

1 HONG KONG LEGISLATIVE COUNCIL -- 29 November 1989

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OFFICIAL REPORT OF PROCEEDINGS

Wednesday, 29 November 1989

The Council met at half-past Two o'clock

PRESENT

HIS EXCELLENCY THE GOVERNOR (PRESIDENT)

SIR DAVID CLIVE WILSON, K.C.M.G.

THE CHIEF SECRETARY

THE HONOURABLE SIR DAVID ROBERT FORD, K.B.E., L.V.O., J.P.

THE FINANCIAL SECRETARY

THE HONOURABLE SIR PIERS JACOBS, K.B.E., J.P.

THE ATTORNEY GENERAL

THE HONOURABLE JEREMY FELL MATHEWS, C.M.G., J.P.

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

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

SECRETARY FOR HOME AFFAIRS

THE HONOURABLE STEPHEN CHEONG KAM-CHUEN, C.B.E., J.P.

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

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

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

DR. THE HONOURABLE HENRIETTA IP MAN-HING, O.B.E., J.P.

THE HONOURABLE CHAN YING-LUN, O.B.E., J.P.

THE HONOURABLE MRS. RITA FAN HSU LAI-TAI, O.B.E., J.P.

THE HONOURABLE CHENG HON-KWAN, J.P.

THE HONOURABLE CHUNG PUI-LAM, J.P.

THE HONOURABLE HO SAI-CHU, M.B.E., J.P.

THE HONOURABLE HUI YIN-FAT, O.B.E., J.P.

THE HONOURABLE MARTIN LEE CHU-MING, Q.C., J.P.

THE HONOURABLE DAVID LI KWOK-PO, J.P.

THE HONOURABLE NGAI SHIU-KIT, O.B.E., J.P.

THE HONOURABLE POON CHI-FAI, J.P.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAI CHIN-WAH, J.P.

THE HONOURABLE MRS. ROSANNA TAM WONG YICK-MING, J.P.

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE ANDREW WONG WANG-FAT, J.P.

THE HONOURABLE LAU WONG-FAT, M.B.E., J.P.

THE HONOURABLE GRAHAM BARNES, C.B.E., J.P.
SECRETARY FOR PLANNING, ENVIRONMENT AND LANDS

THE HONOURABLE MICHAEL LEUNG MAN-KIN, J.P.
SECRETARY FOR TRANSPORT

THE HONOURABLE EDWARD HO SING-TIN, J.P.

THE HONOURABLE GEOFFREY THOMAS BARNES, C.B.E., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE CHAU TAK-HAY, J.P.
SECRETARY FOR HEALTH AND WELFARE

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

THE HONOURABLE MARTIN GILBERT BARROW, O.B.E.

THE HONOURABLE PAUL CHENG MING-FUN

THE HONOURABLE MICHAEL CHENG TAK-KIN, J.P.

THE HONOURABLE DAVID CHEUNG CHI-KONG, J.P.

THE HONOURABLE RONALD CHOW MEI-TAK

THE HONOURABLE MRS. NELLIE FONG WONG KUT-MAN, J.P.

THE HONOURABLE MRS. PEGGY LAM, M.B.E., J.P.

THE HONOURABLE DANIEL LAM WAI-KEUNG, J.P.

THE HONOURABLE MRS. MIRIAM LAU KIN-YEE

THE HONOURABLE LAU WAH-SUM, J.P.

DR. THE HONOURABLE LEONG CHE-HUNG

THE HONOURABLE LEUNG WAI-TUNG, J.P.

THE HONOURABLE JAMES DAVID McGREGOR, O.B.E., I.S.O., J.P.

THE HONOURABLE KINGSLEY SIT HO-YIN

THE HONOURABLE MRS. SO CHAU YIM-PING, J.P.

THE HONOURABLE JAMES TIEN PEI-CHUN, J.P.

THE HONOURABLE MRS. ELSIE TU, C.B.E.

THE HONOURABLE PETER WONG HONG-YUEN, J.P.

THE HONOURABLE YEUNG KAI-YIN, J.P.
SECRETARY FOR EDUCATION AND MANPOWER

THE HONOURABLE MRS. ANSON CHAN, J.P.
SECRETARY FOR ECONOMIC SERVICES

ABSENT

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

THE HONOURABLE PANG CHUN-HOI, M.B.E.

PROF. THE HONOURABLE POON CHUNG-KWONG, J.P.

DR. THE HONOURABLE DANIEL TSE, O.B.E., J.P.

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL
MR. LAW KAM-SANG

Papers

The following papers were laid on the table pursuant to Standing Order 14(2):

Subject

Subsidiary Legislation

L.N. No.

Commissioner for Administrative Complaints Ordinance

Commissioner for Administrative

Complaints Ordinance (Amendment of

Schedule 1) (No. 2) Order 1989..... 373/89

Road Traffic Ordinance

Road Traffic

(Public Service Vehicles)

(Amendment) (No. 4) Regulations 1989..... 374/89

Registration of Persons Ordinance

Registration of Persons (Application

for New Identity Cards) (No. 16)

Order 1989.....

377/89

Revised Edition of the Laws Ordinance 1965

Revised Edition of the Laws

(Correction of Errors) (No. 4) Order 1989..... 378/89

Securities Ordinance

Securities (Stock Exchange Listing)

Rules 1989.....

379/89

Public Health and Municipal Services Ordinance

Cremation and Gardens of Remembrance
(Urban Council) (Amendment) By-Laws 1989..... 380/89

Interpretation and General Clauses Ordinance
Specification of Public Office..... 381/89

Sessional Papers 1989-90

No. 20-- Hong Kong Council on Smoking and Health Annual Report
1988-1989

No. 21 -- Hong Kong Housing Authority
Annual Accounts for the Year ended 31st March 1989 and
Balance Sheet as at that date

No. 22-- Regional Council Annual Report 88/89

No. 23-- Regional Council, Hong Kong Accounts for the year ended
31 March 1989 with Report and Certificate of the
Director of Audit

Oral answers to questions

Overseas economic and trade offices

1. MR. BARROW asked: Will Government consider strengthening the overseas economic offices and expanding their services, as well as fostering closer co-operation between these offices and the overseas outposts of quasi-governmental or private organizations with a view to establishing a comprehensive network for promoting Hong Kong's status as an international commercial and financial city?

FINANCIAL SECRETARY: Sir, we have established a number of overseas economic and trade offices in countries which are our major trading partners. Their primary role is to facilitate the conduct of commercial relations and to promote investment in Hong Kong. Inevitably the overseas offices are involved in some aspects of public relations and

promotional work.

Specifically, in answer to the question, the Secretary for Trade and Industry, who has overall responsibility for these overseas offices, does, indeed, regularly review their work. Where development or change is warranted, we take whatever steps are necessary to strengthen or expand the role of the offices within the objectives I have described.

Sir, Mr. BARROW has alluded to the work of other quasi-government or private organizations in relation to the promotion of Hong Kong. In this he is correct. The work carried on by the Government offices forms only part of the overall effort of projecting the image of Hong Kong overseas. The Trade Development Council and the Tourist Association also have specific responsibilities in this regard.

Co-operation between all these agencies is essential, and well established contacts have been made by staff of the overseas offices of the Hong Kong Government with their counterparts from the Trade Development Council, the Tourist Association and branches of Hong Kong firms. So far this close co-operation has worked well, and where necessary we will of course strengthen it in the interests of promoting Hong Kong's status.

MR. BARROW: Sir, the Financial Secretary has referred to co-operation between agencies overseas. Whilst we should avoid introducing bureaucracy, is there not a need for the wide range of Hong Kong's public and private organizations in many major cities to meet together perhaps relatively informally, say, every two months, to ensure a co-ordinated approach to promoting Hong Kong as an international commercial and financial centre?

FINANCIAL SECRETARY: Sir, I think we must leave it to the officers in charge of these government economic and trade offices to decide how often they should meet, but I certainly sympathize with what Mr. BARROW has said and I will convey his comments to the heads of these overseas offices.

MR. MCGREGOR: Sir, since the Trade Development Council has by far the greatest number of overseas offices, will the Government consider allowing or requiring the Trade

Development Council to work in co-ordination with the Industry Department in industrial investment promotion?

FINANCIAL SECRETARY: Sir, we do, in fact, keep in contact with the Trade Development Council and where necessary, or where it is feasible, we do use the offices of the Trade Development Council to assist us in promoting Hong Kong as a place for inward investment. But again, I will take note of Mr. MCGREGOR's remarks and convey them to the heads of overseas offices.

MRS. FAN: Sir, our recent experience has shown that the international image of Hong Kong places too much emphasis on the economic side rather than the day-to-day side, and this has had an effect on a number of issues on which Hong Kong dearly wishes to get the message across. Would the Government consider extending the portfolio and the scope of work of these overseas government offices in order to project a more realistic image of Hong Kong as a community which is civilized and also caring?

FINANCIAL SECRETARY: Sir, that is a very wide-ranging supplementary question. As I said in my principal answer, the primary responsibility of these overseas offices is in relation to economic and trade matters. In addition, we take the view that the offices should work in accordance with relevant paragraphs in the Joint Declaration, and Mrs. FAN will of course be conversant with paragraph 3(7) of the Joint Declaration which refers to the Hong Kong Special Administrative Region retaining the status of an international financial centre. So, in fact, these offices should concern themselves with economic and trade matters. I think there are implications in that that will satisfy what Mrs. FAN was saying that Hong Kong, as an economy, is indeed a caring place and these messages are got over by the overseas offices.

