so. The Government must make it quite obvious that it recognises how important it is that people should believe that things can be *achieved* by those they elect.

Sir, the Government has never published a more important Green Paper. This one is not just of concern to a limited number of people or particular interest groups. It concerns us all. At the same time we must all recognise that representative government is not a panacea. It does not guarantee good government, let alone a better life for all. But if, as a result of the negotiations now in train between HMG and the Chinese Government, the other essential elements of our free society are preserved, then the development of our

Government along more representative lines will bring better, more responsive government and should benefit us all.

Sir, I support the motion.

MR. PETER C. WONG:—Sir, it has been suggested that this Green Paper was one of the worst kept secrets in town. Be that as it may, it is undoubtedly one of the most important documents ever issued by the Government, touching as it does on major constitutional reforms.

The avalanche of public comments and views expressed since its publication two weeks ago serves to demonstrate public concern on this important topic. But such enthusiastic response comes as no surprise to those familiar with the local political scene. As expected, we hear and see the same old familiar voices and faces in so far as individual commentators are concerned. That is not necessarily a bad thing, but one must view such comments in their proper perspective, representing as they do only a thin slice of the wide spectrum of public opinion. Nevertheless, it is a positive sign that Hong Kong's political and civic awareness is on the increase and this commendable trend should be encouraged. I shall pursue this issue further in other forums and at the end of this speech.

It would be naive to assume that the loud and oft-repeated noises necessarily reflect the views of the majority. Experience locally and elsewhere indicates that the views of the vocals do not necessarily coincide with those of the silent majority. It is therefore of paramount importance that the Administration should spare no effort in ascertaining in a positive and impartial manner the sentiments of those who for one reason or another do not choose to be in the limelight. After all, the proposed reform would directly affect the lives of every citizen in this cosmopolitan community of some 5½ million people.

Before I leave the subject of reactions to the Green Paper, I must confess my utter amazement that there are insufficient copies of this important paper for distribution. If reports in the media are accurate, and I have no reason to doubt that they are not, why are there only 200 000 copies printed in a community where the adult population numbers over two million? I understand a reprint is urgently under way, but the Administration's gross underestimation in this respect is a matter for regret, given that the public has only two months to comment on the proposals.

In his annual address to this Council in the autumn of 1971, the then Governor, Sir David Trench, said—

‘A constitution (such as Hong Kong's)... has, as a matter of plain commonsense, to be as sensitive as possible to the state of public opinion.’

And in January 1974, the Chief Secretary Sir Philip HADDON-CAVE in his then capacity as Financial Secretary in a speech to the Hong Kong University Economics Society said—

‘Essentially, the Hong Kong style is Government by consultation and consent’.

These two statements taken together sum up our present system of government by consultation and consensus.

The Government, in devising and formulating its policies, seek advice from its two major Councils, over 300 boards and committees and 18 District Boards, in addition to the constant and careful monitoring of public opinion. Measured by western standards, we cannot claim to have a fully representative government, but we do live in a relatively stable and progressive society, enjoying the various essential freedoms we all dearly cherish. The virtue of our existing system of government is the absence of confrontation and adversarial politics and friction between various political forces. Hong Kong owes much of its present day success to the stable environment engendered by our unique political system. In the further development of representative government, the Administration would be well advised to use the existing system as a basis for reform.

Sir, in your address to this Council on 18 July, you spelt out in no uncertain terms the main objects of the Green Paper—

1. To develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong, and which is more directly accountable to the people of Hong Kong;
2. To build this system on our existing institutions, which have served Hong Kong well, and, as far as possible, to preserve their best features, including the maintenance of the well established practice of government by consensus; and
3. To allow for further development if that should be the wish of the community.

I find myself in complete agreement with these objectives. In my view, the proposals contained in the Green Paper generally meet the main aims. Surely, the key factor must be to achieve our objectives in a way that would cause the least disruption to our way of life.

We in Hong Kong enjoy freedom of speech and the right to criticise proposals put forward by the Government. Indeed, the Administration has directly invited public comments and suggestions. This is set out explicitly in paragraphs 69-70 of the Green Paper. As several of my Unofficial colleagues will be speaking this afternoon, I shall touch briefly on a few key issues of contention.

#### *Direct vs Indirect Election*

Powerful arguments have been put forward in favour of direct election. I share the view that when the time is ripe, direct election should be adopted. This is

perhaps the most common way of achieving a fully responsible government. But bearing in mind the main objectives of the Green Paper and the need to introduce reform progressively, I am in favour of indirect election in the initial stages of constitutional reform though this has its own limitations. Some of which my colleague Miss DUNN has just pointed out. In saying this, I have taken into account the existing state of political maturity in our community. Perhaps in electing District Board members, the electorate should be asked to bear in mind that they are also electing potential Legislative and Executive Councillors. This may induce them to set a higher standard in the selection of suitable candidates.

Contrary to popular belief, direct election is not a magic panacea that would automatically result in a fully democratic and responsible government. Much depends on several factors, one of which relates to the quality, experience, dedication, impartiality and political conviction of those in power.

It has been said that the constitutional process of evolution undergone by Ceylon is valid for other British colonies, with variations according to the particular conditions of each territory. It may be of interest to Members to study the two stages of evolution which took place in Ceylon before independence in 1947. A table setting out the stages of evolution is annexed to the printed version of this speech for Members' easy reference.

It is therefore not surprising that the proposals in our Green Paper bear some resemblance to the Ceylon process of evolution. There is no reason why the Ceylon formula, with variations to meet our own particular circumstances, will not work for Hong Kong. I believe it will.

#### *Functional Constituencies*

Functional constituencies as described in Chapter 5 is perhaps intentionally vague. I can envisage difficulties in devising such constituencies, although this concept within narrower ambits has been well tested in other constitutional reforms. In the months ahead, much thought and consultation will have to be devoted to the formulation of an acceptable framework which would form the basis of such constituencies. However, I agree with you, Sir, regarding the value of having Members in the two major Councils who possess the requisite professional expertise. The flexibility proposed in the Green Paper would ensure a balanced composition of talents to serve the people of Hong Kong.

#### *Too Little Too Late*

Government has often been accused of doing too little too late. This is perhaps not a fair comment. Given the unique circumstances of Hong Kong, Government's preoccupation with stability and prosperity and the improvements in the quality of life, such as housing, education, medical care and social welfare, may have some bearing on the delay at reform. And this is notably true in the post-war years. Constitutional reform, within the constraints of Hong Kong's special position, has been raised and discussed from time to time,

resulting in steps being taken since 1973, in developing a system of representative government at the regional and district levels. This was followed by the Green Paper entitled 'A Pattern of District Administration in Hong Kong', which was published in June 1980. In the short space of two to three years, District Administration has proved to be extremely successful, and it is now proposed to take this development a step further in March next year. All these, of course, tie in with the present proposals.

*The Proposed Time-table and Other Issues*

The various dates suggested in the Green Paper may appear to be arbitrary but by and large, they do constitute a reasonable and workable programme. Relatively few comments have been expressed in relation to the role of the Governor and ministerial responsibilities of Members of the Executive and Legislative Councils. This is not unexpected as the Green Paper itself does not attempt to spell out detailed proposals in this area. These, of course, are important issues, but it is right for the moment to concentrate on the initial stages of reform. In the light of experience in the next few years, ideas and proposals in this regard will certainly emerge, and my colleague Miss DUNN has expressed some of her views in her speech a while ago in this regard. At any rate, at the proposed review in 1989 these two important issues should also be the subject of an in-depth study so that by 1997 a fully representative government will be in operation. In the intervening years, it is more than a matter of expediency that Official Members should continue to offer their expertise and helpful services in the two Councils.

Sir, much depends on how the people exercise their civic responsibilities. It is one thing to be aware of one's rights, it is quite another to exercise them sensibly and responsibly. The situation in Hong Kong so far as the majority is concerned, ranges from total indifference to complete ignorance. This syndrome will not be easy to cure. Intensive civic education will certainly help. The important thing is to drive home to every man and woman in our vast community that it is in his or her own interest to adopt a positive attitude towards civic responsibilities and exercise them in a way that will contribute towards the preservation of our stability and prosperity.

Sir, I have much pleasure in supporting the motion.

*ANNEX*

*General outline of the constitutional evolution of Ceylon*

1. *Stage of Representative Government*

1920	The legislative council: 37 members 14 civil servants 23 non-civil service officials: 7 appointed by the governor 16 elected (11 on a territorial basis, 5 by the communities)
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Three non-civil service officials introduced into the executive council

1923 Legislative council  
13 civil servants  
37 non-civil service officials  
3 appointed by the governor  
23 elected on a territorial basis (restricted suffrage, 4 per cent of the population)  
11 elected by the communities

## 2. *Stage of Responsible Government*

1931 The legislative council is replaced by a council of state,

60 members:

8 appointed 52 elected on a territorial basis (universal suffrage, 5 years' residence)

The council of state appoints the executive committees responsible for the main departments (except defence, foreign affairs, justice, finance which are given to 'officers of state')

The governor retains certain legislative powers and the right of veto

1946 The new constitution, modelled on that of Great Britain, provides for a 'fully responsible government'

MR. WONG LAM delivered his speech in Cantonese:—

督憲閣下：爲了配合現今至一九九七年後的新政治環境和改變，本港的政制必須作相當程度的改革。這是非常明顯的。綠皮書在這方面可算是踏出了極有意義的一步。

雖然綠皮書在部份細節上，並不清楚，但在原則性的改變上，仍然相當明確，本人今天所討論的，主要亦是原則性問題，至於細節性問題，則暫時祇約略論及。

綠皮書中所建議的新政制最重要的目的之一在於將權力立根於香港，使政制更具代表性，及更能向港人負責。這目的原則上絕對沒有問題。不過很多人對如何達到這目的有不同的看法。部份人士認爲應該儘早推行直接選舉，推選賢能進入立法局及行政局，而其他人士則贊成綠皮書所提的間接性選舉，大家各持己見。

本人認爲在討論直接或間接選舉時，不應先抱有成見，然後才找論據支持自己的看法。相反地，大家應該先冷靜地分析目前各種客觀的因素，然後才下應該直接或間接選舉的結論。目前最明顯<sup>86</sup>因素有數點。(一)港人一般對政治、民主等觀念認識並不深。這點部份基於傳統上中國人不喜談政治，部份因爲香港的教育制度並不積極灌輸政治及民主意識。(二)港人對選舉的意念頗非常冷淡。過往市政局的選舉，投票者少得可憐，近年區議會的選舉，雖然頗有改善，但也不算踴躍。這是不可忽略的事實。(三)近一兩年來金融市場的波動充份反映出港人信心頗爲脆弱，無力經受大的衝擊。上述各點因素(當然還有其他)明確地顯示直接選舉立法局或行政局議員有其潛在的困難和問題。

故此本人相信間接選舉較爲適合香港的特殊環境。一方面因爲區議會已成立了一段時間，港人對區議會認識較深，也逐漸樂於支持區議會的選舉，另一方面間接選舉和以社會功能劃分的選民組別容許一些社會精英繼續參政及爲港人服務(這點在相當程度上保留了

目前政制的優點），也減輕了直接選舉所帶來的政黨與政黨間，候選人與候選人間的對立所引起的衝擊，從而影響信心和投資及其背後的安定與繁榮。

本人樂於接納綠皮書循序漸進式的改制。由現今至一九九七年，本港政制上必須有令人滿意的改革。這好比一輛汽車在一條沒有人走過的崎嶇的路上行駛，希望在一九九七年時達到適當的地點。車行太快則容易出事，太慢則屆時仍未達到目的地。正因為所走的路是崎嶇的，故此應該加培謹慎，略為遲到總好過因出事而不到。以目前情況來看，綠皮書在開放立法局和行政局的過程和時間編排上，其處理手法是適當的，根本沒有必要開快車來冒不必要的險。

本人雖然支持綠皮書循序漸進的步伐和間接選舉的安排，但對於書中所提供有關間接選舉的資料，並不滿意，認為意念雖好，但細節太含糊，很難作出深入的研究。有數點尤值一提：（一）綠皮書並無列舉任何安排使按地區劃分而選出的議員能夠順暢地推舉賢能進入立法局。（二）社會功能組別的劃分並不清楚。那些人士所組成的團體才有資格推舉賢能？如何解決僧（團體）多粥（立法局議席）少的問題？另外，有些專業團體成員眾多，其中不乏精明而樂於服務社會者，例如法律界，難道將來應受局限而祇能從眾多精英中推舉一人進入立法局？這些都是原則性問題，並不容易解決。政府在這方面有補充的必要，以便將來在詳細辯論與綠皮書有關的細節時，能夠作有意義的檢討。

雖然綠皮書所提在一九九一年前以間接推舉方式選任立法局議員值得支持，但政府有責任加速培養港人的政治、公民及民主意識，從各種不同途徑來為將來推行直接選舉作好準備，使港人踏入九零年代時，有能力嘗試直接選舉。當然政府在經濟上以種種方法促進投資意念，加強市民信心以減低直接選舉的衝擊也是不容忽略的工作。

閣下，綠皮書討論的關乎香港的前途，是極為重要的政策改革。政府在諮詢港人對此問題的工作上，應有某種突破。除了用傳統的方法收集港人意見外，應採取更大的主動，使沈默的大多數表示意見。例如鼓勵各分區委員會及互助委員會加以討論，在每一分區舉行多次的公開討論會，務求集思廣益，使將來的白皮書能夠有更多港人的寶貴意見。

閣下，本人支持此項動議。

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

Sir, to cope with the new political circumstances and changes prevailing now and after 1997, it is apparent that certain changes to the present system of Government should be introduced. In this respect, the Green Paper can be regarded as a significant forward stride.

Though the Green Paper does not elaborate on some specific points it clearly spells out the changes required as far as principles are concerned. What I am going to discuss today also centres on matters of principles and will only make brief reference to the specific points.

One of the main aims of the proposals in the Green Paper is to develop a new system of government, the authority of which is firmly rooted in Hong Kong, which is able to represent the views of the people of Hong Kong and is accountable to the people of Hong Kong in a better way. In principle, there is nothing wrong with this aim. However, opinions differ as to how it may be attained. Some people think that direct election to elect able and virtuous people to the Legislative and Executive Councils should be introduced as soon as possible while others favour indirect election as mentioned in the Green Paper. It is over this point that views are divided.

I would suggest that in considering the merits of direct election *vis-a-vis* indirect election, we should not have preconceived ideas and seek justifications to substantiate such ideas. On the contrary, we should analyse the present objective factors in a cool-headed way before concluding whether direct or indirect election is preferred. At present, the most obvious objective factors are:—

- (1) Generally the people of Hong Kong lack a thorough understanding of the concepts of politics and democracy partly because, in tradition, the Chinese people are not fond of talking politics and partly because the present education system in Hong Kong does not take a positive approach in inculcating students with political and democratic ideas;
- (2) the people of Hong Kong take a very apathetic attitude towards election. This accounts for the fact that there were very few registered voters voting in the previous Urban Council elections. Though some improvements were seen in recent District Board elections the response was not encouraging. This is a fact that must not be neglected; and
- (3) the fluctuation in the financial markets in the past year or so shows that the confidence of the people of Hong Kong is rather shaky and is, therefore, unable to stand any major blow.

The above factors (of course there are other factors too) clearly indicate that direct election of councillors to the Legislative and Executive Councils has its latent difficulties and problems.

On this account, I believe that indirect election suits the special circumstances of Hong Kong better. It is because on one hand, the District Boards which have been set up for quite some time are gradually gaining the support of the people who have by now a better understanding of their functions and are more prepared to turn up in the election of District Board members. On the other hand, indirect election and the functional constituencies permit the elite of our community to continue taking part in the administration and serve the people of Hong Kong (which to some extent preserves the good features of the present system of Government). This will help minimise the effects of rivalries among parties and among candidates brought about by direct election, which will in turn affect confidence and investment on which the stability and prosperity of Hong Kong hinges.

I accept with pleasure the progressive change as proposed by the Green Paper in the present system. The system of government in Hong Kong must undergo satisfactory changes from now to 1997. It is like driving along a rugged road on which no one has driven before and the aim is to reach the destination by 1997. If we drive too fast, we are prone to accidents; if we drive too slow, we may not reach our destination in time. Just because the road is rugged, the driver has to be much more cautious, and it is better to arrive a little late than never. In the light of the present state, the process and timing of opening the Legislative and Executive Councils to candidates from the public, as proposed in the Green

Paper, is appropriate; since there is no cause whatsoever to take unnecessary risks by speeding.

Although I support the gradual pace and the indirect election proposed in the Green Paper, I find that there are insufficient details regarding the proposed arrangement for indirect election. The proposals may be good, but unless clearly worded details are available, it will be impossible to make any in-depth study of the proposals. There are several points particularly worth mentioning: (1) The Green Paper has not laid down any arrangement whereby members elected on geographical basis may smoothly elect from amongst themselves the virtuous and capable persons to be Legislative Councillors. (2) The grouping of functional constituencies is not clearly defined. Who are the people qualified to form organisations that are eligible for the election? How are we to solve the problem of too many monks (the organisations) with only meagre gruel (seats of Legislative Council) to go round? Besides, some professional bodies may have a large membership, and many of their members are highly intelligent and enthusiastic in serving the public, for example, the law profession. Does it mean that in future these professional groups will be limited to electing only one of their members to the Legislative Council? All these are matters of principle, and are difficult to solve. In this aspect, it is necessary for the Government to supplement, so that in future meaningful review can be made when detailed discussion is held on specific points of the Green Paper.

Though the Paper's proposal of electing Unofficial Members of the Legislative Council indirectly before 1991 deserves support, the Government still has the responsibility of expediting the development of the public's awareness of politics, their understanding of civics and democracy, and of making the necessary preparation through different approaches for the eventual implementation of direct election. This would prepare the people for direct election in the 90's. The Government should not overlook the importance of promoting investment and strengthening of the public's confidence which would help to reduce the impact of direct elections.

Sir, the discussions in the Paper on the future system of Hong Kong Government is a significant reform on the policy. In consulting the public the Government should be able to attain certain breakthroughs. Besides the conventional methods of consultation, it should take greater initiative to extract public opinion from the silent majority. For example, it can encourage discussion within each area committee and mutual aid committee. Various public forums can be held at district level to ensure the pooling of ideas, so that the forthcoming White Paper can include more valuable opinions of the people.

Sir, I support the motion.

MR. CHARLES YEUNG:—Sir, during my seven years' service in this Council, I have not witnessed such a massive response and reaction to a topic of public interest as this Green Paper on the Further Development of Representative Government in Hong Kong, except the issue of our political future.

Apart from the numerous mass media articles and reports and public and private discussions, I have the opportunity as a Duty Roster Member of UMELCO to meet five distinct groups of public-spirited representatives this week to exchange views on the Green Paper proposals. The zeal and concern of the public on our community welfare and government structure are heartening. The points they made are valuable and will be carefully considered in this debate later.

The general consensus is loud and clear. The people of Hong Kong want to have a more representative government and they want a responsible, accountable and stable government. Therefore, they endorse the concept of democratisation through evolution.

As there is much interest on direct election, I propose to examine this topic here.

The cardinal principle I would like to follow is that the future government should be stable and responsible for the general good of Hong Kong and for the best interest of the people of Hong Kong. By this I mean Hong Kong will be able to maintain her stability and prosperity and the people of Hong Kong the rights of life, liberty and pursuit of happiness.

If direct election can achieve this result, so much the better as it will then become a government which is a true democracy.

However, the road to such an ideal state is very slippery and it must therefore be trodden with great care and caution as history has shown many disappointing examples. A government of demagogues is pernicious to a government and a government of misguided democracy is a catastrophe. Therefore, it is of vital importance to build in the government system the powerful machinery of check and balance. For example, the United States of America has the Constitution, the Bills of Rights and the separation of the powers of the Executive, the Judicature and the Legislature so that a fair and accountable government may be ensured and the fundamental right and freedom of the people guaranteed.

In short, if we wish to introduce a direct election into the central government, we should map out the ultimate shape, structure and machinery of the democratic government and then formulate a planned programme for implementation, but not in a piece-meal or *ad hoc* fashion. This will take time but time is not with us. In the circumstances, would it not be a more sensible approach if the consideration and planning of the direct election in the process of democratisation be conducted as a separate exercise; and in the meantime let the evolutionary steps of the existing government system as proposed in the Green Paper be carried out without delay.

I wish to add a rider to the concept of democracy here. We have to bear in mind that a truly democratic government draws all its source of power from its people alone and to whom alone it is accountable. Realistically, will the people of Hong Kong be ever allowed a complete free hand to do so?

In conclusion, I support the aims and principle of the Green Paper. As to the proposals for implementation, details have yet to be worked out in some areas which my colleagues will deliberate on. I am in favour of a test run of the scheme and the fine tuning and re-adjustment are to be done in the review in 1989, or earlier if circumstances call for.

Sir, it is my pleasure to support the motion.

DR. HO:—Sir, to me, the proposals in this Green Paper are a continuation of Government's effort to make its political machinery at the level of the two central Councils more representative and accountable. At the same time, they also take into account the maintenance of stability and prosperity. The impending self-administration following 1997 has added an impetus to the process of the reform.

I support the proposals in the Green Paper in general. I especially agree that political reform should be introduced gradually and that indirect election should precede direct election under the present circumstances. The fact that the Governor will continue to be appointed by the Queen until 1997, though he may be elected from among the Unofficial Members of the two central Councils, is imperative to the sustainment of confidence in Hong Kong, as this appointment symbolises Her Majesty's Government's constitutional responsibility for and link to the territory right up to 1997.

As regards the method of selecting Unofficial Members to the central Councils, I am in favour of indirect election for the immediate future for the following reasons:

Firstly, the arguments for direct election are not widespread and pervasive enough to encourage a satisfactorily high turn-out rate on voting. In general, the Hong Kong people are quite indifferent to political activities. The proportion of people who came out to vote in the past Urban Council and District Board elections, was less than 15% of all eligible voters. In addition, the great majority of our population have their priority in maintaining our present socioeconomic system rather than accepting drastic changes in our Government. Moreover a low voting rate will put in question the representatives of the elected members.

Secondly, at present recognised and capable political leaders appeal to their constituencies largely through their personal qualities rather than through a set of proposed policies and objectives of the organisation to which they are affiliated. When these leaders stand for election, they tend to over-commit themselves by unrealistic personal platforms, hence running the possibility of disillusioning their electorate, thus damaging the credibility of the arguments for direct election.

Thirdly, a low level of political consciousness is not conducive to the system of a parliamentary democracy. When the elected member puts sectoral

considerations before community interests and upholds personal prejudices at the expense of social justice, unfair policies will be formulated; which may lead to chaos and instability. Numerous examples of this kind of political turmoils abound in countries in the Third World. However, I believe, the possibility of such a scenerio developing in Hong Kong is rather remote.

Lastly, in a bid to enhance their popularity, elected members tend to favour political solutions over economic or social ones in solving problems. This is especially the case in a community with a wide disparity in income and wealth distribution. For example, while some unemployment or labour problems might have their causes rooted in the outdated structure of the economic or social system, the elected members may be tempted to abuse their legislative or policy-making power in offering a solution. As a result, public spending on social services may grow to such an extent that taxes have to be raised and that foreign investment comes to a halt or even declines.

Nevertheless, the Government should not dismiss the call for direct election as irrational. If the long-term aim of political reform is a fully democratic form of government, the Hong Kong Government should initiate action to develop the political climate in preparation towards the goal, regardless of whether the target date for universal suffrage is before or after 1991. A conscious, sustained effort must be made right now to educate the masses on the meaning of democracy and the electoral system, to heighten their civic consciousness and to increase opportunities for involvement in public affairs. Thus, the Government must take positive steps in nurturing potential political leaders and educating the electorate to fulfil the imminent goals of self administration of Hong Kong by the end of this century.

The concept of functional constituencies has also evoked considerable controversy. In a recent television interview, a government official identified six functional groups for the 1985 election, and they are commerce, industry, labour, education, finance and legal profession. These six occupational groups are designated, apparently because they are well represented and readily identified. However, the criteria adopted to define such constituencies can sometimes be regarded as arbitrary. People may query why certain functional groups are endowed with special political privileges over other groups which may be more deserving of representation, though less amenable to identification. Some groups lend themselves to easy identification, but are nonetheless arbitrarily excluded, for example, welfare workers, employees in the media and engineers. Representation on functional criteria inadvertently polarises professions into two categories, thereby generating a feeling of rivalry and division, a situation which Hong Kong can least afford at this time of our history.

I agree that the rationale behind representation from functional constituencies is to harness the much-needed specialist knowledge and valuable expertise in the interest of the community. But the appointment system, which co-exists with indirect election, can serve precisely the same purpose, allowing the

Governor to select a number of members from the economic and professional sectors to complement the elected members in the central Councils. Therefore, I suggest abolishing the system of election by functional constituency altogether. Of course, the number of appointed members must be increased to take into account the representatives from the functional constituencies. When the time is ripe for direct election, the appointment system might be withdrawn.

To ensure success of implementation, the Government must solicit the views from the widest possible cross-section of the community. To this end, the Government must take an initiative in encouraging and facilitating the silent, passive, withdrawn and inarticulate sections of the population to speak up on this important matter, as it has done in arousing interest in voter registration for District Board elections. Seminars, forums, discussion groups, debates, conferences and the like must be organised to promote discussion of this issue. Otherwise a few vocal groups with only a limited representation may distort our appraisal of public reaction towards the Green Paper. As it takes time for the silent majority to air their views, I suggest that the proposed two-month consultation period be extended.

With these remarks, Sir, I support the motion.

MR. WONG PO-YAN:—Sir, since the announcement in this Council by Your Excellency on 18 July 1984 on the Green Paper which deals with the further development of representative government in Hong Kong, there has been much enthusiastic discussion in our community. Naturally, there have been calls from some quarters for direct elections. And today I would like to discuss the pros and cons of direct election in our present circumstances.

If one accepts that the degree of success of a government can be reflected by the extent the lives of its citizens have been improved and enriched over the years, and the extent their human rights have been preserved, it will be accurate and fair to say that the Hong Kong Government has been successful. This success can be attributed largely to the present system of administration which has facilitated the immense achievements in the community in the last few decades. Against this background, I agree to the fundamental spirit and the detailed suggestion of the Green Paper that any changes of the present system should only be carried out gradually and carefully. I also agree that there should be a review in 1988 of the position with a view to deciding what further developments should be pursued.

Turning back to the frequently heard comment these days that we should have earlier direct election to the Legislative Council, I am concerned that this view seems to be shared by people in many different sections of our community. While this view should not be overlooked, I would like to stress that it needs to be studied carefully and in perspective. Being a businessman, and may be a careful businessman, I have looked into the past records for guidelines on the steps to take regarding direct elections. Having studied the records and statistics

of the latest elections, Sir, I have come to the conclusion that we are still too early to have direct elections at this point in time.

Let me summarise these statistics as follows. On 4 March 1982, we held elections to District Boards in the New Territories. On that occasion, the number of potential voters was estimated at 695 000, but the number of registered voters was only 190 592, or about 27% of the potential voters. In the end, 97 788 votes were cast. Although this represents 51% turnout of registered voters, a record which CNTA Officials and people in the New Territories can be proud of, but it only represents 14% of the potential voters.

The statistics of the elections to urban area District Boards are even less heartening. On 23 September 1982, the number of potential voters was estimated at about 2.1 million, but only 689 959, or 33%, registered as voters. In the end, 244 976 votes were cast, or a 36% turnout of registered voters. Expressed as a percentage of potential voters, this is about 12%, not a very encouraging figure indeed.

If one is not satisfied with the election statistics of the District Boards, one might feel somewhat discouraged by the statistics of the last Urban Council election, held on 8 March 1983, only about 17 months ago. In this exercise, 568 537 registered as voters. Taking the number of potential voters at 2.1 million, this means that only 27% of the potential voters had registered. In the end, only 127 206 were cast, or 22.4% turnout of registered voters. Expressed as a percentage of potential voters, this is a mere 6%, a figure certainly small enough to discourage anyone thinking of direct elections.

Based on the statistics I have just outlined, I am doubtful whether Hong Kong is now ready for direct elections to the Legislative Council. For any election to be meaningful and be representative of the people, I suggest that at least 50% potential voters should be registered and that there should be at least a two-thirds turnout of registered voters. If Hong Kong can achieve that, but only until then, I would say that a sound foundation will have been laid down for direct election to the Legislative Council. I am hopeful that we can achieve this goal by 1988.

Sir, it is important that we strive to keep what we have achieved over the past years and to maintain the momentum of the system. Any changes to our present system must be such that our foundations should not be shaken.

Before I finish, I should perhaps clarify, for the records, that the turnout in the last elections, particularly in respect of District Boards, might not have been achieved without the encouragement and hard work of CNTA officials and the participation of concerned citizens. In that context, the last elections are successful and the Secretary for District Administration and his staff should be commended for the good work. I sincerely hope that better results could be achieved in the 1985 election, and I urge all eligible voters to come forth and register, if they have not done so, and to cast their votes when the time comes.

With these remarks, I support the motion.

MR. BROWN:—Sir, it is perhaps worthwhile to keep reminding ourselves that we are debating a Green Paper, and that the whole purpose of presenting proposals in this manner is to enable people to express opinions as to their acceptability before matters proceed further.

I am a cautious man and by instinct I like to proceed slowly; however I have an open mind regarding these proposals, and I am studying with sincere interest the community's reaction to them. We should all continue to do so, for I agree with the other Members this afternoon, that the further development of representative government in Hong Kong will only succeed if the community as a whole is satisfied that the proposals will in fact fulfil their aspirations.

Whatever system is put in place, quite clearly it must also result in a form of government that can not only ensure stability and prosperity upto 1997, but also be in a form that will facilitate a smooth transfer of sovereignty to China in that year. We must not lose sight of that important long term objective, and in this context I note that we have the reassurance of the Secretary for District Administration, who is reported to have said recently during a television programme that the proposals were compatible with Chinese thinking on the future development of Hong Kong. I am sure he is correct in his assessment.

Others this afternoon are making comments on the actual proposals, but I would like this afternoon to make two observations in regard to the electorate itself, and the candidates who will be called upon to serve in our Councils, either through election or nomination. However good a representative system may appear in theory, it simply will not work unless the electorate plays its part through participating in elections, a point made by many of my colleagues already this afternoon. The people of Hong Kong are frequently described as its only natural resource. Their intelligence and their abilities are correctly quoted as an important ingredient to this territory's economic success. There is no doubt in my mind that every adult citizen is quite capable of exercising the franchise to vote in elections. The only problem is that many do not appear to want to do so—although it must be said that our system and circumstances have not exactly given them all that much encouragement. The speed with which Government can be made more representative depends in no small degree on how quickly the electorate can be persuaded to register and then actually vote in elections whether they be for District Boards or other bodies. The motives of those who attempt to convince the public that it is in their interests not to register and vote must be highly suspect.

The question what does Australia, Belgium and Singapore have in common, could cause a bit of head scratching. The answer is that all three territories believe very firmly that their citizens not have only a right, but indeed a duty to express their wishes at elections. So much so in fact that voting is compulsory in those countries—there are of course other territories who also follow that

system—I merely quote these three as examples. Administratively speaking, compulsory voting would be quite simple in Hong Kong, given the fact that all citizens have identity cards. If some form of direct election is eventually introduced into our system, perhaps, and I say perhaps, compulsory voting should be given consideration. It would certainly answer the fears of those who worry that only a small percentage of the electorate would actually turn out to vote.

In regard to candidates I would like to make the point, and like my other Unofficial colleagues I can speak with some experience, I would like to make the point that membership of this Council has become a full time job. Whatever others may think to the contrary, we carry out this work from a sense of public duty. Many of us are indebted to understanding employers who facilitate our participation in public affairs; others who are self employed give up their own time, frequently to the detriment of their businesses.

Public debate on this Green Paper has highlighted, and highlighted correctly, the need for representatives to come from all walks of society, and not only from the middle/upper social strata. Whatever the method of selection—direct, indirect or nominated is immaterial—candidates from the ‘grass roots’ will find it difficult to participate unless proper financial arrangements are made for them. It is no longer really possible for Unofficials to earn their living and at the same time devote sufficient time to the affairs of this Council to properly discharge their duties. In my view this aspect is very important to the further development of representative government in Hong Kong.