MR. MICHAEL CHENG (in Cantonese): Sir, would the Government consider employing full-time professional public relations staff in these overseas offices to promote Hong Kong's economic and trade matters?

FINANCIAL SECRETARY: Sir, I think the staff in the overseas offices are already doing a very good job. Where there is a specific need to engage public relations staff

or consultants, we would do so.

Use of hand held telephones by drivers

2. MR. PETER WONG asked: Will the Government inform this Council whether there is any evidence that the use of hand held telephones by vehicle drivers has been a contributory cause to accidents?

SECRETARY FOR TRANSPORT: Sir, on the basis of available statistics, there is no evidence to suggest that the use of portable radio telephones or car phones by vehicle drivers has been a contributory cause to traffic accidents. I would, however, point out that it is virtually impossible to relate the use of hand held telephones to traffic accidents directly unless a police officer was observing the driver of a vehicle using a hand held telephone at the time of an accident, or the drivers themselves admit using such telephones while driving.

Despite this, from a road safety point of view, the use of car or mobile telephones while driving is not desirable and should be discouraged. Such advice is contained in the Road Users' Code published in 1987. The same safety message will be publicized again shortly.

MR. PETER WONG: Sir, a driver who is dialling a new number on his portable set will invariably be taking his eyes off the road and diverting his attention from the job of driving. Under existing laws, should such a driver be prosecuted for careless driving?

SECRETARY FOR TRANSPORT: No, Sir. Under the existing laws in Hong Kong, or indeed, any other laws in the world, no such prohibition is in force because either in Hong Kong or overseas, there is so far no evidence to show that using a telephone while driving is dangerous to driving.

MR. ARCULLI: Sir, is the Secretary for Transport aware of the position in the United Kingdom? As far as I am aware, one is not allowed to drive and speak on the phone

at the same time, as a matter of law.

SECRETARY FOR TRANSPORT: Sir, I have been advised that there is no such law as the one suggested by Mr. ARCULLI in the United Kingdom. But on the United Kingdom experience, there was a survey done by a market research firm in 1986 on the driving habits of drivers using car phones and that survey indicated there was no evidence to show that dialling while driving was directly contributory to accidents.

Care for the elderly

3. MRS. SO asked (in Cantonese): According to statistics released by the Census and Statistics Department, 12.6% of the local population were aged 60 or above in mid-1989 and the percentage is expected to rise to 15.5 in 2002, reflecting a gradual increase in the elderly population. Will Government consider formulating a long-term policy to promote the well-being of the elderly?

SECRETARY FOR HEALTH AND WELFARE: Sir, the Government already has a long-term strategy for promoting the well-being of the elderly. Its general approach of fostering "care in the community and by the community" has been well tested in both Western and Asian communities and is in line with the traditions of a Chinese society.

Our aim is to assist the elderly to lead a productive life in the community for as long as possible. In addition to direct cash assistance under the social security system which includes the Old Age Allowance, a wide range of community support services are provided to enable our senior citizens to live independently, as well as to help families look after their elderly members. Such services include social and multi-service centres, day care centres and home help.

"Care in the community" is also the concept adopted in our health programme for the elderly. The Central Health Education Unit publicizes and educates the elderly on the importance of maintaining a healthy lifestyle and preventing diseases. The general out-patient service provides medical treatment and there are arrangements at many of these clinics for priority consultation for the elderly. For elderly patients discharged from hospitals and infirmaries, the community nursing service provides nursing care to assist their recovery in the home environment.

For those who are unable to continue living independently in the community, there

are a range of residential facilities, including hostels, homes and care-and-attention homes, together with infirmaries for those requiring constant nursing care. The projected demand for, and planning of, these and other facilities for the elderly is based on population ratios which are periodically reviewed.

As you, Sir, announced in your address to this Council last month, a review of our social welfare services will shortly be launched. This will provide the opportunity for a comprehensive examination of all social welfare programme areas, including the elderly services, and will lead to the publication of a White Paper on social welfare. Full account will be taken in this review of demographic changes in our society, including the projected increase in the proportion of elderly in Hong Kong's population.

Furthermore, Sir, the Working Party on Primary Health Care, which is tasked with conducting a comprehensive review of primary health care in Hong Kong, will pay attention to the special needs of the elderly. Moreover, following advice by the Medical Development Advisory Committee, residential nursing care for the elderly will be the subject of an internal review, with a view to achieving better co-ordination in the provision of such services.

MRS. SO (in Cantonese): Sir, will Government inform this Council whether it has considered granting concessions to the elderly on medical and transport services?

SECRETARY FOR HEALTH AND WELFARE: Sir, as I said in my reply just now, priority consultation is provided for elderly people at many of our general out-patient clinics, and as far as transport services are concerned, there is a transport service for group outings for the elderly in the form of a pool bus provided by subvented agencies.

MR. TAM (in Cantonese): Sir, more than 70% of employees in Hong Kong do not have retirement benefits. Even if some companies, such as the China Motor Bus Company, do provide such benefits, the amount is very small. The CMB workers pointed out that they had to lead a miserable life after retirement. Will Government inform this Council how such situation can be improved in order to safeguard livelihood of the elderly after retirement?

SECRETARY FOR HEALTH AND WELFARE: Sir, the subject of retirement benefits is outside the scope of my responsibilities. But I can inform this Council that public assistance is available to all age groups, including the elderly. For elderly people receiving public assistance we do have an Old Age Supplement, and for other elderly people we have an Old Age Allowance. The qualifying age for this will have been lowered from the previous age of 70 or above gradually to 65 by 1991.

MR. MCGREGOR: Sir, since Hong Kong now enjoys a per capita income close to that of some developed countries, will the Government give consideration to the establishment of an old age pension by right, and not subject to any form of means test, for our citizens who reach the age of 65?

SECRETARY FOR HEALTH AND WELFARE: Sir, that again is outside the scope of my responsibilities, but I can inform this Council that the social security system including the Old Age Allowance will be reviewed by the Working Party on Social Welfare, which is about to be set up.

MR. PETER WONG: Sir, will the working party referred to by the Secretary be looking at respite care services for the elderly?

SECRETARY FOR HEALTH AND WELFARE: Sir, the working party will look at the full range of services now being provided under social welfare.

MR. MICHAEL CHENG (in Cantonese): Sir, the present demand for care-and-attention homes is great. Will Government inform this Council how long elderly people have to wait before they can be admitted and what plans the Government has for expanding care-and-attention home places?

SECRETARY FOR HEALTH AND WELFARE: Sir, on the first part of the question, there is a central waiting list for care-and-attention homes, but I am not able to tell Mr. CHENG how long elderly people have to wait before they can be admitted. I will give

him an answer in writing. (Annex I) As regards our plans for expanding care-and-attention home places, we intend to increase the number of places from the current 1 980 to 6 201 by 1993-4.

DR. LEONG: Sir, in these days where ambulatory health care is the aim of all forms of treatment, can the Administration inform this Council whether there are currently adequate facilities to prevent the elderly, after being discharged from infirmaries, from repeated re-admissions?

SECRETARY FOR HEALTH AND WELFARE: Sir, the Government at present provides a community nursing service, which is aimed at providing domiciliary medical and nursing care and treatment to discharged hospital patients, providing nursing care and treatment and rehabilitation to geriatric and handicapped patients, and also educating and motivating the patients and their families to participate in the treatment process.

MR. TAI: Sir, relating to the comprehensive review of primary care in respect of the special needs of the elderly, would the Secretary for Health and Welfare consider the provision of free dental service to the elderly, since we have an over-supply of dentists in Hong Kong?

SECRETARY FOR HEALTH AND WELFARE: Sir, the primary health care review does not cover dental services, but I can tell Mr. TAI that elderly people who require emergency dental treatment for the relief of pain or the removal of sepsis can already attend government dental clinics where emergency treatment is available. Dental services are also provided for elderly patients in government hospitals for whom dental treatment is regarded as an essential part of the medical treatment. There is a visiting dental service which is provided to residents in remote areas, many of whom are old people. In addition, the cost of dental treatment for old people who are recipients of public assistance are fully reimbursed, provided they attend one of the dental clinics designated by the Social Welfare Department for this purpose.

MR. TAM (in Cantonese): Sir, would Government agree that: (1) public assistance and Old Age Allowance are so small in amount that if the elderly rely on nothing but these allowances for living, their standard of living will suddenly be lowered after

retirement; (2) if a lot of elderly people claim such allowances, it will also be a serious financial burden to the Government?

SECRETARY FOR HEALTH AND WELFARE: Sir, the purpose of the social security system is to bring the income of needy individuals and families up to a level where essential requirements can be met, and we are satisfied that this purpose is being met. As regards these cash benefits, they are all reviewed annually and adjusted for inflation to maintain their real purchasing power. As to the second part of the question, Sir, of course if more people apply for public assistance the expenditure will increase, naturally.

MR. MICHAEL CHENG (in Cantonese): Sir, because of the inadequacy of welfare and care for the elderly, there is a rising trend in respect of the suicide rate amongst elderly people. Will Government inform this Council what action it will take to solve the problem?

SECRETARY FOR HEALTH AND WELFARE: Sir, I am not aware of the trend cited by Mr. CHENG. If it is indeed true, then it is most unfortunate. The Government, as I have said already, has a long-term strategy for promoting the well-being of the elderly, and we will continue to expand the facilities for the elderly, which I have referred to in my main reply.