Finally, I must say that the public debate over the proposals as it intensifies does lead me to feel that criticism of the two-month consultation period is not without foundation. However, I recognise that there are time constraints partly imposed by the District Board elections due in March next year, and I hope that this debate will assist public opinion to feel its way quickly towards a consensus on this clearly very important issue.

Sir, I support the motion.

4.03 p.m.

HIS EXCELLENCY THE PRESIDENT:—At this point, the Council might like to take a short break.

4.17 p.m.

HIS EXCELLENCY THE PRESIDENT:—Council will resume.

MR. CHAN KAM-CHUEN:—Sir, the Green Paper on ‘The Further Development of Representative Government in Hong Kong’ is an internal affair and is an evolutionary step in the right direction, although how big a step should be taken and at what time are subjects of great controversy. However, with careful

monitoring and modification from time to time it would hopefully achieve the objectives of further democratisation and ensure a smooth political transition from its implementation to 1 July 1997.

The vocal minority has clamoured aloud for direct elections as though this is the only way to achieve democracy. They would be surprised to find that one of the greatest western democracies, the United States of America, used the electoral college system to ensure the *indirect* election of presidents and the senate. As long as it is democratic, direct elections and elections through an electoral college are just (殊途同歸), i.e. both roads lead to the same destination.

As to democracy, there are many brands and when someone from a totalitarian country says that there is democracy in his country, he may not be lying as there are two main streams of democracy, namely the totalitarian democracy and constitutional democracy. Although their values and standards are like poles asunder, revisionists in post-war years have drawn their differences a little closer. For serious students in politics, they are well advised to seize every opportunity to attend seminars etc. given by professors and lecturers in political science to find out the differences and philosophies in the various types of constitutional democracy, e.g. direct democracy, representative democracy, liberal or constitutional democracy and social or economic democracy.

The people of Hong Kong have been apolitical and this is understandable. This is not so much because Hong Kong is a colony where civics and politics had not been hot subjects in schools to the 2.6 million Hong Kong born, but more because that their parents who came to Hong Kong as refugees had received an overdose of politics in their motherland and their minds shunt this unproductive subject. As members of an intelligent and hardworking race, they will have to achieve something in other non-political fields to satisfy themselves and this may be one of the underlying reasons why Hong Kong people are so successful economically. Suddenly, the future of Hong Kong has zoomed to the forefront, and I am glad that they do now show a keen interest in politics.

As to the timing of the changes, it cannot be over-emphasised that the maintenance of a stable government is of paramount importance during this transition period. Taking it cautiously step by step would be better than a big leap forward over the cliff which may lead to disastrous results. Bearing in mind that it has taken several centuries for Britain to achieve the high level of democracy which their people are enjoying today, the schedule proposed in the Green Paper is therefore not too slow. It was only in 1981 that we had universal franchise on the district level and by 1983, we already have three elected district board members in the Legislative Council. The Green Paper provides a definite schedule for further improvement.

The vocal minority should be aware of the Chinese saying (螳螂捕蟬，不知黃雀在後) i.e. the mantis preying a cicada is unaware of the oriole behind it. If they count the number of votes they estimate they would get and compare the

figure with what the unions would get, they would discover that it will take a lot of hardwork to canvass for the votes of the disorganised silent majority, bearing in mind that the unions are well organised and may use the votes they can canvass as their powerful political weapons. I therefore urge that they should concentrate their energy to organise, amongst themselves, to take up the challenge in the near future. To the electorate, I request that they should all register, choose and vote for the best candidates who will work not for personal interests, but for the interest of the community as a whole.

To protect the freedoms which my colleagues recently spoke about, it is important that legislative and executive powers do not fall into the same hands. The three powers of democracy, i.e., legislative, executive and judiciary, should all be independent to prevent abuse. This is the reason why in the Ching dynasty mandarins heading a district who have all these three powers were called the ‘family destroying district commissioners’ (滅門縣令) .

In the second half of the 19th century, Britain had already begun the process of converting its English speaking dominions into a commonwealth of freely associated nations. World War II accelerated the disintegration of colonial empires and Britain rapidly extended her decolonisation policy to Asian colonies, beginning with India, Pakistan and continued to Ghana, British West Indies, etc. The post-war statements made in the United Nations by British and Chinese Governments on Hong Kong sealed its fate and this ‘legacy of history’ was left with a handful of British colonies which for one reason or another did not become independent. At this turning point in the history of Hong Kong it is unrealistic to have ‘Great Expectations’, indeed it could be dangerous thinking.

It is worth noting that the former British colonies which became independent countries adopted forms of government based more or less closely to the British model. From the standpoint of constitutional democracy, this is one of the most promising developments of the post-war period. From historical track records, Britain has not left any former colony in political or economic ruins but has tried her best to educate the people and hand over a stable government before making an honourable retreat, unless the local people took extreme measures and power struggle. I can recommend without hesitation to those who are doubtful of the intentions of the Hong Kong Government in presenting this Green Paper that we should have confidence in our British tutor in democracy. Yes, one may say Britain may be looking for long term interests and partnership in trade, but what is wrong with developing mutual interests?

With these observations, Sir, I support the motion.

MR. STEPHEN CHEONG:—Sir, two weeks ago in this Chamber, you introduced to us and to the people of Hong Kong the Green Paper on the Further Development of Representative Government in Hong Kong. The fact that you, Sir, have chosen to introduce the Paper yourself underlines the importance of the subject. At this juncture of our history when our long term future will be

sure to face changes, it is all the more vital for the people of Hong Kong to become more interested and more involved in public affairs. Hopefully therefore, this debate will serve as a catalyst in stimulating more thoughts and views from the public so that the White Paper, when finalised, will be that much more objective and that much more complete after taking into account of views from different sectors of the community. Already, during the past two weeks, there were a lot of comments on the Green Paper reported by the media. Some were critical, whilst some were supportive of the proposals. By and large, it is true to say that major criticisms from vocal groups were directed to that the proposals did not positively include an element of direct election to the legislature. On this particular point, having studied the Green Paper carefully, having discussed the Green Paper with groups of people from different sectors and finally, having gone through an intensive exercise of soul searching and clear thinking on this subject, I am of the view that the proposals of the Green Paper should be supported. I will in this debate first outline my reasons for supporting the proposals of the Green Paper, and secondly make some specific recommendations to provide further food for thought for the Administration. But before I bore honourable Members of this Council with my somewhat lengthy presentation, I wish to mention with your permission, Sir, that I have had an exchange of ideas with my colleague the Honourable F. K. HU who, being out of town, regrets for not being able to take part in this debate. He shares my views that it is of vital importance that the stability of Hong Kong must be ensured both before and after 1997 and to achieve this overall objective, it will be advisable to adopt recommendations for progressive development and gradual changes, because ultimately our aim is for Hong Kong to be able to remain stable, prosperous and in a healthy financial state both before and after 1997. Therefore indirect election to the Legislative Council in the initial stage is a cautious and yet progressive approach to be adopted. Although direct election may have to be considered some time in future, the correct timing must be when the silent majority have been educated to be more civic-minded and politically more responsible.

Sir, the major objective of any responsible government in this world must be to develop a system of administration and to adopt a set of policies which will have the desirable effect of stimulating and guiding the community to progress and prosper with a minimal degree of internal strife and turbulence.

Towards this end, Hong Kong can be proud of our achievements for the past three decades. We have achieved a world acclaimed status economically through a system of representative and responsive government unique only to Hong Kong whilst adopting at the same time a set of policies ably suited to our circumstances. Though our system of government cannot be defined as democratic in the narrow sense of the word and our legislators and key policy makers were not elected by popular vote, yet our system of government and our policies have guided Hong Kong to progress to such a extent that we have become the envy of citizens of many countries in this world. Our Government

was conscientious and effective in solving a great number of macro structural problems of our society. Within the confines of our resources and within just two decades we must rank first in the world for having progressed so well in the areas of public housing, education, public health, providing a safety net for the needy, public transport infrastructural facilities etc. It is all the more remarkable as all these were achieved without any substantial financial aid from other countries of this world. Above all, the people of Hong Kong has, enjoyed as always, all the freedoms and human rights which must be accepted as the basic foundation of any democratic system of government. In my view, if Hong Kong has not progressed to the satisfaction of the majority of our people, there would not have been such a degree of widespread concern over possible changes to our future and that the public would not have attached such great importance to the maintenance of freedoms as part and parcel of future stability and prosperity. Therefore, let us recognise and accept the fact that our system of government has served us very well in the past and it would be unwise indeed to advocate drastic changes on idealistic grounds alone. This is particularly so to-date when our citizens already face many worries and frustrations over the issue of our future. Leaving aside what may happen to Hong Kong, after thirteen years' time, our survival for the next few important years depends on one and one criterion alone and that is the continued stability of our society. Any changes proposed to the structure of Government must satisfy this important criterion. We must make sure that whatever changes to be made must not have the effect of further damaging the confidence of our professionals, local investors as well as foreign investors for they currently form the backbone to the well being of our economy and if this sector of our community does decide to hold back permanently their investments, then, to maintain stability of our economy will be a definite uphill struggle and the subsequent adverse consequences to the community will be unthinkable. Why then, does this sector of our community have such deep rooted reservations on a system of government with the legislature elected by direct elections. The reasons as expressed to me through discussions with the business circle are first, Hong Kong public has been apathetic against public affairs in general and politics in particular. This can be seen by the poor interest displayed in past District Board and Urban Council elections. With such poor past voter's interest and without seeing any signs of a community-wide effort to develop our citizens' awareness of their civic responsibilities, how can the business circle be blamed for being skeptical of the degree of effectiveness direct elections can contribute towards our stability and prosperity. Hence before direct election can be introduced to Hong Kong, it is felt that the people of Hong Kong, inclusive of the business and professional community themselves, must be educated to the merits of the system as well as to the degree of voter's responsibilities. Furthermore, the transformation phase must be cautious and gradual. Secondly, in the context of Hong Kong's political reality to-day, too quick a move towards direct election to the legislature would probably provide very much more opportunities to latent political groups who may choose to engineer and conduct adversarial

political manoeuvres which in the final analysis would be more likely to bring turmoil rather than stability to our community. Thirdly, public image of the vocal groups advocating direct elections has been linked to strong advocate of 'free lunch' type of social policies. This may be unfair perhaps but they feel that if such vocal advocates were to be in a position of strong influence, then it will be certain that Government will be pressurised to adopt more free lunch social policies which will have a damaging effect on the further development of our economy. Sir, I might add that I have also held discussions with vocal advocates of direct elections, my initial assessment is that they do have some valid points and that some of the fears our business circles may be incorrectly based. I am therefore hopeful that if deeper understandings can be developed between our vocal advocates of direct election and our business community, a great many of their differences can be ironed out. For any proposed structural change to our system of government to work effectively, it is imperative that a close understanding amongst different sectors of our community be fostered and developed. Unfortunately, such development needs time to germinate and blossom, I therefore, subscribe fully to the gradual approach adopted in the Green Paper which will provide us with the necessary time to evolve and develop.

Furthermore, it is a recognised certainty that after 1997, Hong Kong will become a special administrative region of China. On the one hand, constitutional changes proposed must take this factor into serious consideration whilst on the other, whatever changes proposed must be realistic. Commentators in support of a quicker pace in the introduction of total direct election in Hong Kong tend to suggest that a future representative government elected by popular vote would be more likely to be able to provide effective resistance against possible future excesses of China's policies. This, in my view is an unrealistic theory, and I urge that advocates of this theory should seriously consider a rethink before drawing any firm conclusion along such lines. The reality of our situation in Hong Kong is such that we cannot hope to achieve total independence from China. We are part of China and our future is closely tied to that of China. No doubt, our way of life now is very much different from that of China, yet, it is equally an undeniable fact that our way of life is tolerated because we can make our contributions effectively to China. Our survival cannot be dependent on the level of resistance we can muster but is much more dependent upon whether we can continue to be effective in contributing towards China and her four modernisation programmes. For those of us in Hong Kong who cannot or do not wish to leave, the sooner we can come to terms with this reality, the better our chances are in striving to maintain our stability and hopefully our continued prosperity and progress in the future. Bearing this reality in mind, a gradual and sensible approach to further development of our systems of government must be correct in 1984. By 1989, however, when we are scheduled to conduct a review, hopefully then, our community will be able to further progress to such an extent that serious consideration can be given to the introduction of an element of direct election to our system of government.

Turning now to the specific proposals of the Green Paper, both the Honourable F. K. HU and myself wish to draw the attention of the Administration to the following points:—

1. In paragraph 36 of the Green Paper, an electoral college is being proposed consisting of all the elected and appointed members of the District Boards, the Urban Council and the new Regional Council. Our proposal is that while the electoral college as recommended is acceptable generally, it may not be a bad idea to consider excluding appointed members from the college for the 1988 election, if there will still be a provision for 16 Members of the Legislative Council in 1988 to be appointed by the Governor.
2. The role of the Executive Council and the Legislative Council should gradually change from mainly advising on government policies and monitoring public expenditure to more actively guiding and directing policies.
3. The functional constituencies concept is indeed an interesting one, yet, in the Green Paper, there has not been clear explanation as to how this concept will be implemented. In order to minimise speculations and misunderstandings, Government should as soon as possible publish more details on implementation for public comments and debates.
4. The function of the Executive Council in my view is more likened to that of performing a cabinet function of a country. It has to deal with matters of policy of a macro nature and over a wide areas of subject matters. In order for Executive Council to remain effective and balanced, Members of Executive Council must be drawn from different fields of interests and they must have a high degree of experience in making crucial decisions objectively. Towards this end, the total number of Executive Council Members in 1991 would be more advantageous to remain at 16 with eight elected by Legislative Council, four *Ex-Officio* Members while the remaining four Members should remain appointed by the Governor. Although it is made clear in the Green Paper that proposals for 1991 must be subjected to modification in the light of the proposed 1989 review, yet, our objective must be that effectiveness of Executive Council must not take second place to such notion as whether elected members should have a majority over appointed members. It would be pointless to jeopardise the well being of our community simply through simple notional considerations.

Sir, in closing, may I reiterate my firm conviction that the job of our Government now and in the next three to four years should be geared towards achieving the prime objective of maintaining stability in Hong Kong. If we cannot maintain stability, then whatever idealistic panacea prescribed for the benefit of our long term future will almost definitely be ineffective.

With these remarks, Sir, I support the motion.

MR. CHEUNG YAN-LUNG delivered his speech in Cantonese:—

督憲閣下：今日在本局討論的代議制綠皮書，自發表以來，深為社會各界人士的熱烈及廣泛討論。剛才各位資深議員曾先後發表其個人意見，現在祇希望簡述一下本人的立場。

綠皮書的目的，「就是建議怎樣使香港政府的中央組織更具代表性，使政府更能直接向香港人民負責」，本人同意，此代議制綠皮書為本港未來政制創下一個新模式，從而在民主的步伐中推進了一大步，本人並希望透過實踐綠皮書中的建議，能為未來的「港人治港」政府奠下穩固的根基。綜觀綠皮書中最具爭論性的問題，便是立法局議員應該直接選舉抑或間接選舉，對此問題，雖然社會人士，有各家各派不同的看法，今日本人亦希望在此一抒己見。

直接選舉及間接選舉的建議，代表着兩種不同步伐的改革，前者是激進的，後者是溫和的。對今日香港的政制改革，究竟是激進的直接選舉適合，還是溫和的間接選舉適合呢，對此問題的探索，本人基於兩個考慮因素：

- (1) 那種形式的改革較為配合香港現時的社會形勢從而保持香港的安定繁榮；
- (2) 那種改革較為適合現階段市民參政的水準，

須知道任何政制改革的成敗，與天時地利及人和的配合是有密切關係的；於此，我有兩個環節的分析：

- (1) 本人同意督憲閣下所說：「香港環境特殊，需要一個穩定的局面」，於此，本人同意綠皮書在這問題上所採取的保守立場，循序漸進的改革步伐。(A)第一階段於一九八五—一九八八年間，本人贊成政府所建議推行間接選舉，因為在「民主初階」的段落，有限度有節制的參與，才是維持已被事實證明對香港的政經成就有重大貢獻的現行政體不致潰散的要素。(B)第二階段即自一九八八年起，本人建議逐步推行直接選舉作為民主步伐的進一步推展，到一九八八年的時候本人希望立法局的成員比例，可考慮從：
  - (I) 由十二名經選舉團選出的非官守議員，
  - (II) 由十六名委任非官守議員的議席中局部開放作為直接選舉的議席。雖然此建議可能會使日後的立法局民選議員（包括直接及間接選出的）有着程度深淺不同的民眾代表層面，在研究問題的意見觀點上可能有着一定程度的分歧；本人希望部份由直接選舉選出的議員進身立法局之後，不要以代表全民自跨，傲視同僚；期望所有由直接或間接選舉選出的議員，祇要能緊抱為民服務的宗旨，同心協力，任何障礙亦不能阻撓他們創造繁榮美好社會的目標。本人深信「自古成功在嘗試」，雖說萬事起頭難，起步時阻撓重重的現象是必然的，祇要我們勇於嘗試，下定決心，同心協力，萬難也必能衝破無疑的。同時，本人深信在推行間接選舉三年經驗後，市民必能掌握及認識選舉制度，從而提升至直接選舉的進一步民主層面是順勢而合理的發展。
- (2) 上文所論及以循序漸進的步驟施行民主，主要是顧及本港市民的公民教育及政治識見尚未達到應有成熟的階段，我們不是擔心香港缺乏有學識與胸襟的政治人才，而是擔心一般香港市民對代議制的認識不深，祇知其名不知其實。其實代議制施行的步伐與時間表一經訂定，其成敗就視乎港人自己的能力與參與程度，若市民祇知代議制之名而不知本身應克盡了對代議制應盡的義務，代議制的「代」字功能，又怎能發揮？「民主」又怎推動呢？香港人既然期望有高度自治的政制，還要靠自己支持這政制才是！因此，公民教育及政治教育的進一步推深推廣，使每一市民能從認識而參予是非常重要的，不容緩的。

又有人批評綠皮書二個月諮詢期過短，不足夠收集民意；本人則以為兩個月諮詢期是否足夠是很難下斷言，不過，時間越是不足、官民便越必需要緊握時間各抒己見，問題的焦

點應該在如何收集及反映民意；並把收集的層次處理得當，增加效率，希望能收集到普及化及全面化的意見。

綜言之，以香港今日特殊的環境，香港人本身具備的條件，代議制的推行應以東方「中庸之道」及西方的「均衡之法」以循序漸進步驟邁向民主，須知道欲速則不達，反而亂了步驟釀成不堪設想的後果反而不妙。

最後本人呼喚社會各階層人士，能好好利用兩個月的諮詢期，充分就着這個關係自己家庭及社會的重大政制改革方向發表意見，切望大家能摒除一己私利，為社會的繁榮安定及全民的幸福而發言—團結合作，為香港社會、市民未來的幸福安泰而發言吧！

督憲閣下，本人謹此陳辭，支持動議。

(The following is the interpretation of what Mr. CHEUNG Yan-lung said.)

Sir, since the publication of the Green Paper on the Further Development of Representative Government in Hong Kong, which is the subject for discussion in this Council today, members of the public have taken a keen interest and had extensive discussions on it.

Earlier on, learned Members of this Council have expressed their various opinions. I should like to state my views in brief now.

The purpose of this Green Paper is 'to suggest how the central institutions of Government in Hong Kong might be made more representative in a way which will make the Government more directly accountable to the people of Hong Kong'. I agree that this Green Paper will form a new pattern for the future administration of Hong Kong, which is a big step forward in the democratic process. I hope that through the implementation of the proposals in this Green Paper, a firm basis will be established for 'Hong Kong people ruling Hong Kong' government in the future. The most controversial issue arising from this Green Paper is whether Members of the Legislative Council should be elected directly or indirectly. On this matter, members of the public have expressed different views and I would also like to air mine.

Proposals for direct election and indirect election represent two types of changes. The first is drastic and the second is mild. Whether a drastic direct election or a mild indirect election is more appropriate to the situation of Hong Kong, I think there are two major factors to be considered:—

- (1) Which form of change is more suitable for the present social situation of Hong Kong in terms of maintaining the stability and prosperity of the place;
- (2) Which change is more suitable in view of the present level of political participation of the people?

We should know that the success or failure of any change in a government system is closely connected with successful the co-ordination of time, geographical and human factors. Therefore I make my analysis as follows:—

- (1) I agree with Your Excellency's statement that the special circumstances of Hong Kong were such that a stable situation was required. Therefore I agree with the conservative attitude adopted by this Green Paper in proposing a gradual change in our Government.
  - (a) During the first stage, from 1985 to 1988, I advocate indirect election as proposed by the Government because at the 'initial stage of democracy', limited and controlled participation is essential to preservation of the present system of government which has proved to have contributed tremendously to the political and economic success of Hong Kong.
  - (b) During the second stage, i.e. from 1988 onwards, I propose that we should implement direct election progressively so as to move one step forwards towards democratisation. By 1988, I hope that the Members of the Legislative Council will comprise of the following:—
    - (i) 12 Unofficial Members elected by the electoral college.
    - (ii) Some of the seats for the 16 appointed Unofficial Members should be reserved for members from direct election. This proposal may result in producing (directly and indirectly) elected Legislative Councillors representing different social strata of the community, hence the possibility of having varying viewpoints towards public issues. Yet, I do hope that those who become Members of the Legislative Council by way of direct election will not be too proud of themselves and look down on the others as if they have had the mandate from the whole community. It is hoped that all Councillors, be they directly or indirectly elected, will make concerted efforts to serve the people. If they are abided by the common objective of creating a prosperous and better society, no obstacles can debar them from such pursuit. I am convinced that 'trials always lead to success.' Although it is said that to start something is hard and that it is natural to meet with lots of hardship in the very first beginning, all difficulties can be surmounted if we keep on trying hard and are of one mind. I am sure that with the experience accumulated from indirect election for the past three years, people will have a very good understanding of the electoral system which will enable them to proceed to the system of direct election as another step towards the process of democracy.
- (2) The civic education and political knowledge of the people of Hong Kong have not yet reached a mature stage. This is the main point to be taken into consideration for implementing a democratic system progressively. We are not worried that we do not have learned and broad-minded political talents. What worries us is that the people do not have

a deep understanding of representative government. As a matter of fact, the success of the system will depend on the ability and the degree of participation of the people of Hong Kong once its momentum and schedule for implementation are fixed. If the people possess only superficial knowledge of representative government without realising they should fulfil their obligations of it, how can we develop the function of the word 'representation', and how can we promote 'democracy'? If the people of Hong Kong aspire for a highly autonomous administrative system, they themselves have to lend it support. It is therefore essential and a matter of urgency to promote and further develop civic and political education so that all the people of Hong Kong will have enough knowledge of the system to participate in it.

Some think that the period of two months for comments on the Green Paper is too short and is inadequate for the collection of the views of the public. I personally think it difficult to determine whether such a period is long enough. In my opinion, the shorter the time, the quicker we have to voice our opinions. The focal points should be how to gather and reflect public opinion and how to gather views from different levels efficiently so as to have a general and comprehensive picture of public opinion.

To sum up, under the special circumstances of Hong Kong today and keeping in mind the qualities that the Hong Kong people possess, we should implement representative government with 'the doctrine of the mean' of the East and 'the law of equity' of the West step by step towards democracy. We must bear in mind that more haste, less speed. If we do not introduce changes gradually, we may end up with disastrous consequences.

Lastly, I wish to call upon members of the community to make good use of these two months to comment on this important change in our administrative system which has a direct bearing on us, our family and our community. I earnestly hope that we can dismiss our selfish interests and speak up for the prosperity and stability of Hong Kong and the welfare of the people. We should unite together, voice our opinions and work for the well-being of our society and our people in future.

Sir, with these remarks, I support the motion.

MRS. CHOW:—Sir, before I embark on the actual content of the Green Paper, I would first like to say that I share my senior colleague the Honourable Peter C. WONG's amazement over the fact that copies of the Green Paper are not available to many who wish to study and comment on it. I propose that in the name of expediency, Government should buy space from the major newspapers for the Green Paper to be printed in its entirety as soon as possible. In addition, the Government must give extensive publicity to the contents of the Green Paper through the electronic media. After all, if we are to take mass civic education seriously, this is the perfect point to start. For intelligent debate can

only be based on accurate information. Incidentally, I agree with Dr. HO Kamfai that in view of the unavailability of the Green Paper to many interested parties, it is only fair that we make up for the lost time and allow, at least, two more weeks for debate by extending the deadline accordingly. And now on to the Green Paper.

Sir, undoubtedly the most controversial debate on the Green Paper surrounds the issue of whether election to Legislative Council should be direct or indirect.

In my humble opinion, there is the danger of placing too much emphasis on this one aspect of the proposed system while missing out on other perhaps even more important areas and thereby losing sight of the effectiveness of the machinery as a whole.

But first allow me to say a few words on indirect election which I believe is the only way open to us at this point in time which guarantee the following:—

- (1) It expands the representativeness of the Legislative Council.
- (2) It offers a reliable method of sorting and sifting of people to serve on Legislative Council through the evaluation of their performance by their peers in district boards, regional councils or functional groups.
- (3) It avoids the possibility of candidates who have no previous experience or track record to be lodged in the Legislative Council as a result of poor voters' turn-out in some constituencies.

Direct election as advocated by some is to say the least unusual in Hong Kong's circumstances.

We do not have a party system similar to that of the western democracies, whereby candidates are screened by a party machinery and therefore subject to party discipline and platform, which are the essential elements to ensure accountability and an overall sense of responsibility.

We must also acknowledge the situation that exists with our voting public.

There are altogether 2.8 million of our population who are eligible to vote.

900 000 of them chose to register as voters for our last round of District Board elections, of which a total of 350 000 people (39%) voted. The highest number of votes for one candidate, successful candidate, was 3 802 for the urban area, and 1 728 for the New Territories. The lowest number for a successful candidate was 548 for the urban area and 189 for the New Territories respectively.

In our last Urban Council election the total number of votes cast was 127 000 (22%). The highest number of votes recorded for a successful candidate was 9 500 and the lowest, 4 200.

With such levels of voters' participation, is there not a risk that we are thrusting the entire responsibility of choosing our Legislative Council representatives

onto the voting public too soon? Is it not safer to borrow some time by relying on existing representative bodies to conduct the necessary selection, while simultaneously broadening the knowledge, understanding and interest of our citizens in self-government through their participation first in local, then regional and eventually central government.

Hong Kong has no tradition of party politics. Its stability is very much based on the lack of adversarial politics. The checks and balances are on the one hand provided by critics outside the Government such as the media, pressure groups and interest groups, who formulate their criticisms and comments without the responsibility of the Executive, much as the opposition party in a western democracy. On the other hand the Government's advisers like ourselves, who are neither the Opposition nor Executive but are considered as part of the government machinery, present another form of input which the Administration can use to cross check external contributions. Such input takes into consideration public views as well as the Administration's thinking and constraints and tries to offer workable compromises.

With the introduction of direct election, it is highly likely the external critics of Government become a part of Government and thereby alter the whole nature of the existing consensus style of politics, and would possibly undermine the hitherto proven success we have had in solving most of our problems within Government.

There are some suggestions as advocated by our honourable colleague Mr. CHEUNG Yan-lung that there should be partial direct election. In other words, there should be some seats on Legislative Council to be set aside for direct election. Attractive as it may sound, this would not be practical for it would create a disparity between those who are directly elected and therefore could claim they represent the entire population or a big sections of it, and the other Members who are indirectly elected and therefore could only claim to represent a much smaller, at least in terms of number, albeit different constituency. The inconsistency created by this compromised proposal is therefore in my view not a viable option. Sir, in considering the best election method to adopt, we must be satisfied that whatever method we adopt must not, in any way, jeopardise the prosperity and stability that we are enjoying today.

I would therefore support the proposal of indirect election into Legislative Council, to be reviewed in 1989, when we will have the option of direct election if we so wish.

May I now move onto issues which I regard as equally if not more important, and certainly very urgent.

We must not lose sight of the most important objective of political reform at this stage.

According to declarations of both the British and Chinese Governments in recent months, it has been repeatedly stated that Hong Kong people

administering Hong Kong will be the likely outcome of the negotiations. It is therefore essential that the transfer of power, the power to assume authority as well as responsibility, from the Hong Kong British Administration to the hands of our representatives be effected with the least trauma.

I am concerned therefore that the Green Paper left three extremely vital issues untackled:—

1. The role and function of the Executive and Legislative Councils, in particular their relationship with the Administration. The two Councils are presently still advisory. The Green Paper has ruled out the ministerial system. If Hong Kong is to have self administration, immediate steps must be taken to change the advisory status of the two Councils to enable them to take on a monitoring function, so that in future they become responsible and accountable to the public, as decision makers in the Administration and not merely advisers to it.
2. The appointment of unofficials and senior officials. It is essential that the system of appointing members to the district boards, regional councils and the two higher Councils as well as other major statutory bodies and senior posts in the Administration be slowly taken up by a committee composed of both officials and unofficials with criteria of assessment and selection formulated so as to ensure quality and consistency. The opening up of the system of appointment for unofficials is particularly pressing, as this is a feature that our present system has benefited from in the past and we must be in a position to assess whether it can be maintained once part or whole of that authority and responsibility is taken over by unofficials.
3. The process by which the chief executive is selected or elected, and if and how his power differs from that of the present Governor. As it stands, the Governor's power, by virtue of his position as representative of the Queen, is absolute. As our system evolves further towards self-administration, it makes good sense to have the future chief executive's power clearly defined. If our future chief executive is to be elected by the representatives of the Hong Kong people, and is therefore answerable to them and through them to the people, it will go a long way in assuring Hong Kong that autonomy is a real possibility.

I suggest these three key issues cannot wait. They need immediate attention, and there should be some options available for further thought and debate within the next year or two.