MR. CHOW: The community nursing service now completely relies upon the subvented organizations. Does the Administration consider whether the existing CNS is adequate, and would the Administration consider reviewing the CNS?

SECRETARY FOR HEALTH AND WELFARE: Sir, the CNS is under regular review. I believe that there are already CNS stations in government hospitals, and new ones are being planned, for example, in the Tuen Mun Hospital and the Pamela Youde Hospital, which will come on stream in the next two to three years. As regards the adequacy of the service, I am told that the present manpower available can adequately deal with all the referrals from hospitals and infirmaries for this service, Sir.

Written answer to question

Pension increases

4. MRS. FAN asked: Will Government inform this Council whether it has any plans to review the existing policy on pension increases and if so, whether it will review the appropriateness of using the Consumer Price Index (A) as a reference factor for adjusting pension increases to maintain the purchasing power of the basic pension?

CHIEF SECRETARY: Sir, it has been the Government's policy since 1975 to maintain the original purchasing power of civil service pensions, including widows' pensions payable under the Widows and Orphans Pension Scheme and the Widows' and Children's Pensions Scheme. This is achieved by periodic pension adjustments by reference to changes in the Consumer Price Index (A).

In response to requests from staff and pensioners, these arrangements are currently under review, and we are considering whether any changes are warranted to meet present day circumstances. Among other things, the appropriateness of using the Consumer Price Index (A) as the statistical basis for adjusting pensions will be examined, and the merits of using other indices will be assessed. It is, however, premature to say at this stage what, if any, changes will be made to the existing arrangements.

First Reading of Bills

URBAN COUNCIL (AMENDMENT) BILL 1989

REGIONAL COUNCIL (AMENDMENT) BILL 1989

Bills read the First time and ordered to be set down for Second Reading pursuant to Standing Order 41(3).

Second Reading of Bills

URBAN COUNCIL (AMENDMENT) BILL 1989

THE CHIEF SECRETARY moved the Second Reading of: "A Bill to amend the Urban Council Ordinance."

He said: Sir, I move that the Urban Council (Amendment) Bill 1989 be read the Second time.

At present section 39(3)(b) of the Urban Council Ordinance restricts the payment of allowances to members of the Urban Council to meet only expenses incurred in connection with the discharge of a member's office. This provision, as it now stands, does not cover members' loss of salary or wages as a result of their attendance to Council duties. Legislative amendments are therefore required to remove this restriction.

Following the enactment of the amendment legislation, the arrangements for the payment of allowances to members of the Urban Council will be brought in line with the practices of the district boards and OMELCO.

The proposal is initiated by the Urban Council and is not connected with the level of allowances, the maximum of which will continue to be determined by the Council itself. It will, however, provide greater flexibility in the payment of allowances to members of the Urban Council.

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

Question on the adjournment proposed, put and agreed to.

REGIONAL COUNCIL (AMENDMENT) BILL 1989

THE CHIEF SECRETARY moved the Second Reading of: "A Bill to amend the Regional Council Ordinance."

He said: Sir, I move that the Regional Council (Amendment) Bill 1989 be read the Second time.

For the same reasons as given in moving the Second Reading of the Urban Council (Amendment) Bill, the Regional Council (Amendment) Bill seeks to amend a similar provision in section 41(3)(b) of the Regional Council Ordinance. The amendment has

the support of the Regional Council.

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

Question on the adjournment proposed, put and agreed to.

CUSTOMS AND EXCISE SERVICE (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 15 November 1989

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

STAMP DUTY (AMENDMENT) BILL 1989

Resumption of debate on Second Reading which was moved on 15 November 1989

Question on the Second Reading of the Bill proposed, put and agreed to.

Bill read the Second time.

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

Committee Stage of Bills

Council went into committee.

CUSTOMS AND EXCISE SERVICE (AMENDMENT) Bill 1989

Clauses 1 to 11, 13 and 14 were agreed to.

Clause 12

FINANCIAL SECRETARY: Sir, I move that clause 12 be amended as set out in the paper

circulated to Members.

The amendments seek to remove any doubt that Government property is liable to the provisions of clause 12, and to clarify that the value of unreturned or damaged government property shall be recoverable as a civil debt.

Sir, I beg to move.

Proposed amendment

Clause 12

That clause 12 be amended, in paragraph (b) --

(a) by inserting "or Government property" after "accoutrements" where it appears 5 times;

(b) by deleting "may be recoverable" where it appears twice and substituting "shall be recoverable";

(c) by deleting from proposed subsection (3)(b) "if the property" and substituting "if any property".

Question on the amendment proposed, put and agreed to.

Question on clause 12, as amended, proposed, put and agreed to.

STAMP DUTY (AMENDMENT) BILL 1989

Clauses 1 to 4 were agreed to.

Council then resumed.

Third Reading of Bills

THE ATTORNEY GENERAL reported that the

CUSTOMS AND EXCISE SERVICE (AMENDMENT) BILL 1989

had passed through Committee with amendments and the

STAMP DUTY (AMENDMENT) BILL 1989

had passed through Committee without amendment. He moved the Third Reading of the Bills.

Question on the Third Reading of the Bills proposed, put and agreed to.

Bills read the Third time and passed.

Member's Motion

VIETNAMESE BOAT PEOPLE

MR. ALLEN LEE moved the following motion:

"That this Council urges Her Majesty's Government to secure as soon as possible, whether through the full implementation of the Comprehensive Plan of Action agreed at Geneva in June this year or through bilateral agreement with the Vietnamese Government, the urgent mandatory repatriation from Hong Kong to Vietnam of all Vietnamese boat people classified as non-refugees."

MR. ALLEN LEE: Sir, I rise to move the motion standing in my name on the Order Paper.

Hong Kong has been facing up to the problems posed by the Vietnamese boat people for more than 14 years. We have provided first asylum to almost 170 000 Vietnamese boat people, and today 57 000, a third of them, are still in Hong Kong. While we are bearing up the tremendous strain placed on the land and manpower resources of the territory, the problems are not going away. In fact, the prospect seems bleak unless a solution is found quickly. When we last debated on the question of Vietnamese boat people in this Council in May 1989, the number of Vietnamese boat people at that time was 33 000. Today, the number has swollen to 57 000. Of this number, 44 000 do not qualify as refugees under the internationally accepted definition. They are economic migrants who have come to Hong Kong in the hope of

getting resettlement in western countries. However, they will not be able to do so because they are not refugees. Under the screening policy introduced on 16 June 1988, those who have been screened out as non-refugees have no hope of resettlement. Not many are returning home on their own accord. So far, approximately 500 Vietnamese boat people have returned to Vietnam voluntarily. This has made little impact on the number of those who are still in Kong Kong and we do not know how many more will come.

Mandatory repatriation is, as I see it, the best arrangement for everyone concerned. I say this not only for Hong Kong because we are bearing the brunt of looking after the non-refugees, but for the non-refugees themselves as well. Since they do not qualify as genuine refugees they have no hope of going where they want to go. They are illegal immigrants and mandatory repatriation is an internationally accepted method for dealing with illegal immigrants. If an arrangement is made whereby they can return to Vietnam with practical assistance and supervision in a humane and dignified manner, and with the assurance that they will not be unfairly treated, they can end their uncertain confinement in the detention centres in Hong Kong and resume a normal life at home. This arrangement is in fact an essential component of the screening policy.

Hong Kong is not in a position to determine what we can do with the Vietnamese boat people in Hong Kong. We have been accommodating them, providing them with food and shelter, looking after their medical and social services, maintaining order and safety -- all at the expense of burdening our own already limited resources with this intolerable problem.

The Comprehensive Plan of Action drawn up in Geneva at the international conference in June this year held out hope for a more realistic solution for dealing with the non-refugees. The conference agreed that non-refugees should be repatriated to Vietnam. It set up a steering committee to examine the adoption of measures which would ensure that non-refugees would return to their country of origin. This, in my view, must be carried out and carried out without delay. Something has to be done urgently to resolve the problem of Vietnamese boat people stranded in Hong Kong. We are stretched to our limits.

The British Prime Minister's strong stand in favour of mandatory repatriation of the Vietnamese boat people because they are illegal immigrants is welcome indeed. We want to see action to resolve this long standing problem. It is clear that the

Hong Kong community will not tolerate another year of influx such as this year.

Finally, Sir, I have written to about 60 Senators and Congressmen of the United States to explain the problem that we are facing with regard to the Vietnamese boat people at the current moment. There is no reason for the United States to oppose mandatory repatriation of illegal immigrants when they are practising this everyday at the United States-Mexican border. If the United States cannot accept illegal immigrants, why are they forcing us to do so? As I said we have done more than our part in the past 14 years in the handling of Vietnamese boat people. Mandatory repatriation must be carried out and carried out urgently.

Sir, I beg to move.

Question on the motion proposed.

MR. CHAN (in Cantonese): Sir, we all know that the Vietnamese refugees problem falls within the ambit of foreign affairs and should therefore be handled by the British Government. Such being the case, we do not know the full details of negotiations on the issue. Perhaps I have some misunderstandings about the British Government's handling of this matter, but there are many indications that Hong Kong's interests have not been properly safeguarded at the negotiation table. As a matter of fact, the screening policy has proved to be utterly ineffective in deterring boat people from coming to Hong Kong, nor can it help us to send them back. On the contrary, we have witnessed an even greater influx of boat people to Hong Kong. Out of 10 arrivals, less than one is screened in as refugee; that is to say, the boat people have less chances of resettlement in the United States. If we look at the entire issue from the viewpoint of our resources and the well-being of the boat people, of course we would like to have more boat people qualified as refugees. It will be most desirable if nine out of 10 arrivals or even more are screened in as refugees, for in that case, Hong Kong only needs to offer assistance to a small minority of boat people.