MISS TAM delivered her speech in Cantonese:—

督憲閣下：自從代議政制綠皮書發表之後，由於其對香港未來之行政架構及權力轉移有至深影響，各界對該綠皮書中提出代議政制在香港如何進一步發展的建議，極表關注，過去數日來，曾有六個一向對香港行政模式關注之團體，特別就今日之動議往兩局議員辦事處，向我等當值議員提供其對該綠皮書之意見，本人亦將其要提出之要點，反映如下：

### 一、香港專上學生聯會提出

- (甲) 就綠皮書諮詢民意之時間應延長至四個月，
- (乙) 綠皮書應有長遠之政治目標，以建立一堅固地立根於香港之政治架構，至一九九七以後，
- (丙) 在一九八七年，立法局應有三份一經直接選舉產生之議員。

### 二、香港教育專業人員協會提出

- (甲) 綠皮書內提出選舉立法局議員之建議，未能建立一個權力穩固地立根於香港之政制。既然中國方面已說明香港在一九九七年之後，香港成爲一個高度自治之特別行政區，以港人治港，則政府應有肯定之發展民主之目標，應在一九八八年之選舉中有數位直接由全體選民選舉出來的立法局議員，一方面因爲「權力」應來自市民，另一方面因爲要實踐才得到經驗，又可提高公民教育及對政治方面之興趣。
- (乙) 他們贊成用功能團體選出立法局議員的建議，但希望知道此等團體將如何劃分，及是否以個別成員或團體成員作選民，以免既患寡又患不均。
- (丙) 他們亦認爲選舉團不應提名或選舉該選舉團外之人士入立法局，並想知道官委議員在區議會內有沒有被選或投票權，及他們將來在區議會之角色如何演變。

### 三、教育行動組

- (甲) 他們亦認爲綠皮書之建議並未能貫徹其第一個目標，也認爲應在一九八七年有三份一立法局席位由直接選舉產生，以免日後「起步」太遲。他們相信廣大市民會選賢與能，而直接選舉可提高公民意識，許多外國國家及本港市政局均有直接選舉，並無任何不安之紀錄，有政黨產生亦無不妥。
- (乙) 他們認爲用功能團體選拔人材之建議「值得商榷」，又懷疑如何劃分類別，又擔心這種方法選出的議員爲自己團體利益做事而忽視對全民之責任。和這兩個團體一同到兩局的有香港倉庫運輸員工協會及港九電子工業職工總會，四個團體均要求諮詢期延長至四個月，他們說中國人一向想自食其力，而香港人也一樣，是不會要求政府派「免費午餐」。

### 四、天主教大專聯會、天主教青年聯會等

- (甲) 他們認爲間接選舉不能達到綠皮書第一個目標，而直接選舉才可以。候選人用政綱來爭取市民之支持，使獲選議員能作出合理之資源分配，政治團體無論在直接或間接選舉均會出現，但直接選舉有助培養政治人材及市民之政治常識，因此應考慮在一九八七年有直接選舉。
- (乙) 他們認爲官委議員應無投票權。
- (丙) 他們亦問及功能團體之劃分及選舉方法。這個問題很多團體也有問，本人相信政府是要作一個解答。

### 五、匯點

- (甲) 匯點認爲政府應視一九九七年後之需要，採取「倒數式的改革」，用這十三年建立一個有市民強有力的支持之政府，因此，到一九八七年應有三分一立法局席位由直接選舉產生，到九七年則有大多數爲直接選出之議員。目的是用選舉之方法監管及罷免他們。
- (乙) 由四百三十名區議員等選出之立法局議員會產生混亂，因各人可能並不認識。
- (丙) 他們懷疑功能團體之劃分及投票方法。
- (丁) 直接選舉可以幫助來自不同背景的人才入立法局，促進各階層市民之融和。因爲他們可以在立法局交換意見和明白對方之立場。

(戊) 經過一九八七年之直接選擇，一九八九年之檢討才可比較直接與間接選舉之長短，否則，祇餘下一九九一至一九九七年六年去考慮直接選舉，會有時間不足之危險。

#### 六、香港大學學生會

他們提出未來改政制的方法，應有五個大原則：

甲、政府要有真正的代表性。

乙、改革要兼顧各方面的利益平衡。

丙、有穩定性。

丁、改革後的政策要有延續性。

戊、改革要在現實基礎上進行。

他們說隨着這五個大原則，香港應該盡快實行立法局有直接選舉，由三份一開始，以後續漸擴大。

閣下，本人認為該數個組織之意見，足以反映出最關注行政模式改革之人士之一般看法，足以讓政府作為重要的參考資料，應予慎重考慮和解答。

本人認為綠皮書內之建議，是將由總督選擇行政立法兩局非官守議員之權力，由局部至全部交給市民，足可以穩固地使權力立根於香港。功能團體可佔有一定之席位，可保障行政立法兩局之非官守議員有各行業之專長人材，以助解決不同的問題和困難及維繫政府與學術、專業、工商各界之密切關係。由選舉團選出的議員，本人認為最好是該選舉團之成員。市民可以從選舉投票中決定一個候選人能否進入區議會、市政局或區域議局，從而控制他能否進入立法局的機會，這樣可以增加他對市民交代的重要性。

至於對直接選舉，本人希望各提出這個意見的團體，詳細考慮他們的構思是分區選舉或是全港投票選出(SINGLE LIST)，因為兩者對候選人所要具有之財力，人力與物力，有不同的需求。同時，在爭取大多數選票之劇烈競爭下，如何避免派「免費午餐」的政黨或團體，改變香港的稅制和資本主義的經濟制度。

綠皮書的建議，是一種兼顧了還政於民，集各界專才，顧及外來投資者及本港市民之利益，及要維持社會安定與繁榮的構思。作為一個初步的改革值得我們仔細地研究及支持。本人謹望其他團體及市民踴躍發言，並支持此項動議。

(The following is the interpretation of what Miss TAM said.)

Sir, since the publication of the Green Paper on Representative Government in Hong Kong, the public has shown much concern about the proposals contained therein on the further development of representative government in Hong Kong because of their far-reaching effects on Hong Kong's future administrative structure and the transfer of authority. In the past few days, six organisations which have been paying particular attention to Hong Kong's administrative pattern approached the UMELCO Office and met the Duty Roster Members in connection with the motion before the Council and presented their views on the Green Paper. The main points they raised are as follows:

—

#### (1) *Hong Kong Federation of Students*

(a) The period for consulting the public on the Green Paper should be extended to four months.

(b) The Green Paper should contain long-term political objectives so as to establish a political structure which is firmly rooted in Hong Kong up to and beyond 1997.

- (c) By 1987, one-third of the Members of the Legislative Council should be directly elected.

(2) *Hong Kong Professional Teachers' Union*

- (a) The proposals in the Green Paper regarding the election of Legislative Council Members cannot establish a political structure which would be firmly rooted in Hong Kong. Since the Chinese authorities have made it clear that after 1997, Hong Kong will become a Special Administrative Region with a high degree of autonomy and will be governed by the people of Hong Kong, Government should put forward positive objectives in developing democracy. There should be several Legislative Council Members directly elected by universal suffrage in the 1988 election because, on the one hand, authority should derive from the people, on the other hand, experience can only be gained through practice. This measure can also enhance civic education and the public's political awareness.
- (b) They agree to the proposal on the election of Legislative Council Members by functional constituencies but wish to know how these groups will be defined and whether voters will be registered on individual basis or on the basis of membership of particular groups.
- (c) They are of the opinion that the electoral college should not nominate or elect any person outside the electoral college to serve in the Legislative Council and would like to know whether the appointed members have the right to be elected or to vote and what will become of their future roles in the district boards.

(3) *Education Action Group*

- (a) They also hold that the proposals in the Green Paper fail to fulfil the first of its objectives. They are of the opinion that Members selected through direct elections should take up one third of the seats of the Legislative Council to avoid a 'late start'. They believe that the citizens at large can be trusted in their judgement in selecting talented and virtuous persons to be their representatives and that direct elections can raise the civic awareness of the citizens. It is noted that direct elections have been practised in many countries and even in the Urban Council of Hong Kong and so far there has been no incident of instability reported. They further argue that there is nothing wrong with the emergence of political parties.
- (b) They question the advisability of the proposal of selecting members by functional constituencies. They also express doubts on whether functional groups can be properly defined. They are worried that the representatives selected in this way will work for the interests of their own groups, thus neglecting their responsibility to the people as a whole.

Accompanying these two organisations to the UMELCO Office were the Hong Kong Storehouses and Transportation Staff Association and

the Hong Kong and Kowloon Electronics Industry Employees' General Union. All these four organisations requested that the consultation period be extended to four months. They did not believe that the people of Hong Kong who had always lived on their own effort would request the Government for 'free lunch'.

(4) *Hong Kong Federation of Catholic Students, Hong Kong Catholic Youth Council*

- (a) The first aim of the Green Paper could not be achieved by indirect elections. It is only through direct elections that candidates will have to win the support of the people with their election platform. This ensures reasonable distribution of resources by the successful candidates. Political parties would emerge during elections, whether direct or indirect. But direct elections would help nurture political talents and political awareness among the people. Thus, consideration should be given to introducing direct elections by 1987.
- (b) Appointed Members should not have the right to vote.
- (c) They also enquire about the definition of functional constituencies and the method of election. Many organisations have raised this question, I believe that the Government should provide an answer on this aspect.

(5) *Meeting Point*

- (a) Government should take into consideration the needs of Hong Kong after 1997 and a government strongly supported by the people should be established through 'count-down reforms' during these thirteen years. Hence, one-third of the Legislative Council Members should come from direct elections by 1987, and there should be a majority of Members selected through direct elections by 1997. The purpose is to monitor and recall the Members by way of elections.
- (b) There would be confusion in electing Legislative Council Members from 430 members of District Boards and other councils, for they might not even know one another.
- (c) They question the definition of functional constituencies and the method of election.
- (d) Direct election can help people with different backgrounds to be appointed to the Legislative Council, promoting harmony among different sectors of the community.
- (e) After the direct election in 1987, comparison can be made in the review in 1989 between the merits and demerits of direct and indirect elections. Otherwise, there would be a danger of insufficient time to consider direct elections during the remaining six years between 1991-1997.

(6) *Hong Kong University Students' Union*

The sixth organisation seen by the Duty Roster Members was the Hong Kong University Students' Union. They proposed five principles for the reform of the future government: that it should be truly representative of the people; that reforms should strike a balance of interests of all sectors

of the community; that there should be stability; that continuity was necessary and that reforms should be based upon the existing foundation. Bearing these five principles in mind, they recommended that direct elections to the Legislative Council be held as soon as possible, beginning with one-third elected membership and gradually increasing the number.

Sir, I believe that these several organisations can well reflect the general opinion of those people who are most concerned with administrative reforms in Hong Kong. Their views will serve as important reference materials for the Government and should be given serious considerations.

It is my understanding that the proposals in the Green Paper aim at transferring the power of selecting Unofficial Members of the Councils from the Governor to the people of Hong Kong, partially in the beginning and then entirely at a later stage. I believe that this would enable authority to be firmly rooted in Hong Kong. Functional groups should be given a certain number of seats in the Executive and Legislative Councils so as to ensure that, among Unofficial Members of these Councils, there are experts from various fields. These Unofficial Members can help in solving different problems and difficulties as well as maintaining the close relationship between the Government and various academic, professional, industrial and commercial groups. I believe that it would be much better if the Councillors elected by the electoral college are Members of the latter. People can decide, through their votes, whether a candidate can enter a District Board, the Urban Council or Regional Council, thus controlling his chance of entering the Legislative Council. In this way, the candidate would be more accountable to the people of Hong Kong.

As regards direct elections, I would like the organisations advocating this to consider carefully whether they wish direct election to be carried out on a regional basis or on a territory-wide basis (single list), because the financial, manpower and material resources required of the candidates under these two methods are different. Moreover, under intense competition for more votes, how can we avoid the political parties or organisations which advocate 'free lunch' policy to alter Hong Kong's system of taxation and the capitalist economic system.

The proposals contained in the Green Paper cover many aspects including returning the authority of administration to the people, centralising expertise of different fields, looking after the interests of foreign investors and the citizens of Hong Kong and maintaining social stability and prosperity. They deserve our careful consideration and support.

I hope other organisations and members of the public will come forward to air their views. Sir, I support this motion.

DR. IP:—Sir, with the publication of the Green Paper, heated debates on different aspects of the Green Paper by different sectors of our community followed. However, we the people of Hong Kong all have a final objective which

is in common. That is we want all governing bodies which will exist in Hong Kong to be as representative of the people as possible, to constitute balanced professionalism, and we want action from those chosen ones in further improving the quality of our community.

Though demanding and persistent, Sir, I do recognise that this is easier said than done. There are many ways to meet the same objectives and it is therefore so tempting always to aim for one upmanship, and that is, to propose a better plan. I must admit that I succumbed to such temptation as well. Not that I succeeded. Hence for as many occasions as I can get, I have tried to catch government officials offguard, cornering them with what I considered to be a more ideal method, then waiting patiently for their response and reactions.

I have mentally toyed with the ideas of:—

direct elections, and then the other extreme, complete indirect elections even for the professionals, using the concept of designated seats ... a faster or a slower rate of progression to completely by election ...

and I even exhausted the idea of:—

requirement of previous government advisory board membership or the like, to test out the contributory potentials of a person standing for elections ... four year terms instead of three year terms ... etc. etc.

I have questioned even small details in the practical applications of this Green Paper such as:—

can a doubly qualified person aim for election through both one or more functional constituencies as well as through the electorate college? If that is so, this person stands a better chance. the time sequence of election, for example of elections to the District Board/Urban Council and Regional Council, and then through these to the Legislative Council and then subsequently to the Executive Council. I can imagine there is going to be a month every three years when there will be utter chaos! There will be banners all over Hong Kong, there might even be loud speakers speeches in the roads and so forth.

I also question when there is this rare occasion when a person can be elected into all four councils. If so, does he have to give up some of them. I see that my colleague and friend Miss Maria TAM has survived this remarkable fete and in fact has achieved this with no loss in weight ... (*laughter*)

As there will be only six functional constituencies in 1985, which ones will get in first? It is difficult enough to choose the number and, for that matter, the nature of the functional constituencies. There will be a battle of which profession is going to be represented first. No doubt this decision may need to be based on the profession of the remaining appointed Members in 1985 or rather the lack of it ... and I considered also many other questions.

All methods have its pros and cons. Pointing out the deficiencies is one thing, offering a comprehensive alternative plan with even less deficiencies is another.

I am afraid I cannot offer such a comprehensive alternative plan.

To cut the long story short, Sir, I have been unable to find any major flaws in this Green Paper. If Officials are always so efficient, I do not think it will be any fun being Unofficials (*laughter*). I have finally been satisfied that this Green Paper is a well thought out package which offers the lesser of all evils and that it can work to meet the aspirations of the people of Hong Kong. And here, I must congratulate the Administration in having achieved this very complex and difficult task in such a record time. I hope the Medical and Health Department does similarly (*laughter*).

I believe, it is not so much the method we use to choose who represents us, but that the person chosen performs efficiently on our behalf and for our interest at heart. So while we evolve into a more representative government, let us not go overboard with criticisms but rather concentrate on positive achievement of our objectives.

Hong Kong have gone through a period of 'brain storming' for ideas in the last weeks through healthy discussions, conferences ... but this was followed by open attacks in the media, defence, counterattacks and counterdefence. No doubt this will go on for a little while longer, but the time should come, and I hope it will be in the next few months, to begin to put a reasonable plan into practice, tread slowly in rough waters, evolve as we go along and look forward to an even better and more representative government for our Hong Kong.

With these remarks, Sir, I support the proposals in the Green Paper.

MR. CHAN YING-LUN delivered his speech in Cantonese:—

督憲閣下：代議政制綠皮書引發了很具爭論性的討論。很多團體都表示非常同意綠皮書的目標，就是「逐步建立一個政制，使其權力穩固地立根於香港，有充份的權威代表香港人的意見，同時更能較直接向港人負責。」但對如何達到這個目標，則各有不同的見解。有些團體提議立法局盡快進行直接選舉，所列舉的理由也有說服力。關於這方面的爭論，我希望多聽取一些意見，才作進一步的討論。

這本綠皮書的初步改革建議，我認為是可行的，這和我由區議會進入立法局的情形差不多。所以我現在將個人經驗提出來作為參考。

選拔民選員加入立法局，以加強其代表性，實際上在去年已經開始了，綠皮書選舉團的建議，是這個制度的進一步發展。我非常歡迎這個建議。祇不過在數目方面，以全港十九個區議會及市政局計算，一九八五年的六個議席在比例上似乎偏低，所以有增加之必要。從委任制轉為選舉團間接選舉制，是取兩者之優點，一為人盡其才，保證議員的質素，二為加強代表性，因為民選議員是經推選方式進入立法局。這個制度，是從長久以來證明有效的委任制度演變過來，有一定程度的穩定及延續性。也可以說是以最少程度的轉變，以達到民選的效果。

然而，委任是根據一些客觀的原則，選舉團也要根據同等原則，訂立一些標準，並由公

眾討論接納，以確保能公平、公開及公正地選出代表，以防止政治買賣或派系暗鬥的情形。

跟未成熟的直接選舉比較，間接選舉是有其優點的，這是我根據個人的經歷而得到的結論，未必是一個絕對的情形。例如，在我的選區裡，選民雖然是寮屋居民，環境比較差，理論上他們會要求我在立法局為他們多爭取一些福利。但居民並沒有這樣做，因為我並沒有向他們承諾要在立法局爭取甚麼。當然，如果遇有不合理的政策，或官僚作風，我的選民會提出要我反映。東區區議會的同事，亦沒有要我向政府提出區議會以外的更多要求，反而我會時常向他們徵詢意見，要他們協助。因為沒有上述的牽制，我看事物時比較超然，能夠盡量作出公平的抉擇。間接選舉的好處是：選舉團由全港的區議會、市政局及新區域議會的議員組成，換句話說，他們就是「選民」。他們互選出來的議員，要向他們交代。也就是說，選舉團的成員要向全港市民負責，而不能祇為個別選區的人。但在另一方面，「選民」如果要繼續當選，必定要向他們個別選區的市民交代，在選區內下功夫。這樣對市民、對地方行政、對立法局都有好處。

至於直接選舉應該何時推行，由於香港沒有這個經驗，必須視乎實際情況。因此我建議應由一九八六年起，每年檢討一次，以考慮最早進行直接選舉的時間。

我認為直接選舉要遲一步推行，因為要保證好的選舉，需要良好的公民意識，市民要明白政府的制度，本身的權利與義務，以及懂得不會被個別人士利用作政治武器（這跟政治本錢不同）。期間我們必須要多做一些教育市民的工作。政府對於學校的政制教育，是會照顧到的，但對於一般市民的教育，也絕對不能忽視。現在除了鼓勵他們登記及投票之外，平時祇有進行「清潔香港、撲滅罪行」這一類運動，而沒有大力推行民主教育，所以市民對政府的認識相當膚淺。如何能支持政府？以前是形勢所限，現在是大勢所趨，故此長遠的市民教育，必須從速進行。正如各議員、社會工作者、學者等等大力推行，甚至費九牛二虎之力去發動研討會、居民講座等，務求使居民明白代議政制綠皮書，瞭解其深遠的意義，也是為了教育市民。

我支持綠皮書的目標，「逐步建立一個政制，使其權力穩固地位根於香港，有充份權威代表香港人的意見，同時更能較直接向港人負責。」直接或間接選舉祇能幫助我們達到這個目標，最可靠還是全體市民的一致支持。憑我接觸基層市民所得的印象，他們的大前題：就是繼續改進自己和家人的生活，因此他們都期望香港繼續繁榮安定。而綠皮書的建議正是朝着這方向進行，也符合他們的意願。因此我認為他們會比較容易接受這些建議。

因此，本人支持動議。

(The following is the interpretation of what Mr. CHAN Ying-lun said.)