Under the existing circumstances, the United States is the sole beneficiary. The Americans therefore object to our proposal of implementing the mandatory repatriation policy, thereby forcing us to continue to shoulder the boat people burden. They know that once Hong Kong implements the mandatory repatriation policy, it will indirectly cease to be a port of first asylum, and other places in the region will follow suit. In that case the United States will have to face the problem directly. Would the

United States Government be that foolish? I believe that only kind-hearted people like us in Hong Kong are willing to do so.

On the basis of humanitarianism and the belief that "it is better to save one life than to build a seven-storey pagoda to please god", Hong Kong people are doing all they can to shoulder the boat people burden although it is known that they are being exploited. However, the situation cannot be allowed to continue forever, for Hong Kong is already overcrowded with people and there is an acute shortage of security personnel. We are now like "a clay Buddhist idol crossing a river", being hardly able to save even ourselves.

Sir, the boat people problem which has been harassing us from the very beginning is going from bad to worse. The far from satisfactory conditions inside the boat people centres frequently led to fightings among the inmates, posing a security threat to residents in the vicinity. Unless the international community promptly makes arrangements for them, I am afraid they will become even more agitated. This is not only harmful to Hong Kong, but also extremely inhumane to the boat people as well.

I would like to call on the Government to introduce mandatory repatriation as soon as possible in order to deter another influx of boat people next year. Should mandatory repatriation be of no avail, then it is imperative for us to abolish the first asylum policy.

Hong Kong people have strongly demanded the scrapping of the first asylum policy and we should reserve the right to take this initiative. I hold the view that since the Hong Kong and British Governments are backed up by strong public opinion, they should adopt a more unequivocal stance and a firmer attitude in seeking an early solution to the problem.

Finally, I would like to reiterate the appeal I made in the last debate. I hope that the resettlement countries, led by the United States, will expand the orderly resettlement programme by selecting refugees directly from Vietnam instead of forcing other countries or places to carry out the outdated first asylum policy. This is the most humane arrangement.

Sir, with these remarks, I support the motion.

MRS. FAN: Sir, Hong Kong is trapped. It is sandwiched between the wishes of the most influential western country, the slyness of the Vietnamese authorities, and the social unrest that can occur with another influx of boat people next March. There has hardly been a government policy which is so resented by the community as the Vietnamese boat people policy. Nor have there been any other policies which have subjected themselves to so much criticism overseas. The boat people issue has aroused a lot of emotion, both locally and internationally. Much of those emotion is caused by over-simplification of the issue, lack of information and misunderstanding, and guilty conscience over past events. Such emotions are fuelled and used by lobbying groups to achieve their own aims. Even in Hong Kong, a spectrum of views can be found on this issue, and the two extreme ends of that spectrum, which hopefully will be reflected in this debate, can divide our society if we are not careful.

Sir, it is a situation that Hong Kong must extract itself from. This is, sadly, unlikely given our geographical position and the way major players in this saga are behaving. Efforts to solve the Vietnamese boat people problem at its source have not even begun, with the United States stubbornly adhering to its economic sanction against Vietnam, thereby ensuring the poor economic condition of that country which is the main reason for the outflow of boat people. So we are left to look for measures which can contain the problem. Short of abolishing first asylum policy, the only realistic option available to us at this stage is to repatriate all the non-refugees, voluntarily and involuntarily. I am pleased that the British Government is now actively pursuing arrangements for involuntary return with the Vietnamese Government. Mandatory repatriation is a must, and it should have been implemented yesterday if the message is to reach home in Vietnam before the next sailing season. Yet there are people in Hong Kong, in Britain, in France, and in the United States who oppose and are lobbying against mandatory repatriation, even though it has been made clear to them time after time that we are talking about the safe return of illegal immigrants. Is it possible that these people do not appreciate that Hong Kong has not got the capability to handle another influx of the magnitude similar to this summer? Are they not aware that without mandatory repatriation, Hong Kong may be forced to abolish the first asylum policy? Do they not understand that the first and foremost responsibility of every government must be to protect the well-being of its people and the stability of its society? Unfortunately for Hong Kong, these people and countries which oppose mandatory repatriation have no viable solution to offer.

The countries present in the international conference in Geneva this June unanimously agreed to the Comprehensive Plan of Action. In so doing, they supported

the screening policy and decided that screened-outs should be returned to Vietnam. There is no future in Hong Kong for boat people who are not refugees. Any one giving false hope to them is doing them a grave disservice. Any one persuading them to take drastic action, such as causing disturbance in the centres, is making life even more miserable for them. No one who really cares for these poor boat people should attempt to turn them into martyrs when their fate has already been signed and sealed in June by the international community, including the United States and France, in Geneva.

Mandatory repatriation for illegal immigrants is an internationally accepted practice. The British and Hong Kong Governments are doing more than some governments in the world by making every effort to ensure the safe return of these Vietnamese illegal immigrants by extracting assurances from the Vietnamese Government not to treat the returnees inhumanely. I make no apology for supporting mandatory repatriation. No doubt we will be vigorously criticized by those who claimed to be humane. Those who are not well disposed to Hong Kong will surely make this, use this as an excuse to undermine us. So be it. We have a clear conscience. I believe the time has come for us to stand up and defend our stand robustly and resolutely. At the same time, we should exercise patience, understanding, and firmness in dealing with the boat people. They are, after all, victims of false hope and circumstances, and we are not unsympathetic to their plight.

MR. CHUNG (in Cantonese): Sir, while we are having a debate in this Council today, we notice that the United Kingdom has shown concern and put in her effort with the intention of repatriating as soon as possible the Vietnamese boat people stranded in Hong Kong. Such a development has given us a beam of hope that the perplexity created by the large population of boat people may be relieved. In assessing the present situation, I share the views of most members of the public that an early decision on the implementation of the mandatory repatriation programme should be made as soon as possible. After all, mandatory repatriation is part and parcel of the screening policy, and to a certain extent, it will help promote the voluntary repatriation programme.

As far as the Vietnamese boat people are concerned, orderly mandatory repatriation will bring direct advantage to them for the following reasons. Firstly, since their hope of staying permanently in the territory or resettling abroad can hardly be materialized, it is meaningless for them to waste their time in their hopeless dreams and miss the opportunities of getting education. Secondly, rather

than to stay here in hopeless exile, it is better to seek a safe and early return to their homeland. This should be a great incentive for the Vietnamese boat people to make up their mind to go back to their own country for family reunion. Thirdly, mandatory repatriation will drive home a strong message warning those people who are prepared to leave Vietnam that "boat people" will no longer be accepted by Hong Kong or the rest of the world. In this way, they will not be tempted to flee away and suffer from losses.

It was reported that Hong Kong would have to pay a price or subsidize each of those "boat people" being repatriated to enable them to make a living after their return to their own country. Even if such an arrangement should come into place, it would be in line with humanitarian principles.

All along, the people of Hong Kong have firmly believed that "it is a virtue to save other people's lives". Therefore, we have been the greatest supporters of humanitarianism irrespective of races. Under the heavy burden of the port of first asylum policy, we have tried our very best to tolerate the Vietnamese people with sympathy and mercy whenever possible.

Unfortunately, on top of the "Vietnamese refugee" problem which is still left unsolved, the Vietnamese boat people have created further headache for us. They have come in thousands, comprising men and women, adults and children. The most worrying problems are how many more Vietnamese people will continue to swarm into Hong Kong under the present trend of development and whether we have the ability to undertake this ever-increasing extra duty by ourselves alone.

At present, an overwhelming majority of the Vietnamese boat people accommodated in the holding centres of various countries are illegal immigrants who will not be accepted for resettlement by other countries of the world. Hong Kong has spent and will have to spend tremendous amounts of manpower, financial and other resources to accommodate these boat people and such commitments are difficult to quantify and never-ending. On some occasions, our security officers have sweated and bled in order to settle disputes among the boat people in various centres. They were aggrieved and yet they have to keep the grievances to themselves.

In face of the present situation, many Hong Kong people take the view that "we have done our fair share in treating the Vietnamese. From now on, the number of boat people to be accepted should be reduced and no increase should be allowed."

Sir, there is a limit to the sacrifice that one can offer for other's sake. I believe that the Asian countries and the international community will understand that it is impossible for Hong Kong to look after the Vietnamese refugees and boat people perpetually and take them in indefinitely as they come in ever-increasing numbers. Furthermore, it is not our responsibility to accept such a huge number of illegal immigrants. It is our responsibility not to do so.

In my opinion, "orderly mandatory repatriation" is the only way to alleviate the present situation in Hong Kong when all endeavours have failed and when there are no other alternatives. If we do not take the step right now, the problem which has been perplexing us may continue to deteriorate and become more intractable. We may have to pay even a greater price to solve the problem.

So far, orderly mandatory repatriation is the only feasible and peaceful means for Hong Kong to overcome the problem. We have to take positive measures and when necessary, secure specific arrangements with Hanoi and the UNHCR to repatriate the boat people in stages in a safe and orderly manner and to prevent their return to the territory.