Your Excellency, the Green Paper on the Further Development of Representative Government in Hong Kong has triggered off some controversial debate. Many bodies have indicated that they fully endorse the aim of the Green Paper, which is: 'to develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong, and which is more directly accountable to the people of Hong Kong.' But, different views have been expressed on how this aim can be achieved. Some bodies have suggested that direct elections should be effected in the Legislative Council as soon as possible. Their justifications are fairly adequate. With regard to the debate on this subject, I still have to absorb more knowledge before making a decision. I think the initial proposals of the Green Paper are practicable. This is similar to

the admission of individuals to the Legislative Council. Now I would like to submit my views for discussion.

Selecting Unofficial Legislative Council Members to reinforce representativeness has in fact begun last year. The Green Paper's proposed electoral college is to enable this system to consolidate. Personally I warmly welcome this proposal. But it seems that only six Legislative Council Members will be elected by the electoral college is relatively too few when there are nineteen District Boards and an Urban Council. It is necessary to increase the number of these elected Legislative Council Members. From the system of appointment to the adoption of that of indirect election by the electoral college, we can make use of the advantages of the two systems to select the most suitable persons so as to ensure quality of the Members and to reinforce representativeness. And there will be stability and continuity particularly if only elected Members are selected.

Nevertheless, just as appointments are made in accordance with certain objective principles, the electoral college should work out a number of regulations on the basis of the same principles. These regulations must be discussed and accepted by the public so that representatives would be elected fairly and openly while political bargain and veiled struggle among factions would be prevented.

Compared to an immature direct election, indirect election has its advantages. I am saying from my own experience and it might not represent the absolute situation. I have found that the electors of my constituency are mainly squatters who live in less than decent conditions. In theory, they should request me to fight for more benefits for them in the Legislative Council. But in fact they have not made such requests. Firstly, they are reasonable people and they realise that District Board members, Legislative Council Members and even the Governor are not special people with special rights and thus unable to entertain excessive demands. This is also a merit of the existing political system which should be retained. Secondly, they understand that I speak not only for them in the Legislative Council, but for other squatters and people as well. They want me to reflect their opinions about unreasonable policies and bureaucracy and to honour my pledge made in the District Board election campaign. Apart from these, they do not require me to make any more demands to the Government, neither do other District Board members. On the other hand, I always seek their opinion and assistance. Because of the absence of restriction, I can take a view which is more objective and detached. It is because of this advantage that indirect election is commendable. The electors of the electoral college comprise all District Board members, Urban Councillors and members of the new Regional Council. Hence, the target is to work for all the people of Hong Kong instead of any one constituency. Once elected, the members have to be accountable to the people of Hong Kong, and in order to be re-elected, they have to strive hard in their constituencies. In this way, it will be beneficial to all the parties—the electors, district administration and the Legislative Council.

As regards the Green Paper's proposal of setting aside seats in the Legislative Council for representatives elected by functional constituencies and retaining certain seats for appointed Members, I agree that there is such a need. Since the Green Paper has suggested to remove appointed Unofficial Members from the Legislative Council completely in 1991, there would be a particular need to have specialists elected by functional constituencies. Besides, appointed Unofficial Members have used to sit on the two Councils. Their participation in District Boards has proved constructive. In both cases, they have helped maintain the stability of work. Therefore, even if direct election is carried out one day, they should not be removed from the Legislative Council completely because they can assist elected members in getting familiar with their work and ensuring continuity in the work of the Council. Their presence is necessary indeed.

Owing to the lack of experience in direct election, when direct election to the Councils should be introduced can only be determined according to actual circumstances. Starting from 1986 an annual review should be made to consider when direct elections to the Councils should be first implemented.

Direct election should be implemented at a later stage for I personally believe that a sound civic awareness is a prerequisite for a successful election. The people should understand the system of the Government as well as their rights and obligations so that they would not be manipulated by other individuals as a means to step in the political arena. During the interim period, emphasis should be made on educating the public at large. Education on political system in schools would be taken care of by the Government. But, general civic education should not be ignored. At present, people are encouraged to register as voters and cast votes. There is no vigorous promotion of democracy education whatsoever other than the 'Clean Hong Kong Campaign' and the 'Fight Crime Campaign'. As a result, the public only have little knowledge of the Government. It was so in the past because of the constraint of the situation, but now it is the prevailing circumstances that this policy has to be changed—a long term civic education should be started with no delay. Similarly, the ultimate aim of the vigorous promotion or the strenuous efforts of the honourable Members, social workers and scholars etc. to hold conference and seminars is to make the people understand the contents of the Green Paper and to make them understand and support the Government so as to cherish a sense of belonging.

I support the aim of the Green Paper to develop progressively a system of government the authority for which is firmly rooted in Hong Kong, which is able to represent authoritatively the views of the people of Hong Kong, and which is more directly accountable to the people of Hong Kong. Direct or indirect election can only help to achieve that goal, but it depends heavily on the unanimous support of the public at large. Shouldn't this be an ideal that can be realised by Hong Kong, a tiny place instead of a mere Utopian scheme?

MRS. FAN delivered her speech in Cantonese:—

督憲閣下：自從代議制綠皮書公佈後，一向關心香港政制與社會事務的人士及團體，已紛紛發表意見。有些是贊成綠皮書所建議的循序漸進式改革；有些則認為綠皮書過於謹慎保守；大多數則在贊成綠皮書的某些建議之餘，對其他若干內容作出批評及反對。

本人藉着參與這次辯論的機會，略為陳述綠皮書中最具爭論性的八點，以供大眾市民參考。

- 一、綠皮書是否應該更加詳盡，以及勾劃出由現時至一九九七年的政制發展藍圖？
- 二、立法局實行直接選舉是否可行及應否在一九八八年舉行？一九八四年底完成的白皮書應否訂定直接選舉實行的日期？
- 三、有反對派系參政和對立政黨的形勢，在今時今日在香港，會不會加上一種不穩定的因素？
- 四、政府將以什麼標準去選擇有權選出立法局議員的社會功能團體？
- 五、由社會功能劃分的選民組別所選出的立法局議員向那些人負責？這些議員會否祇重視自己團體的利益，而罔顧香港廣大市民及整體利益？
- 六、市政局、區域議局及區議會議員的工作與立法局議員的工作有很大的分別。由前者所組成的選舉團所選出的代表如何去取捨中央及地方上的利益衝突？
- 七、將來會採用何種方式甄選港督候任人？港督如不出任立法局主席，會否形成行政與立法之間的隔膜？
- 八、兩個月的諮詢期是否足夠？

總括來說，焦點似是集中於爭論直接選舉的時間性，社會功能團體的甄選，被選出的立法局議員向那些人負責，及綠皮書的諮詢期。

綠皮書已明確指出，其內容並非定論。公開發表的目的是供全港市民討論研究。香港很多市民是屬於「沈默的大多數」，但是他們並不一定沒有意見。有些市民是有自己的見解，不過覺得自己人微言輕，不說也罷；有些市民不慣書寫，不能長篇大論地向政府表達意見；又有些市民抱着明哲保身的態度，希望有人站出來講出他們的心聲。我希望香港人不要再沈默。沈默等於放棄權利，同時給其他人一個大好機會，任意地去推行一些與大眾意願未必相符的政策。香港人、尤其是「沈默的大多數」，應該儘快去嘗試發表自己的意見。代議制是大家的事。如果大家不開口，那麼，一個良好的建議，因為得不到明顯的支持，很可能被抹煞；同樣，一個不合情理的建議，因為大家的沈默，卻可能付諸實行。試問到頭來，吃虧的會是誰？

我覺得政府應該用各種辦法，去鼓勵及方便「沈默的大多數」發表意見。現有的渠道，例如區議會、政務處等等固然有用，但較新的辦法，譬如在訂定公屋政策時所並用的調查方法，亦應予以鄭重考慮。如果公屋政策是重要的，則代議制更為影響深遠。當然，在未作調查或個別訪問之前，政府有責任儘量使香港市民明瞭綠皮書的內容及其重要性。這點，我相信政府能夠做到。不過，最重要的還是政府應該主動地去收集民意，才能令市民覺得政府是重視他們的意見的。

督憲閣下，本人謹此陳辭，支持動議。

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

Sir, since the publication of the Green Paper on Representative Government, individuals and organisations that are interested in the system of government and social affairs of Hong Kong have expressed their views. Some support the progressive reforms proposed, while others consider the Green Paper to be

too cautious and conservative. The majority however, apart from supporting certain proposals of the Green Paper, also criticise and oppose other parts of the contents.

I take this opportunity to briefly mention the eight most controversial points of the Green Paper for the information of the general public.

- (1) Should the Green Paper be more detailed and sketch out a blueprint for the development of the system of government from now to 1997?
- (2) Are direct elections to the Legislative Council feasible in Hong Kong and should they be held in 1988? Should the White Paper which is envisaged to be completed by the end of 1984 fix a date for the introduction of direct elections?
- (3) Would the introduction of adversarial politics and formation of opposition parties add an element of instability to Hong Kong under the present circumstances?
- (4) What criteria would the Government adopt in selecting functional groups which are given the power to elect Members to the Legislative Council?
- (5) To whom would the Legislative Councillors elected by functional constituencies be accountable? Would these Councillors concentrate only on the interests of their own groups so much that they might neglect the interest of the public as a whole?
- (6) The work of the Urban Councillors, the Regional Councillors and the District Board members is vastly different from that of the Legislative Councillors. How will representatives elected by an electoral college composed of the former handle the conflict of interests that arises between the central and district levels?
- (7) How will the candidate for appointment as Governor be selected in future? If the Governor does not preside over the Legislative Council, will a gap be created between the administration and the legislature?
- (8) Will the two-month consultation period be enough?

In short, the discussions seem to focus on the timing of direct elections to Legislative Council, the selection of functional constituencies, the accountability of Legislative Councillors elected by the electoral college and functional constituencies and the length of the consultation period for the Green Paper.

It is clearly indicated in the Green Paper that its contents are merely proposals. It has been published for the purpose of inviting public discussion and comment. Many people in Hong Kong belong to 'the silent majority', but this does not necessarily mean that they have not formed any opinion. Some of them may have their own views, but they feel that their words carry little weight, hence they choose not to speak. Others are not used to putting pen to paper and cannot write long theses to the Government to express their views. There are still others who may want to play safe, hoping that someone else will stand up to speak for them. I hope that the people of Hong Kong will break their silence. To remain silent is tantamount to giving up their rights and may thus give other people a good opportunity to carry out, as they wish, policies which may not be

compatible with the will of the public. The people of Hong Kong, especially 'the silent majority', should try as soon as possible to air their views. Representative government is an issue that concerns everybody. If we keep silent, a good proposal may be obliterated because of lack of clear support; while on the other hand an unreasonable proposal may be implemented because of our silence. In the end, who stands to lose?

I feel that the Government should use various means to encourage and facilitate the 'silent majority' to express their views. The existing channels, such as the District Boards and District Offices etc. are undoubtedly useful, yet new means like the survey of attitude towards housing should be seriously considered. If public housing policies are important, then representative government has even more far-reaching influence. Of course, before conducting surveys and making individual interviews, the Government has the responsibility of making the people of Hong Kong aware of the contents of the Green Paper and its significance. I believe that the Government is capable of achieving this. It is, however, most important that the Government is seen to take the initiative of collecting public opinion, thus the people would feel that their opinions are valued by the Government.

Sir, with these observations, I support the motion.

MRS. NG delivered her speech in Cantonese:—

督憲閣下：猶記一九八〇年中，本人出席分區委員會會議，接獲政府發表的香港地方行政的模式綠皮書一本，當日的民政主任還呼籲各分區委員發表意見。雖然本人當時對地方行政的概念還有很大的保留，但當八一年五月獲委為第一屆區議會議員，投身地方行政工作之後，才親身體驗到政府開放政治架構的誠意。八二年區議會第一次選舉，使本港市民了解到從政治冷感的時代進入政治參與的時代已經開始了。無怪乎今年四月二十日英外相賀維爵士在記者招待會上發言時說：「今後的日子，香港政府將繼續朝着代議制度的路向發展。」而在昨天，賀維爵士亦在記者招待會上面重申：「使香港有高度的自治權，使香港的行政由香港人去掌握。」

本人體會到這數年間香港政治架構的開放及政府在推動代議政制方向的努力，因此對「代議政制綠皮書」中邁向港人逐漸參與政治決策的方向表示歡迎，而這個逐步發展的政制改革，在八五年的立法局中便開始踏上第一步，使立法局部份議席由選舉團選出，部份議席由按社會功能劃分的選民組別選出，而由港督委任的議員人數將由廿九人減至廿三人。這個發展的路向，將持續下去。

對於代議制的方向，本人是贊同的，但對於綠皮書中建議的步伐和速度，本人有下述的觀點。綠皮書中列出立法局和行政局在八五、八八及九一年的組織情況，是一個漸進的開放時間表，使由港督委任的議員數目逐漸減少，由選舉團及社會功能劃分而選出的議員數目逐漸增加。綠皮書中提出的發展速度是否太緩慢、適中、還是太急進，還是一個未知數。本人覺得，在未來三年的試驗，有足夠的證據可以判斷綠皮書中提出的改革速度是否適當，從而對八八年後的發展作出更適合的安排。因此，我建議政府應把代議政制的全面檢討，由八九年提前至八七年舉行。八七年是一個理想時刻，因為香港居民經過八五年的區議會選舉、八六年的市政局及區域議局選舉，已經對民選制度的運作，有進一步的了解和實踐，因此八七年的檢討，足以為八八年的立法局組合和行政局將來的組織準確地掌握到應走的速度。

本人覺得，政府由現在至八七年，應向兩個重點發展：第一，代議制度之所以能成功地推行和落實，市民的主動和活躍的參與最爲重要。目前不少香港居民對政治感到陌生，甚至懼怕，因此，政府應在公民教育和學校教育上付出更多實質支持，培養市民的參與意識，這一點不能引用政府的「不干預政策」爲榜樣，因爲沒有政府大力的推動，市民的政治參與便很難迅速地達致成熟。第二，政府應加強在未來三年間對政制改革進行的各方面作出緊密觀察和評估，時刻提交報告，使八七年的全面檢討中更有論據，更準確和有力地掌握實際情況和進度。

目前各界所關注的，是港人對政制開放的接納能力有多大。本人覺得市民有基本的權利以決定誰人入主立法局，因此，直接選舉部份立法局議席是不容否定的，問題是時間而已。而直接選舉能否有效地開展，當視乎市民對政治參與的成熟程度而定。本人覺得，區議會的民選成份正日漸增加，而且可以估計，在未來的數年間，政府更應開放更多區議會議席爲民選議席，使由直接選舉產生的區議員比例繼續增加。因此，本人試行作出一個準則用來釐定立法局直接選舉的日程，作爲參考；本人覺得，當區議會民選議員與委任議員之比例達到四比一之日，就是立法局可以開放部份議席給予直接選舉之時。本人認爲，區議會選舉的成熟與立法局改革的速度不但成正比例，而且相輔相承。