The Administration should give special consideration to whether the repatriation programme should be kept confidential before its implementation; whether the holding centres should be kept from being too crowded and whether security measures should be strengthened inside and around the centres.

Should there be any unexpected hiccups that the "orderly mandatory repatriation" programme does not work and no other feasible step is available, I believe the Hong Kong Government will have to abolish the port of first asylum policy.

Hong Kong's role as the "port of first asylum" was originally meant to facilitate the Vietnamese refugees to wait for the assistance of other countries and the United Nations en route to their resettlement countries. Unfortunately, this policy undertaken because of sympathy and international ethics has turned Hong Kong into a haven for boat people and caused a lot of peculiar troubles and anxieties to the Hong Kong people. Under such circumstances, I therefore opine that the final solution to the problem lies in the abolition of the port of first asylum policy when necessary.

Sir, the people of Hong Kong are in great sympathy with the Vietnamese who have to flee from their country. However, the problems brought by the 13 000 Vietnamese refugees and over 43 000 "boat people" have made the general public feel that the abolition of the "first of port asylum" policy is the fundamental solution to the problem in Hong Kong.

Sir, with these remarks, I support the motion.

MR. HO SAI-CHU (in Cantonese): Sir, the problem of Vietnamese boat people is a long standing issue which has perplexed the Government and the people of Hong Kong. In the past we have been looking almost in vain to the international conferences for a solution to the problem. As for the Steering Committee meeting on the Indo-Chinese refugee issue to be held in December, we should not hold out much hope. To extricate from this predicament, the Government has decided to implement mandatory repatriation. The people of Hong Kong not only welcome this decision but also ask for its early implementation. Opposition and difficulties in the implementation of mandatory repatriation are expected, yet the Government should carry out the programme with resolute determination and work out appropriate arrangements as far as possible. As for those groundless allegations and harsh criticisms, let the people of Hong Kong pass their comment on them. It is because they have shouldered the biggest share of the burden for the past 10 years and therefore they have every right to speak out.

If mandatory repatriation cannot be implemented due to opposition, the only alternative is to scrap Hong Kong's status as a port of first asylum. That means we will have to stop the boat arrivals first and then deal with the boat people stranded in Hong Kong.

While some people criticize that it is inhumane to abolish the port of first asylum policy, I think it will be more inhumane if this policy should remain. With the number of boat people on the increase, it will be more difficult to find accommodation and other facilities for them. The frustrations of the boat people have resulted in increased violence within the detention centres. Not only will there be gang fights among themselves, but there will also be a growing conflict of interest between the boat people and the local residents. On the other hand, part of the resources of our community will have to be deployed to meet the needs of the boat people, thus affecting the development of our infrastructure and lowering the quality of living of our people, particularly the poor. This is inhumane to the people of Hong Kong

as well.

As long as the policy of the port of first asylum is in practice, Hong Kong will remain attractive to the boat people who will continue to leave their homeland and take to the high seas. Although there is no reliable statistics on the number of boat people being killed by pirates or drowned at sea, such plights certainly exist. Given these tragic events, a genuine humanitarian should try his best to persuade them to stay and make contributions in their own country instead of putting their lives at risk.

From a legal point of view, a port of first asylum is not a port of resettlement. The former is merely a transit point set up on the basis that the resettlement countries have promised to accept the boat people. Since the resettlement countries have failed to fulfil their commitment which is crucial to the operation of the first asylum policy, Hong Kong should no longer be obliged to take up the responsibility as a port of first asylum. Should Hong Kong abandon its status as the port of first asylum, it will be easier for China and our neighbours to give us assistance for they will have sufficient reasons to turn down any requests for provisions from the boat people. Coupled with other measures to intercept the influx, the number of boat arrivals will reduce as many of them will give up their plan of coming to Hong Kong after knowing the difficulties involved. Even if a small number of them manage to enter Hong Kong waters, they will be regarded as violating the immigration laws of Hong Kong and dealt with accordingly. For those who violate the law, only legal principles and not humanitarianism should apply.

Some people are worried that the prospects of emigration for the people of Hong Kong will be affected if mandatory repatriation of the boat people is implemented and the port of first asylum policy scrapped. I believe only a few people have such worries because the vast majority of our population will stay in Hong Kong and it is grossly unfair to look after the interests of a few who intend to leave at the expense of the many who take Hong Kong as their permanent home.

Sir, it is understood that the Government has decided to implement an orderly repatriation programme for the Vietnamese boat people in Hong Kong. This is a matter of great urgency. With these remarks, I support the motion.

MR. HUI (in Cantonese): Sir, this is the second motion debate on the problem of

Vietnamese refugees and boat people held in this Council since mid-May 1989. This is probably the first time in the history of the Legislative Council that there are two motion debates on the same subject within such a short period of time, reflecting that the problem has reached a critical stage. If the Government does not make an early decision and promptly take action to completely resolve the problem, I am afraid the situation will deteriorate and become unmanageable, making it all the more difficult to seek a solution in future.

Although this problem which poses a threat to the internal stability of Hong Kong is in fact an international issue with very complicated political and economic implications, it is obvious that we can no longer pin our hope on an agreement to be concluded by the international community to defuse this "time bomb". It is not only because in regard to providing the necessary accommodation, funds and management personnel to cope with the refugees and boat people, Hong Kong has already stretched its resources to the limit, but more importantly, the two international conferences on Indo-China refugees held respectively in Geneva in June and October not only failed to achieve anything to dispel the worries of Hong Kong people, but was exploited by some people to repeatedly delay the implementation of mandatory repatriation under the guise of humanitarianism.

By impeding the first asylum countries in Southeast Asia from implementing the mandatory repatriation policy which is both logical and in conformity with international practice, these hypocrites are in fact indirectly encouraging the Vietnamese people to continue to leave their country at the risk of their lives. However, among the fortunate survivors, only about 10% qualify for refugee status and can fulfil their dreams of resettling in a western nation, while the remaining 90% have to be eventually repatriated to their country of origin. I feel that allowing this state of affairs to continue is even more cruel and inhumane than scrapping the first asylum policy. As a matter of fact, the hypocrites, headed by some United States congressmen, only know how to make criticism or express dissatisfaction, but have never made any positive suggestions as to how the problem can be resolved. Instead of making positive contributions, they are only making things worse.

Examples of the United States' false humanitarianism are in fact too numerous to mention. In the first place, the Vietnamese boat people problem was created by none other than the United States. In order to salve its conscience, in 1979 the United States convened a meeting of western and Southeast Asian countries in Geneva which precipitated the conclusion of an international agreement on making concerted

efforts to rescue refugees. Regrettably, the enthusiasm of the United States only lasted for a short while. As soon as she realized that the situation was deteriorating, the United States took the lead to drastically cut its quota on the intake of refugees stranded in Hong Kong. In 1982 her rate of direct intake from Hong Kong fell sharply by 57% as compared to 1981; and in 1983 the reduction rate even soared rapidly to 96%. Doubtlessly the United States had taken the lead to go against the spirit of the Geneva Agreement on Refugees.

Some time later, when an increasingly high proportion of the boat arrivals in Hong Kong was made up of North Vietnamese formerly under the rule of Vietcong, the United States Congress immediately introduced more stringent criteria for admitting refugees with the aim of turning away those people from the former North Vietnam. Recently, when the first asylum countries in Southeast Asia are worrying about how to cope with another massive influx of boat people next year and are anxiously hoping for international support to implement the mandatory repatriation policy, the United States and Vietnam have the audacity to raise objections on "humanitarian grounds".

As a matter of fact, both the United States and Vietnam Governments are not well-placed to talk about humanitarianism. Firstly, as far as the United States is concerned, since the humanitarians claim that political refugees and "economic migrants" should both be taken care of, why does the United States Government draw a distinction between people coming from South and North Vietnam in her policy for selecting refugees? Moreover, since the United States can repatriate to their countries of origin all Mexicans and Haitians who have been screened out as illegal immigrants in accordance with international practice, why does she use "Vietnam is under communist rule" as a pretext for objecting to our proposal of repatriating the illegal immigrants from Vietnam? In the past 10 years, Hong Kong has been carrying out the policy of repatriation upon arrest in regard to illegal immigrants from Mainland China, why is it that the United States has never raised any objection with Britain?

The hypocrisy of the United States has undoubtedly encouraged the arrogance of the unscrupulous Vietnamese Government, so much so that Vietnam shamelessly declared in public that it was inhumane to repatriate boat people to Vietnam against their will and that she would not agree to such arrangements. But on the other hand, Vietnam had also hinted that if economic aids are granted, she would consider accepting involuntarily returned boat people. Why does Vietnam not simply acknowledge that if she can get financial benefits, she will not persecute the returnees, so as to dispel the "worries" of the pseudo-humanitarians and remove their pretext for

objecting to the implementation of mandatory repatriation. In fact, it is clear to people all over the world that the Vietnamese Government has all along refused to co-operate fully just for one reason: to have an excuse for extorting "resettlement fee" for taking back the boat people. Can we allow this kind of unjust and unfair situation to continue to exist?

The United Nations High Commissioner for Refugees (UNHCR) has all along been handling the refugee problem in a humanitarian way. Although I respect their stance, it is much to be regretted that only expedient measures are taken to tackle the problem, to the extent of almost blindly safeguarding the interests of the boat people. It is logical that the UNHCR should aim at helping Vietnam to reconstruct its economy and try to discourage Vietnamese from fleeing Vietnam at the risk of their lives. However, the UNHCR prefers to spend huge expenses every year on those boat people who have already fled Vietnam but who are destined to be repatriated. May I ask whether it is more humanitarian if the money is spent on rebuilding the economy of Vietnam and assisting the Vietnamese Government to curb the exodus of its people?

Some members of our community are worried that the implementation of mandatory repatriation will invite international condemnation or even economic sanctions against the territory. I think those threats are only bullying tactics and Hong Kong people need not be unduly worried. Over the past 14 years, Hong Kong has admitted nearly 170 000 Vietnamese refugees, made arrangement for over 110 000 refugees to settle abroad and currently there are still 57 000 boat people and refugees stranded in Hong Kong. May I ask which place in the world can be compared with Hong Kong in this respect? There is a famous admonitory saying in the Bible, "He who is without sin among you, let him be the first to throw a stone at her." May I ask who would dare to publicly condemn Hong Kong against his own conscience? Who will use a foreign passport to threaten Hong Kong or retaliate against the Hong Kong Government for taking self-help measures?

Under the circumstances, I think that the so-called "economic sanctions" cannot actually pose any threat to Hong Kong. The main reason is not that both South Africa and China are undaunted in the face of "international threats", but that Hong Kong has really done nothing gravely wrong to offend the international community. Which country will blindly respond to unreasonable sanctions? Furthermore, if Hong Kong can strengthen its economic conditions and status, the business-minded foreign investors will certainly not refuse to do business with us and continue to make money here just because the Hong Kong Government is compelled to take some actions to save

itself.

Sir, the social work profession advocates the safeguarding of human rights and the upholding of humanitarianism. Being a member of this profession, I am certainly familiar with these two concepts. However, having joined the Legislative Council Ad Hoc Group on Vietnamese Refugees and the OMELCO Security Panel, I have a better grip of the problem and firmly believe that we should not allow any injustice to hamper the prosperity and stability of Hong Kong. I think the nature of the Vietnamese refugees issue has completely changed. It has become a problem which involves the political and economic relationship and benefits of the international community. It is impossible to work out a fundamental solution solely from the humanitarian point of view. I have no dislike for the boat people, nor have I given up my regard for human rights and humanity. But it is my belief that only if we try harder to look at the problem from the viewpoint of universal justice and equity can we come up with a practical solution which can better conform with the principle of humanitarianism.

Sir, I fully agree with the remarks you made during your recent visit to the United States, to the effect that Hong Kong's policy on the boat people might not be supported by all, but eventually Hong Kong would have to make its own decision. As a matter of fact, the international conference on refugees held in June this year has already endorsed the implementation of a "Comprehensive Plan of Action" which entailed the repatriation of the boat people. Moreover, the United Kingdom Government has also agreed to the enforcement of mandatory repatriation by the Hong Kong Government. The Government, therefore, should act decisively and immediately implement the mandatory repatriation policy, so as to issue an early warning to deter those Vietnamese who are planning to make the journey to Hong Kong early next year.

I must stress that our aim is to save others as well as to save ourselves. In other words, instead of aiming at resettling or repatriating a certain number of refugees or boat people each year, the ultimate objective of all our policies should be to discourage Vietnamese people from fleeing to Hong Kong. Since mandatory repatriation by itself may fail to effectively shatter the forlorn hope of those Vietnamese who are eager to try their luck by coming to Hong Kong, and given the time constraints, I suggest that the Government should implement mandatory repatriation and at the same time scrap the first asylum policy. Sir, I believe you know very well that "things do not always turn out as we wish". I trust that it is now the best time to implement these two policies which have already gained the general support of the Hong Kong community. Otherwise, we shall not be able to face the public,

and the Government will continue to lose the support of the majority of Members of this Council on this issue.

Finally, I must apologize for delivering a speech which may be a bit too lengthy.

Sir, with these remarks, I support the motion.

MR. MARTIN LEE: Sir, in the last few days, both the Prime Minister and the Foreign Secretary have said that the British Government would implement the mandatory repatriation policy regardless of the strong objections from the United Nations High Commissioner for Refugees (UNHCR) and the United States Government.

And according to the Minister of State for Foreign and Commonwealth Affairs, Mr. Francis MAUDE, the process of repatriation has certainly got to start before the sailing season begins again in February or March.

And yesterday it was widely reported in the press both in Hong Kong and in the United Kingdom that agreement would soon be reached between the British and Vietnamese Governments that Vietnamese non-refugees would be involuntarily returned subject to a cash payment to the Vietnamese Government.

But according to today's press reports, the Vietnamese Government said that it is opposed to mandatory repatriation and has denied reaching any agreement with the British Government. Amidst this confusion and inconsistent reports, the Administration has the duty to clarify the position and tell us what exactly is happening. For if mandatory repatriation was to work at all, which many of my honourable colleagues are placing so much hope on, there must be total co-operation from the Vietnamese Government.

Sir, but how many of us have thought through what mandatory repatriation will entail? Let me raise some of the problems in connection with it.

First, what if some of the Vietnamese people, particularly women and very young children, were to make a scene when they are being forcibly taken into a plane or ship, in full view of overseas television cameras and journalists? Indeed, some may even throw themselves into the sea and drown. Are we prepared to let them scream or drown, before the eyes of the world?

Secondly, will Hong Kong have to contribute anything under this scheme? And if so, how much? In this connection, I must remind Honourable Members that I was the first in this Council to suggest more than a year ago that Hong Kong should not pay towards any Vietnamese boat people programme. I further said that we should not decide the matter ourselves for it related to foreign policy and was thus entirely a matter for the British Government. So my advice to this Council was to let them decide and let them pay. It was only recently that the majority of the members of the Finance Committee have indicated unwillingness to approve any more item of expenditure on these programmes and the British Government has finally begun to pay. And very soon thereafter, the British Government has become extremely determined to implement the mandatory repatriation policy. But I insist that Hong Kong should not be called upon to pay any contribution towards the scheme, if adopted, for we would have paid more than HK\$4 billion by the end of this financial year, as opposed to an up-to-date British Government total contribution of 49.33 million or HK\$600 million to the UNHCR programme, of which a mere 11.63 million or HK\$142 million was specifically paid for Hong Kong. This represents 15% and 3.6% respectively of our contribution.

Thirdly, how will the mandatory repatriation scheme be implemented? And what is the guarantee that after the adoption of the mandatory repatriation policy, the Vietnamese people will stop coming to Hong Kong? And if contrary to my suggestion, the Finance Committee were to decide to approve the making of contributions towards the mandatory repatriation scheme, and if the Vietnamese people were still to come, do we continue to pay contribution in respect of future arrivals? And if we do, will it turn into a vicious cycle?

Fourthly, how can we be sure that these involuntary returnees will not be persecuted by the Vietnamese Government after their return? And this is particularly worrying in light of today's press reports that the Vietnamese Government is opposed to such a scheme. But even if the Vietnamese Government were to promise not to persecute them, we would still have to satisfy ourselves that there would be an adequate system of monitoring to make sure that this is in fact the case. For otherwise Hong Kong would be in breach of the principle of "non-refoulement" under customary and general international law, which means that the Vietnamese boat people may not be forcibly returned unless they are in no danger of being persecuted in Vietnam. This is indeed in accordance with the spirit of the Comprehensive Plan of Action (CPA). Unfortunately, it was reported last night that the UNHCR would not agree

to monitor how the mandatory returnees are treated in Vietnam because it is against this policy.

Fifthly, since the United States Government is opposed to this policy, what happens if the United States Congress were to force the United States Government to impose economic sanctions against Hong Kong, or be even less generous to Hong Kong on trade quotas? I am not saying that this would happen. But it would be folly to exclude such a possibility.

Sixthly, OMELCO have been working very hard to win the support of the international community. But do we realize that our open support for the adoption of the mandatory repatriation policy may undo all our efforts?

Finally, have we considered what effect the adoption of such a policy would have in the camps? And in this connection, let me quote from a paper submitted by a group called "Refugee Concern Hong Kong" consisting of some front-line workers in these camps :

"The adoption of mandatory repatriation would increase dramatically the tension in the detention centres. It has always been simplified in some media reports that fighting in the camps is caused by quarrels between people from different provinces, namely Quangling and Haiphong. Yet, in fact, the growing anxiety, the deplorable living conditions and the unbearably unproductive life of the boat people in the camps are the actual causes of all these events.

No matter how many weapon-searches one conducts or how severely the offenders will be punished, the unrest will continue because the dangerous weapon has never been removed -- the frustration and anger of the people. The intensifying tension has made proper management of the detention centres practically impossible. If it is the government's intention to make life difficult in the camp in order to dissuade people from coming, they are doing it at the expense of human lives (of both the boat people and the officers) and the distortion of human nature by pushing people to the limits of human endurance."

Sir, I therefore urge my honourable colleagues and the people of Hong Kong not to continue to make the mistake of trying to solve the problem ourselves, thereby playing into the hands of the British Government. Otherwise, the British Government will get rid of a problem, but we will get all the blame for it.

I must also warn Honourable Members that the British Government has already succeeded in passing the blame to Hong Kong both in the European Community and the United States by giving people there the impression that it is being forced to adopt the very unpopular policy of mandatory repatriation because we the people of Hong Kong are making it impossible for it not to do so; that we the people of Hong Kong are very uncharitable to the unwanted visitors from Vietnam; and that although we are asking the western world to take us by the millions for fear of being returned to a communist regime in 1997, we are quite prepared to, and indeed, are demanding the British Government to send the boat people back to Vietnam, another communist country, and against their wishes. This is bound to have a very great adverse effect on our efforts in getting support or sympathy from these governments in our quest for more passports and democracy.