不過，本人對於區議會的委任議席，雖則認爲應在總議席的比例中日漸下降，然而委任制度的存在，是有一定的價值，不應完全廢除。本人相信，委任區議員都是有一定質素的優秀份子，對區議會的工作有所貢獻，同樣地，政府對立法局的委任議席，亦不應廢止，而且本人更希望政府在委任賢能進入區議會、市政局、區域議局、立法局和行政局中，應重視來自草根階層的選拔，因爲一般的草根階層的生活條件較差，爲了生計問題，很多有才幹的都沒有能力分身參與競選，而競選費用之高昂，又使一般獨立而有識見的平民百姓望而卻步。委任少數來自草根階層的市民，可以打破唯金錢式的參政，使各類議席，不致被富裕人士佔去大部份。此外，亦有不少有才幹的，基於個人理由不能參與競選者，例如僱主不鼓勵員工參與等等，委任制度可作爲補足。

閣下，本人建議在八七年進行代議政制的全面檢討，而檢討的內容應包括區議會中民選成員的比例可否進一步增加及立法局直接選舉是否有足夠條件可以開展兩點。正因爲代議政制是具有歷史性的政制改革，其進行的成功與否直接影響全港五百多萬市民的現在和將來，因此希望政府在邁進每一步之前，都先進行全面性的諮詢，使港人對自己的未來政制有機會發表意見和心聲。最後，本人並希望政府能在諮詢程序中，善於聆聽民意、接納民意並加以推行。

督憲閣下，本人謹此陳辭，支持動議。

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

Sir, I recall that in the middle of 1980 when I attended a meeting of the Area Committee, I was given a copy of the Green Paper on 'A Pattern of District Administration in Hong Kong' published by the Government. At that time, the City District Officer called on the Area Committee members to put forward their comments. Although I had reservations about the idea of district administration then, after I was appointed the first term District Board member in May, 1981 and having devoted myself to the work of district administration, I personally sensed the sincerity of the Government in moving towards an open political set-up. The first election of District Board members held in 1982 made the people of Hong Kong realise that the era of political indifference had given way to an era of political participation. No wonder the British Foreign Secretary, Sir Geoffrey Howe, said at the press conference on 20 April 1984—

‘In the days to come, the Government of Hong Kong will continue striding forward along the road to a representative government.’ And yesterday at the press conference Sir Geoffery once more stressed this point and he hoped that ‘Hong Kong will eventually become highly autonomous and Hong Kong people will be able to decide on their own policies.’

I realise that in these few years good efforts have been made by the Government to promote an open administration structure and to develop a representative government in Hong Kong, and I welcome the development of gradual participation by the public in policy-making as mentioned in the Green Paper on Representative Government. And this progressive development in the change of the political system will take its first step in the Legislative Council in 1985 when some seats of the Council will be elected by an electoral college, some by the functional constituencies, while the number of Unofficial Members appointed by the Governor will be reduced from 29 to 23. This direction of development will sustain.

I agree to the general direction towards a more representative government, but as for the pace and speed proposed in the Green Paper, I have the following remarks to make:— The Green Paper has laid down the composition of the Legislative and the Executive Councils in 1985, 1988 and 1991 which is a gradually progressive time schedule aimed at reducing the number of appointed Councillors gradually while increasing the number of members elected by the electoral college and the functional constituencies progressively. Whether the speed of implementation proposed in the Green Paper is too slow, moderate or too fast is still uncertain. I think the experiment of the coming three years can afford sufficient evidence for deciding whether the speed of change is suitable and we can make more appropriate arrangements for the development after 1988. Therefore, I suggest that Government should bring forward, from 1989 to 1987, the conduct of a full scale review of the representative government. 1987 is the ideal year, after the 1985 election to District Board and the 1986 election to the Urban Council and the Regional Council, the people of Hong Kong will have more experience as well as a better understanding of the operations of the electoral system. Thus the 1987 review will suffice for determining precisely the speed of development of the composition of the Legislative Council in 1988 and the future organisation of the Executive Council.

I feel that, from now until 1987, the Government should develop towards two major aspects: firstly, for the representative system to be introduced successfully and realistically, active participation by the people on their own initiative is most important. At present, politics is unfamiliar or even dreadful to many citizens of Hong Kong. Therefore, the Government should lend more substantial support in civic education in order to cultivate a sense of participation among the public. In this respect, the ‘non-intervention policy’ of the Government cannot be applied since participation in politics on the part of the public can hardly be achieved speedily without the keen promotion by the

Government. Secondly, the Government should, during the coming three years, strengthen the machinery for a close observation and appraisal of the various aspects where changes in the system of government are introduced, with reports frequently submitted, so that the overall review to be made in 1987 would be more firmly based and the actual position and progress more accurately and substantially grasped.

What the community is concerned at present is the degree of acceptability by the Hong Kong people towards such an open system of government. I think it is the people's fundamental right to decide who should run the Legislative Council. Therefore, the selection of part of the membership in the Legislative Council by direct election cannot be disputed and it is only a matter of time. As to whether direct election can effectively be introduced, much will depend on the people's participation in and readiness for politics. I notice that the elected element in District Board membership is gradually expanding and it may be estimated that in the next few years the Government should increase the number of elected seats in the District Board membership so as to further raise the proportion of elected District Board members in direct election. I attempt establish a criterion as a reference for the assessment of the dates of direct election into the Legislative Council: I think that once the ratio between the number of elected and appointed District Board members reaches 4:1, it would be time for the introduction of direct election to a number of seats in the Legislative Council. I think the rate of change in the Legislative Council is not only directly proportional but also complementary to the readiness of the election of District Boards members.

However, although I think that the proportion of appointed members in the total membership of District Board should be reduced progressively, there is a definite value in the existence of the appointment system which must therefore not be abolished altogether. I believe the appointed District Board members definitely have the ability and flair and they have contributed much to the work of District Boards. Similarly, the Government should not abolish the appointed Members of the Legislative Council either. Besides, I further hope that while selecting able persons into District Boards, the Urban Council, Regional Council, Legislative Council and Executive Council, the Government should pay attention to the selection of members from the grassroots level since their average living conditions are relatively poor and many just cannot afford to participate in electioneering. The electioneering expenses are so enormous that many ordinary citizens who are independent but not without shrewdness are simply scared away. The appointment of a few members from the grassroots level would shatter the kind of money monopolised political participation so that the seats would not largely fall into the hands of the rich. Furthermore, there are many able persons who are barred from participating in electioneering for personal reasons, such as the discouragement of their employers etc. In view of this, the appointment system can serve as a complement.

Sir, I propose to have a comprehensive review of the representative government in 1987. The issues to be reviewed include whether the number of elected members of the District Boards should be further increased and whether direct election to the Legislative Council could be implemented. As the introduction of representative government is a historical change in the political system, whether or not it is successful will directly affect the over five million people of Hong Kong at present and in the future. Thus, I hope that there will be a very comprehensive consultation by the Government in taking every step forward, so that the people of Hong Kong will have an opportunity to express their views on the future system of government. Finally, I hope the Government will, in the process of consultation, listen to, accept and carry out the views of the people.

Sir, with these remarks, I support the motion.

MR. POON:—Sir, in considering Government's plan in the Green Paper on the Further Development of Representative Government in Hong Kong, four questions should be asked:(1) Is it basically sound? (2) Is it suitable for Hong Kong? (3) Will it work? and (4) Can it be improved?

Firstly, is it sound? The proposals are prepared on the evolution of the existing framework of Government, namely, the Governor, the Executive Council and the Legislative Council. Though we do not have a democratic government, our present system is based on an efficient civil service, the rule of law and government by consensus. This has served us well as evidenced by the stability and the tremendous economic growth in Hong Kong. Times have changed and we must move towards a more democratic form of government in future. The question is how far and how quickly we should proceed. The various proposals in the Green Paper are progressive and aim at maintaining the continuity with the least disturbance of the machinery of Government. Though there are areas which receive a lot of comments and criticisms, the philosophies and principles of such plan are basically sound. It took the U.K. and U.S.A. more than one hundred years to develop their respective modern democratic electoral systems. Therefore a cautious and gradual approach is desirable for Hong Kong.

Secondly, is it suitable for Hong Kong? Hong Kong is now the third largest international financial centre. It is so because of the hard work of the local people, the resourcefulness and ingenuity of the entrepreneurs and the confidence of our overseas investors in our stability. If there are drastic changes in the form of government, people will not be sure of what to expect, for instance in Government's financial, taxation, land, labour and social policies. Investors, here and overseas, especially in the present circumstances, need to know such policies before making further business commitments in Hong Kong. In short, they need continuity, certainty and stability. Then what about the ideals and aspirations of the local people for democracy? One must therefore weigh the price for rapid introduction of democracy against the possible loss of confidence and the considerable problems of disruption caused by having

adversarial politics prematurely. Hong Kong has no natural resources. Whether we like it or not, we survive mainly on trade and industry. Therefore it is extremely important for us to maintain our business confidence. On the other hand, I agree that there should be social improvement and equality but the pace must be one that the business sector can adapt to. Representative government seems to me to be able to ensure a balance of achieving both aims and therefore suitable for Hong Kong in the interim period. Furthermore, what is suitable for other countries may not be suitable for Hong Kong. For example, Parliamentary Government in Britain is not based on 'proportional representation'. Members of Parliament are not directly elected by all the people but by their own constituencies. A government may have come to office on a minority of the votes cast. A general election merely vests the authority for government in the leaders of one of the major political parties for a period of not more than five years. In U.S.A., there are sophisticated and complicated machinery and process for elections and democratic government which have evolved through a long period of time. Different criteria and methods are used to elect members of Congress and Senate and the President. The Government in large measure concerns itself with adjustments between economic groups. Therefore, there are checks and balances and strict rules on 'lobbying'.

Thirdly, will it work? This depends on the people of Hong Kong. In the past, the people have shown little interest in politics and public affairs. It is encouraging to see many are now taking a much keener interest. This is definitely a sign of greater consciousness in public affairs. The proposed plan, though conservative, is safe taking into consideration the lack of education and experience in the democratic process in Hong Kong. In the midst of the many difficulties we have to face, we cannot afford to make any mistakes. The proposals do not rule out direct election, only that the position be reviewed after introducing representative government for four years. In theory, as a first step towards a more representative government, I find it reasonable and feasible to fill the Unofficials seats on the Legislative Council in 1985 partly by indirect election by an electoral college which is constituted on a geographical basis, partly by election by functional constituencies and partly by appointment. The difficulty is how to make the plan work. There will be problems initially in ensuring that the electoral college comes out with the right nominations. The definition and choice of 'functional constituencies' will be controversial. A lot of determination, goodwill and co-operation will be necessary from Government, the people and the various interest groups in Hong Kong. If everyone puts the future of Hong Kong as the paramount consideration, their joint efforts can make the plan a success.

Fourthly, can it be improved? The first reaction of some is, of course, to have direct election as soon as possible. Democracy has many meanings and is adopted in different forms in various countries. If it means merely 'universal franchise' or 'one vote for each', then the very basic requirements for such democracy are (a) the people are educated and know the true meaning of democracy and the rights and responsibility which carry with their votes, (b)

more people must register as voters and actually vote and (c) there must be sufficient capable and public-spirited people of integrity who are prepared to stand for elections and serve the community. A frank and realistic appraisal of our situation would indicate that the time is not yet ripe for direct elections, at least for the next few years. Furthermore, if direct election would mean 'majority rules', there must be safeguards against 'oppression of minority'. As we have no written constitution guaranteeing the rights of minority and individuals, such fears cannot be discounted. We want above all a just and free society. Democracy by itself is no panacea and does not necessarily produce such a society.

Finally, I would like to see a step up on civic education, encouragement of more people to register as voters and to vote at elections and a review in 1988 of the desirability of direct election, at least of some seats on the Legislative Council, i.e. one year before the time suggested by the Green Paper. If it is decided then that there should be direct election, the idea of having people nominated by the electoral college and functional constituent bodies standing for public election to Legislative Council may be a solution because this will ensure the quality and support of the candidates on the one hand and their ultimate responsibility and accountability to the public on the other.

Sir, with these remarks, I support the motion.

MR. YEUNG PO-KWAN delivered his speech in Cantonese:—

督憲閣下：香港在面對距離一九九七年實施港人治港祇有短短十三年時間，政制改革是一件急不容緩的工作。代議政制綠皮書的發表是切合時宜而這份綠皮書是本港政制發展的一項重大改變。本港現行政制，是以徵詢民意和以民意的大致所歸，作為施政的基礎。今次的建議是進一步採取措施去建立一個制度，使其權力立根於社會。這些建議的基本原則，就是香港將來的政治體制必須建基於現行已經證明運作良好的政治體制上。無可否認，現行體制能成功地帶給香港人享有長期社會繁榮安定的機會，所以香港人必須珍惜這種難能可貴的機會，因為這些機會就是奠定香港成功的基礎。為了使香港人能直接參與選定自己的政府就必須進一步擴大市民參予政府事務。但本港政治制度長期處於在被人領導地位，市民的政治意識較為薄弱，所以現在應該是開始培養政治領導人才的適當時候。為了確保香港社會的安定與和諧，培養人才的過程必須以穩定的步伐進行。今次建議的政制改革就是政府準備把權力逐步交給市民，而市民亦實在需要時間去充份了解和熟習這個新制度，以及從這制度中吸取經驗。政制改革絕對不能操之過急，也不能步伐太慢，如操之過急，出現混亂的可能性較大；相反地，如步伐太慢，則會妨礙培養人才的進展。適當的步伐決定於實際情況，例如市民對新制度了解和熟習的程度，又好像學生熟習一課課本內容所化時間一樣。在這方面，政府必須於擬定檢討日期按當時的社會情況作出順應改變。

綠皮書能逐漸引起各界關注是可喜的現象。目前已有很多民間團體各自舉辦各種有關綠皮書的活動。這些活動包括有公開論壇，研討會，講座，座談會，巡迴展覽，刊印資料，印發單張，攝製幻燈片，張貼展板，調查研究，訪問等等。這些活動需要充足時間來策劃及推動，而目的在使市民能有機會明白了解綠皮書內容，就將來進一步發展香港代議政制問題提出建議。由於這項政制改革是新嘗試，措施勢將影響未來政治架構，而現在又適逢盛暑假期，各行業人士每多離港避暑，活動的推廣勢必受阻，而參加者意見交換的機會亦必相應減少。為了能給予市民充份表達意見的機會，政府應考慮延長收集意見期限，由現時兩個月擴展至三個月或四個月。

提供意見祇是關注行動的一種表現。單是提供意見是不足夠的。市民（特別是選民）必須明白言行合一的重要性。言論必須配合行動始能獲得更佳效果。政制的改革是爲了選民的利益得到反映及照顧，但選民不可以坐在屋內期望民主會自動帶來利益。市民必須清楚凡年滿二十一歲，居住香港滿七年，便有資格登記爲選民。有選民資格的人士，估計有二百七十萬，但目前已登記爲選民的市民祇有九十萬人。所以，不論選舉採取何種方式，每一個合資格的選民，必須首先把握自己的公民權利登記爲選民。從登記到選舉期間，多些關心區內及香港事務，到選舉期時，勿放棄權利，務必親身前往投票，更重要的就是投票不要盲目，選擇不要被動。民主的目標當然是爲了全部市民的福利及利益有機會受到保障，但要達到目的，還須香港市民的積極行動。

有關選舉方面，任何推舉的方式，不論是委任制，間接選舉及直接選舉，都各有優點和缺點。理論上，香港將來的代議制如果能兼備委任，間接及直接選舉三者，是最健全的構思。實際上，不論選舉採取那種方式仍須以保持未來社會安定繁榮爲原則。有關改革的準備做得越調詳，則對日後所產生的不良影響會越少。推行民主政制，關鍵並不在於實行直接選舉，而是在於真正能有爲市民服務的人士參政。直接選舉與間接選舉祇是兩種不同性質的選舉方式。故推行直接選舉，並不是實施民主政制的首要條件，因最重要的，乃爲透過該兩種方式，選出真正爲市民服務的有能人士。既然香港政府現已向着民主社會目標邁進，熱心爲市民服務的有識之士，應本着一般熱誠及「有心不怕遲」的心態，先行參予區議會，區內組織或一些民間團體工作爲市民服務，待一切準備工夫及條件成熟後，政府應該考慮進一步開放立法局，實行直接選舉制度。