Sir, when will we wake up to the reality that this is not our problem but one for the British Government? Indeed, if the British Government were to adopt the mandatory repatriation policy despite objections from the UNHCR and the United States Government, then it should take all the blame. And we must not share it.

Sir, many people still believe that as soon as we stop being a port of first asylum our worries will be over. Let me explode this fallacy now.

But first, we must remember that we cannot decide on such a policy because it pertains to foreign relations. Further, even if the British Government were to come to such a decision, our problem would still be there unless we as a community were prepared to violate customary and general international law that binds us. For if the Vietnamese people still come to Hong Kong, then whether Hong Kong is a port of first asylum or not, under customary or general international law, we still cannot reject them. For so long as these Vietnamese people cross our frontiers and ask for political asylum, we must provide them with temporary shelter, at least to enable us to determine whether they should be given refugee status or not. Effectively, it will involve a screening process. And even if they are not entitled to refugee status, we still cannot forcibly return them to Vietnam unless we are certain that they will not be persecuted in Vietnam upon their return, according to the said principle of "non-refoulement". This principle is also clearly implied in the CPA and it would be wrong for us to press the British Government to abandon the policy of first asylum for Hong Kong, as it would be a breach of the CPA as well as the 1979 Geneva Accord on the resettlement of Vietnamese refugees. And it would completely

destroy the image of Hong Kong internationally.

My proposed solution

But if we must come up with an alternative, then let me suggest one.

Since other Southeast Asian countries have now followed Hong Kong's example of adopting the screening policy, there will be a fast growing number of Vietnamese boat people classified as illegal immigrants in the entire region.

There is, then, clearly a case for finding a suitable holding centre for all these illegal immigrants. This is in keeping with paragraph 14 of the CPA which says:

"If, after the passage of reasonable time, it becomes clear that voluntary repatriation is not making sufficient progress towards the desired objective, alternatives recognized as being acceptable under international practices would be examined. A regional holding centre under the auspices of UNHCR may be considered as an interim measure for housing persons determined not to be refugees pending their eventual return to the country of origin."

I therefore propose that a big island be found either in the Philippines, or Thailand or elsewhere in the region to be used for such a purpose. It would be necessary to provide certain basic facilities on the island and it would clearly cost a lot of money. But contributions should come from all the governments which face this problem either as a country of first asylum or as a resettlement country. And the United States which has been the loudest in her condemnation of the policy of mandatory repatriation would be expected to contribute handsomely.

With such a holding centre in operation, all future Vietnamese arrivals to Hong Kong and other Southeast Asian countries would be directly transferred to the holding centre where screening will take place. Those who are screened as refugees will be taken by the resettlement countries, and those screened out as illegal immigrants will be allowed to live and work on the island, until Vietnam, with foreign aid, can restore its economy. And when that happens, these Vietnamese boat people will all return to their homes.

The big advantage to Hong Kong by adopting this proposal is that we will be rid of a very grave problem, but without having to attract any bad publicity

internationally.

But no matter what decision the British Government comes to, we must be prepared to face the fact that it would take some considerable time before all the Vietnamese boat people here will leave Hong Kong. And in this connection, I wish to cite paragraph 15 of the CPA which says:

"Persons determined not to be refugees shall be provided humane care and assistance by UNHCR and international agencies pending their return to the country of origin. Such assistance would include educational and orientation programmes designed to encourage return and reduce re-integration problems."

Unfortunately, there are many people in Hong Kong who simply do not care how very poorly these Vietnamese people are being treated. Indeed, they even scorn at those who criticize the Government for the poor condition in some of the camps.

But are we as a community so utterly devoid of the milk of human kindness that it is now a sin to be charitable to these men, women and children who have escaped from a war-torn country? Or are we so full of self-pity for our own plight because of 1997 that we cannot spare a kind thought for those who are more unfortunate than we, as they are living in squalid conditions inside close camps while it is not anticipated that any of us would have to live in these circumstances even after 1997?

But the truth of the matter is that we the people of Hong Kong are not uncaring or ungenerous. For not so long ago, 1 million of our people turned to our streets and gave our enthusiastic support to our compatriots in China in their struggle for human rights and democracy, and many of our people donated blood and money lavishly. But then, why can we not do charity at home to these Vietnamese people?

I have recently received a letter from a fine lady, Mrs. Anne MARDEN, a Hong Kong resident for 40 years, who has devoted much of her time to caring for these Vietnamese people in the last 10 years. Let me quote a few short paragraphs from her letter:

"It is a false economy to delay providing recreation and education to the families living in the camps. Frustration and despair lead to violence and this will also be inevitable if things are left as they are.

It is Hong Kong's policy to put at risk the physical and mental health of fellow human

beings, and we should be very careful of how our handling of the situation is viewed internationally."

I agree with her sentiment. For this is the time for Members of this Council, as leaders of the community, to sow the seeds of understanding, of sympathy, and of love. Let us do unto the Vietnamese people as we would have the free world do unto us. For we rely on the honour and integrity of the British people when we push for the right of abode in the United Kingdom. Let it not be said against us that we, the people of Hong Kong, lack honour or integrity in our handling of this problem.

For these reasons, and until the problems I have outlined above are resolved to our satisfaction, let us do the honourable thing by voting against this motion.

MR. NGAI (in Cantonese): Sir, the problem of Vietnamese boat people stranded in Hong Kong has already become a grave social problem of our community. It is expected that the situation will deteriorate further with the surge of arrivals next spring and summer. The Government should make use of this break to plan ahead for early disposal of this time bomb or removing the detonator of the bomb to minimize destruction.

Sir, I have no intention of making any scare-mongering remarks, but would like to quote some simple figures to reflect the worrisome situation. According to government statistics, more than 33 000 Vietnamese boat people arrived in Hong Kong in the first nine months this year. Less than one-tenth of them is expected to be screened in as genuine refugees who may wait for their turn of resettlement in a third country. In other words, there will be some 30 000 non-refugees pending repatriation. At the same time, the number of those who join the voluntary repatriation scheme is disproportionately low. It stands at 381. Should we be so unfortunate as to repatriate the boat people at that rate, it will take us about 80 years to accomplish the task. The number of Vietnamese boat people in Hong Kong has already soared above the level of 56 000. According to the statistics of the Family Planning Association, the number of babies born to the Vietnamese boat people after their arrival in Hong Kong totals 562 in the first half of the year.

Sir, the repatriation of Vietnamese boat people not qualified for the refugee status is part and parcel of the Comprehensive Plan of Action concluded at Geneva. Hong Kong has faithfully carried out her obligation ever since the scheme was introduced. The actual developments, however, are disappointing. Voluntary

repatriation is utterly inadequate to solve the problem. We may say that an inefficient repatriation programme has turned the Comprehensive Plan of Action into an attractive but useless white elephant. It cannot achieve anything in real terms and is in fact meaningless. Sir, as it is said in your policy speech, "voluntary repatriation alone is clearly not the answer". True indeed.

Actually, for the first seven months this year, the total number of Vietnamese boat arrivals in all Southeast Asian countries who play the role of the port of first asylum amounts to 50 000 or more, and more than half of them are stranded in Hong Kong. During the same period, the total number of boat people resettled to various resettlement countries after being screened in is 13 800, and only about 16% of them came from those in Hong Kong. The average rate of Vietnamese boat people granted permanent resettlement in a third country is around 26% for other ports of first asylum in the region, but the average rate in the case of Hong Kong is only 8%. What a poor percentage and how insignificant an in-take quota has been given to us. Sir, more than half of the Vietnamese boat people population are now in Hong Kong. We are on top of the world in this respect. Our reception rate ranks the highest among countries of the world and yet the rate of departure for resettlement is the lowest. Yet we still receive and support the boat arrivals with our greatest tolerance. Without any clamour, we put up with the social annoyance arising from the presence of Vietnamese boat people in Hong Kong, demonstrating the most respectable practice and principle of humanitarianism.

Sir, the humanitarian principle of moral standard should be gauged in relative rather than absolute terms. Hong Kong has never turned away any Vietnamese boat people trying to enter Hong Kong. Neither have we forcibly towed away any boat people to the high seas when they are badly in need of assistance. On the contrary, we have sacrificed our scenic countryside for the sake of providing them with accommodation; substantial manpower and financial resources have been also deployed to maintain their environmental hygiene. Despite staff shortage, our disciplinary forces and relevant departments have assumed these extra unremunerated responsibilities without any complaint. The general public have to put up with the annoyances created by them. All these have clearly demonstrated a high degree of humanity and tolerance of our community. After all, action speaks louder than words. How misleading and irresponsible it is to lash blindly at us and accuse us of being inhumane to change our policy regarding boat people. Such comments only serve to reflect the hypocrisy and selfishness of those cynical people themselves. Our community has taken up our moral responsibilities to the greatest extent, yet certain people in Hong Kong and

the international community still put us under biased and unconstructive attack. This is extremely unfair to us. Are these people trying to make Hong Kong a martyr in this rescue exercise before they are satisfied that we have carried out our humanitarian obligations fully?