在現時階段中，個別市民或團體必須研讀綠皮書，把握時間，作出建議。這是我們的政府，不論現在或將來，我們都應盡市民的責任，在享有自由及人權的社會中，坦誠發言及充份行使自己應有的權利，務使自己所面對的將來政府能成爲自己心目中嚮往及感到自豪的一個政府。

督憲閣下，本人支持該項動議。

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

Sir, as there are only 13 years to go before Hong Kong is faced with the reality of 'Hong Kong being ruled by Hong Kong people' in 1997, the introduction of reforms into the government system has become an urgent task which admits of no delay. It is a timely act to publish the Green Paper on the Further Development of Representative Government in Hong Kong at this very moment and this paper marks a great change in the development of the system of government in Hong Kong. At present, the government system in Hong Kong operates on the basis of consultation and consensus. The Green Paper proposals aim at developing a system of government the authority for which is to be firmly rooted in Hong Kong. The basic principle of these proposals is to build such a system upon the existing institutions, which have served Hong Kong well. There is no doubt that the present system has provided good chances through which Hong Kong has been able to enjoy sustained periods of prosperity and stability. Hence, Hong Kong people should cherish the valuable chances provided by the present system which has laid the foundation of Hong Kong's success. The scope of government affairs in which Hong Kong people may take part must be further expanded before the people are able to

participate directly in choosing their own government. However, as far as its political system is concerned, Hong Kong has for a long time been led by others. The political awareness of the Hong Kong people is relatively weak. It is high time for Hong Kong to begin the training of its political leaders now. With a view to safeguarding the stability and harmony of Hong Kong, the process of training political leaders should be kept at a steady pace. The present proposals on reforms in the system of government spells out the Government's readiness to transfer gradually its authority to the people. Meanwhile, it really takes time for the people to comprehend and familiarise themselves with this new system and to develop experience through its operation. Political reforms must not be introduced with undue haste or sluggishness. If reforms are introduced with undue haste, there will be greater possibility of chaos. On the other hand, if they are introduced sluggishly, the training of political leaders will be hampered. The actual circumstances determine the pace of any political reforms. For instance, it is determined by the extent to which Hong Kong people can comprehend and familiarise themselves with the new system. It is also analogous to the learning process of the students. The Government should fix a date for review and make changes in respect of the conditions of the society at that time.

It is gratifying to see that the Green Paper is gradually receiving the attention of the public from all sectors of society. Many local organisations are organising various activities in connection with the Green Paper. These include organising open forums, seminars, lectures, talks and exhibition tours, publishing information, distributing tracts, filming and taking slides, putting up display panels, and conducting surveys and visits, etc. It takes time to plan and promote these activities in order that the public may fully understand the contents of the Green Paper before putting forward their suggestions for the further development of representative government in Hong Kong. As this is a new attempt to reform the system of government, the measure to be taken will definitely affect the future political structure of Hong Kong. And during this hot season when people from various sectors are mostly on vacation overseas, the promotion of the aforesaid activities would be slowed down. The chances for participants to exchange their views would likewise be reduced. In order that the public may have ample opportunities to express their views, the Government should consider extending the period of consultation from the present limit of two months to three or four months.

Putting forward suggestions is just one way of showing concern. This alone is not enough. All citizens (especially the voters) must try to understand the importance of matching one's words with actions. To obtain better results, words must be followed by actions. Reforms in the government system are introduced with the aim of taking care of and reflecting the interests of the voters. However, if one just sits at home and does nothing, one must not expect to find democracy to come automatically with all its benefits. So citizens must bear in mind that all residents aged 21 or above who have been living in Hong

Kong for 7 years are eligible to be registered as voters. However, out of an estimated potential electorate of 2.7 million, only a total of about 900 000 eligible citizens have registered as voters. No matter which method of election is adopted, every eligible citizen should first exercise their civil rights by registering as voters. From the time of registration to election, citizens should show more concern about the affairs in their districts and in Hong Kong. When the time of election comes, they must not give up their rights. They should go to the polls in person and cast their votes. It is even more important that they must not cast their votes blindly. They must make their own choice. To be sure, the aim of introducing democracy is to protect the welfare and interests of all the citizens. However, this can only be fulfilled with the active support of all the Hong Kong citizens.

As regards the subject of election, every method of selection, be it appointment, indirect election or direct election, has its own merits and drawbacks. In theory, it would be the soundest idea if the methods of appointment, indirect and direct election could be incorporated into the future system of representative government in Hong Kong. In fact, no matter which method of election we adopt, we should always uphold the principle of maintaining the stability and prosperity of the society. The more meticulously we prepare for the reforms, the less undesirable effects we shall get in future. The crux in implementing a democratic system does not lie in the introduction of direct elections, but rather in the participation of those persons who would really work for the people. Direct election and indirect election are just two different election methods. Therefore, to introduce direct elections is not the foremost requisite for the implementation of a democratic system—for the most important thing should be to elect, by means of these two methods, some able persons who would really work for the people. As the Hong Kong Government is now proceeding towards the goal of building up a democratic society, those who are with insight and are enthusiastic to serve the people should put their enthusiasm into practice. They should realise that ‘it is never too late if one has set one’s mind on doing a thing’, and start to serve the people by participating in the work of the District Boards or some local organisations or civic bodies. When all the preparation work has been done and the conditions are ripe, the Government should consider opening up the Legislative Council further and introducing direct elections to the Council.

At the present stage, each individual and each organisation should study the Green Paper and make suggestions in time. It is our own government. We should fulfil our duties as a citizen now and in the future. In a society where we can enjoy freedom and human rights, we should speak up candidly and exercise our rights fully so that the future government which we are going to face would be one which we have longed for and are proud to have.

Sir, with these remarks I support the motion.

THE CHIEF SECRETARY:—

*Introduction*

Sir, this debate has been timely. It is important that both the Government and the public at large should be aware of the present state of Members' thinking on the proposals in the Green Paper on the Further Development of Representative Government in Hong Kong. Their thoughtful comments will be taken fully into account when the White Paper comes to be drafted for submission to Executive Council for advice and I hope that this debate will encourage those members of the community who have not yet expressed their views on the Green Paper to do so now.

As Dr. HO Kam-fai, Mrs. Rita FAN and several other Members have stressed, it is most important that as many people as possible speak up on the proposals in the Green Paper and that on this occasion we do not have a 'silent majority'. To this end, the Government has been doing its utmost to stimulate public discussion and debate on the proposals and will continue to do so. To date 145 000 copies of the Green Paper have been distributed. This is a very large and even amazing number for an official publication, and I am advised that the local shortages, and they were short lived, had been overcome. Certainly, any number can be and will be made available on demand at all the usual contact points. The Government Information Services, Radio Television Hong Kong and the City and New Territories Administration have been tasked to ensure that the proposals are explained to as wide an audience as possible including, I can assure Mr. WONG Lam, Mutual Aid Committees and Area Committees. At the same time, the Government's machinery as a whole has been tasked to feed back all comments received and heard for central collation and analysis.

*The Objective of the Green Paper*

I welcome in particular Members' support for the general objective of the Green Paper which is, in fact, enshrined in its title, namely, the further development of representative government in Hong Kong. Members have also endorsed, it seems to me, the underlying approach adopted, that is to say, to build progressively on existing institutions and well-established practices. Certainly, Members seemed to agree that such development requires a system of government which is firmly rooted in our community, on which the views of the community are fully represented, and which is more directly accountable to the people of Hong Kong. As the mover of the motion, Mr. Roger LOBO and Mr. Stephen CHEONG and other Members stressed, it is most important to proceed in a manner which will maintain the stability and prosperity of Hong Kong at this very crucial moment in our history.

*Comments on the Green Paper*

Although I think it is true to say that the proposals in the Green Paper have been favourably received, some criticisms there have been, naturally, and I think they fall into five groups: the proposals are too cautious; no provision has been made for early direct elections to the Legislative Council; the concept

of functional constituencies has not been explained clearly enough; a truly representative system of government requires not only an elective system, but also the direct association of elected Members with the executive process; and finally the period allowed for public consideration and comment is too short.

### *The Proposals*

It is true that the proposals in the Green Paper are fairly cautious, although it should not be forgotten that they do represent a very significant change in the method of selecting the Members of the Legislative and Executive Councils— from a system of appointment by the Governor to one of indirect elections by the people of Hong Kong, mixed with some appointments by the Governor. In my opinion, no apology is necessary for proceeding cautiously and pragmatically. And as Mr. Stephen CHEONG pointed out, we must be realistic in what we do.

### *Direct Elections*

As regard the question of direct elections, I do not intend to repeat all the very valid and cogent reasons which have been set out in the Green Paper and which you, Sir, rehearsed comprehensively in your Address to this Council on 18 July, and which indeed have been reinforced by the remarks of many Members this afternoon, as to why it would not be wise to introduce such elections immediately. But I should make it clear that direct elections have not been ruled out forever. The time for them may come in due course, if strong popular support for the idea develops; and it is made clear in the Green Paper that this possibility could well be considered in the review which it is proposed should take place in 1989.

It was in this context that Mr. CHAN Ying-lun, Miss Pauline NG and some other Members argued that the review should take place earlier than 1989. There may well be a case for this, but we must take into account the possible risk of any disharmony within the community which the early introduction of direct elections to the Legislative Council might cause; and I note that most Members have taken a similar view this afternoon.

Here I must make a passing comment on Miss DUNN's point that there is what she calls a 'disadvantage' in those elected to District Boards and Regional Councils forming an electoral college for part of the membership of the Legislative Council. I would remind her that elected members of the Urban Council and of District Boards have successfully sat in this Chamber for some years. So I think we may have confidence in this electoral college proposal and, personal qualities and experience aside, there is a certain logic in the idea too, in this geographically compact territory, there is a close affinity between local and central government.

At the same time, I should like to echo the remarks made by Mr. YEUNG Po-kwan, Mr. WONG Po-yan and Mr. BROWN, among others, and strongly urge everyone to take the opportunity to participate in direct elections at the district level in 1985, and the regional level in 1986. So I, too, would call upon them to

register as voters during the forthcoming registration exercise, which commences on 15 August and goes on until the end of September of this year. Miss DUNN and Dr. HO Kam-fai rightly pointed out that an unrepresentative representative system would be a most unfortunate outcome of the implementation of the Green Paper's proposals.

The importance of quality candidates coming forward was also mentioned by several Members. I endorse Mr. WONG Lam's and Dr. Henrietta IP's call for a greater willingness on the part of those with a proven record of public service to stand for elected office; and I agree with Mrs. Pauline NG and Mr. BROWN that appropriate financial arrangements need to be devised to enable potential candidates from all walks of life to come forward and participate in the government of Hong Kong in the future. I also heartily endorse the calls made by Mr. Peter POON, Mr. WONG Lam, and Mr. CHEUNG Yan-lung and others for more civic education to be provided although, however apathetic Hong Kong people may be thought to be by Miss DUNN and Mr. Alex WU and Mr. POON about politics as such, it is not my personal experience—and I am sure it is not theirs either as Unofficial Members—it is not my personal experience that there is a lack of critical interest in how our public affairs are managed. Nevertheless, I am sure that the plans for developing civic education in schools described by the Director of Education in this Council on 25 July will ultimately improve what Mr. Peter WONG described as civic awareness.

#### *Functional Constituencies*

As regards functional constituencies, to which Mrs. Rita FAN, Dr. HO Kam-fai and several other Members referred, I agree that this concept is described in general terms only in the Green Paper and that many questions remain to be answered as to how to define the constituencies and the electoral rules to be applied. We were deliberately suggestive and suggestive only in the Green Paper. The purpose of a Green Paper, after all, is to stimulate public comments. Clearly, we need advice as to which sectors of the community should be represented by functional constituencies. Some examples are given in the Green Paper of which sectors should be perhaps so represented, including the legal and medical professions, the commercial, industrial and financial sectors, labour organisations and educational institutions. But these are examples only and, I must admit, they tend to reflect the constituencies traditionally represented on the Councils under the nominated system. The case for other sectors, such as social services and traditional organisations, will not be overlooked and all ideas forthcoming will be carefully considered. The aim is to identify all those sectors of our community which play an important role in our affairs, whatever they may be, and then decide how to cater for them.

When a definitive list of functional constituencies has been compiled, in the light of public comments and suggestions, it will be necessary to select those which should provide the first six Members of the Legislative Council to be elected on this basis in 1985 and, later on, those which will provide an additional six Members in 1988. We shall need to define these constituencies carefully as

well as determine how the electoral rolls for each of these constituencies should be drawn up. As has been indicated in the Green Paper, some functional constituencies will probably consist of the leading organisations within that sector of the community: others will consist of the individual members of the profession concerned. It will also be necessary to consider such questions as how the elections by these various functional constituencies should be conducted, and what the qualifications for voters and candidates should be.

Careful consideration is now being given to all these complex matters and proposed solutions will be put forward for debate in the White Paper. Then, detailed proposals will be laid before this Council in the normal way.

#### *A Ministerial System*

Miss DUNN argued that, only by linking the people's elected representatives with the Administration via a so called ministerial system would representative government have real meaning; and Mr. Peter WONG and Mr. Stephen CHEONG also touched on the possibility that, in due course, some Unofficial Members of Executive Council might assume executive responsibility for certain portfolios. Although there are perfectly valid arguments in favour of introducing such a system, and the link between the Executive and Legislative Councils on the one hand and the Administration on the other presently provided by Ex-officio and Official Members could just as logically be provided by appointing some Unofficial Members to executive posts, it would represent a radical change in the present constitutional and administrative system in Hong Kong. That is no contrary argument in itself and I can assure Miss DUNN and Mrs. Selina CHOW that our minds are not closed to this possible viewpoint. However, we must avoid overloading the system with too many simultaneous reforms and we must be quite clear as to the implications of such appointments for the collective policy-making role of the Executive Council. Equally, the implications of a ministerial system for the civil service would have to be carefully and clearly thought through. However, as with direct elections, the possibility of introducing a ministerial system later on or some appropriate variant of it can be considered when the overall position is reviewed in five years' time.

Mrs. Selina CHOW suggested that early attention should be given to the process by which the chief executive is selected and how his powers should be defined. As you, Sir, said in your address to this Council on 18 July, these are matters requiring further and careful reflection.

#### *Period for Public Consultation*

Finally, as regards the period of two months which has been given for public consideration and comment on the Green Paper, I agree with Mr. BROWN that, ideally, it would have been better if a rather longer period could have been allowed for but, as we all know, events are moving very fast these days. Bearing in mind that the next District Board elections will be held in March 1985 and all the legislative and administrative preparations which will have to be made to

meet the aim of holding the first elections to the Legislative Council in July 1985, the sooner we can reach a firm decision on the proposals in the Green Paper, the better. In any case, the volume of public comment which has already been forthcoming, some of which was reflected this afternoon by Miss TAM and Mrs. FAN, clearly demonstrates that the people of Hong Kong do not need very long to voice their opinions on important matters of this sort. I am confident that by mid-September we shall have obtained a very clear idea of the views of the majority of the population on the proposals.

I can assure Members that all these views and, of course, the views they have expressed this afternoon, will be considered most carefully and will be taken into account in the preparation of the draft paper, which, in its turn, will be placed before this Council for debates later this year.

*Conclusion*

Sir, I certainly am of the belief that the proposals in the Green Paper on the Further Development of Representative Government in Hong Kong can be commended to the public for examination and comment and I have, therefore, much pleasure in supporting the motion.

*Question put and agreed to.*

**Adjournment and next sitting**

HIS EXCELLENCY THE PRESIDENT:—In accordance with Standing Orders I now adjourn the Council until 2.30 p.m. on Wednesday, 8 August 1984.

*Adjourned accordingly at thirteen minutes past six o'clock.*