Sir, with the approach of another surge of boat arrivals, the pressure arising from the Vietnamese boat people issue will continue to grow and gather momentum. Our society has been hard-pressed to the end of its tether and our tolerance is on the verge of exhaustion. No one in any sectors of the community wishes to see that happen, nor can anyone accept the fact if it does. It appears that the early implementation of mandatory repatriation or scrapping of first asylum policy is the only way to tackle the problem at root in relieving our plight.

Certainly, some may opine that should Hong Kong insist on the implementation of mandatory repatriation, we shall suffer economic sanctions from the international community. Sir, I cannot agree to this argument. Factors leading to successful trade are governed by the principles of market forces. The fundamentals of international trade lie in mutual gains. Economic sanction is only a political gimmick which may only produce very little intimidating effect occasionally. In my view, it cannot achieve anything concrete nor win support in international free market economy. In the long run, it is the consumers who will have to suffer, because the success of free market economy is determined by the choices of consumers and profits/losses of entrepreneurs. I cannot see the possibility of any economic or trade sanctions being imposed by the international community against Hong Kong just because we adopt the reasonable policy of mandatory repatriation.

Sir, unlike other ports of first asylum, Hong Kong is in no position to handle her diplomatic matters. We have no say on the issue of Vietnamese boat people, but before the Vietnamese boat people problem further deteriorates into a disastrous social problem, I sincerely urge that the British Government will accept the proposal moved by this Council to secure the implementation of the mandatory repatriation policy urgently or to consider changing Hong Kong's status as a port of first asylum, so that the grave problem of Vietnamese boat people stranded in Hong Kong may be resolved at an early date.

Sir, with these remarks, I support the motion.

MR. POON CHI-FAI (in Cantonese): Sir, in the past year, the problem of Vietnamese boat people in Hong Kong has become a serious social problem. It has not only led to social anxiety and public discontent but also confrontation between the Government and the people which is something quite rare in recent years. Large-scale fights keep breaking out in Vietnamese boat people (VBP) camps and lots of lethal weapons have been found in the camps. The boat people have also organized violent actions repeatedly in protest against repatriation policy. Staff of the Correctional Services Department have fallen victim to physical assaults by the inmates and have also come under groundless accusations from international organizations. They are so frustrated that the wastage rate is high among them. All these indicate clearly that Hong Kong is at the end of its tether in dealing with the Vietnamese boat people. If the problem is not tackled at root quickly, our stability and prosperity will be compromised. The well-being of the general public will be wantonly sacrificed and Hong Kong will no longer be an ideal place to live and work in.

Sir, there is a small group of people who argue that the majority of our residents are not indigenous inhabitants themselves, comparable to the VBP who fled their homeland to seek a better life. Thus they object to the abolition of the first asylum policy saying that it may lead to VBP being drowned in the high seas. Sir, such plausible argument is unrealistic and wrong. In face of our development and population growth, we can no longer accommodate large number of arrivals for permanent resettlement. For this reason, we are forced to be heartless. No matter how reluctant we are, we have to send back Chinese illegal immigrants to the mainland and witness the heart-breaking scenes of family disintegration when boat brides and illegal immigrant mothers are repatriated. As a matter of fact, it is unjustifiable to abide by old rules and keep to the old practices when circumstances are changing. Take the United States and Canada for example, most of the citizens in these two countries are not indigenous people of the continent. Can they open their countries to unrestricted resettlement now? Australia was originally a penal colony. It would be naive to keep harbouring the idea that Australia would remain a place for those who committed crimes. Sir, when a person wants to emigrate overseas and seek a better life, he should follow proper procedures and wait honestly for his turn. One should never defy the law such as seeking illegal entry to the more affluent countries when life is difficult in the homeland or taking possession of others' dwellings and property illegally for the subsistence of his own children or improvement of the living standard of his family. Such unlawful actions will only end up in widespread chaos.

Sir, in view of our limited resources, it would be inhumane and irresponsible of us to overrate ourselves by accepting VBP continuously and yet locking them up indefinitely in overcrowded closed camps or leaving them to their fate on lonely islands because we are unable to provide them with accommodation. Such a course of action will not only cause discontent among the public and the Vietnamese boat people stranded in Hong Kong, but will also attract international accusation as well. It is a concrete fact that on the night of 27 August 1989, the police were forced to withdraw from Tai Ah Chau, a holding centre for more than 5 000 boat people. In the total absence of security forces on that night, many innocent boat people were left prey to violence on the deserted island. They spent that unforgettable night in limbo. This is the result of the Hong Kong Government overrating itself in accepting boat people continuously.

Sir, the former Governor, Sir Edward YOUDE, pointed out clearly in his policy speech to this Council on 8 October 1986 that "As a matter of policy, Hong Kong would find it difficult to act as a place of first asylum, if there was no longer an international presumption that those still leaving Vietnam are genuine refugees, and that resettlement countries are prepared to take them". Sir, almost all of the boat people coming into Hong Kong waters nowadays are economic migrants. The number of arrivals is increasing while the number of resettlement is decreasing. Sir Edward YOUDE's principle that we should not continue to be a port of first asylum rightly applies here. Sir, we admit that the abolition of the port of first asylum policy is by no means an easy task, but at the same time, forced repatriation is not easy either. We should never let criminals go free because they threaten to commit suicide. By the same token, illegal immigrants should not be given free entry to our waters because we worry they might sink their boats. Facts have told us there have been many successful examples in other countries of refusing illegal immigrants to land. How can we convince the public that it does not work if we do not try it out? As to the abolition of the port of first asylum policy, we may adopt a strategy that is not so rigid as to leave anyone to die. It does not necessarily imply that there will be boat people drowned in the sea. On the contrary, any effort to keep accepting Vietnamese boat people and helping them resettle overseas will only spark off the desire of more Vietnamese boat people to set sail in search of their dreamland, resulting in more death voyages for more Vietnamese boat people. On 17 June 1989, a vessel of the Vietnamese boat people was ransacked by pirates. A hundred and fifty people were killed. Women were raped and thrown into the sea. This is a good example to illustrate my point.

Sir, I am voting against today's motion but this does not mean that I do not support mandatory repatriation. Basically, I am of the view that mandatory or forced repatriation has been long overdue. The main reason for my objection is that the motion which is being moved today at this very hour has lost its meaning, and would be of little help in providing a final solution to the Vietnamese boat people problem in Hong Kong. I believe all of us are aware that both the British and Hong Kong Governments have recently indicated that mandatory repatriation would be implemented. After a recent meeting with the President of the United States in Camp David, the British Prime Minister adopted a hard line in the statement she gave, demonstrating clearly that the British Government was prepared to go ahead with forced repatriation for screened-outs despite objection from the United States. From news reports in Hong Kong and Britain, it is learnt that forced repatriation is imperative and would be carried out shortly. In view of such development, I do not see any particular need to demand or urge the British Government to secure implementation of mandatory repatriation as a matter of urgency. Sir, comparing the progress of the voluntary repatriation scheme and the figures of boat arrivals last year, I think it is hard for anyone to imagine or believe that we can manage to tackle the problem through voluntary or mandatory repatriation alone. We should not pin high hopes on these arrangements. It should be remembered that when closed camps and screening policies were first introduced, some people were so optimistic as to believe that those policies might solve the Vietnamese boat people problem or deter further influx of boat people. But the present situation tells us that we are only deceiving ourselves and others. Not only has the problem of Vietnamese boat people remained unsolved, it has been aggravating as well as deteriorating. Compared with the past, the number of Vietnamese boat people stranded in Hong Kong has increased in multiples. Sir, in the face of an irresponsible, warlike and shameless Vietnamese Government which does not care whether its people live or die, I believe that we shall have to pay a huge amount of ransom before we may come to any agreement with Vietnam regarding mandatory repatriation. However, it would be hardly acceptable to the Hong Kong people if we are to provide economic aid to a government which has demanded gold from its people, waged wars of invasion against foreign countries and made no effort to improve the living standard of its own people, in order to beg it to take back its own people. Actually, this would only encourage such irresponsible and yet aggressive governments to export people at times of economic stagnation to blackmail other countries for money. Sir, in the past 10 years, we have already spent billions of dollars on the Vietnamese boat people. If the Vietnamese Government is to be paid any ransom or subsidy, it should only be the UNHCR or other countries which have not given much to sponsor the costs. Hong Kong people should not be made to pay or even

share the costs of repatriation. Sir, before we abolish the first asylum policy to stem the continuous influx of boat people, any assistance to Vietnam in connection with the repatriation programme would only encourage the Vietnamese authorities to deliberately export more boat people in return for more aid. Not only will such a move prove useless in tackling the issue, it will even aggravate the problem.

Sir, in the past few years, some government departments responsible for the daily management of Vietnamese boat people have been subjected to unreasonable and irresponsible accusations from overseas organizations and the UNHCR. This has caused indignation and low morale among the staff of these departments. They suffer from a tarnishing reputation and a high wastage rate. While our Government tries its best to be kind and tolerant towards the boat people for fear of offending the world, some organizations outside have been encouraging the boat people to arouse international concern by making trouble. This has made the management of boat people even more difficult. Since the departments concerned have to restrain from any form of back-talk or fight-back in response to provocations and as there are manpower shortage within these departments, it is simply impossible for them to carry out their regular management duties effectively. That is why there are frequent, though temporary, uncontrollable disturbances in the camps. Sir, we should not allow our government officials to maltreat the refugees. But at the same time, it is the responsibility of the Government to protect its staff from unreasonable accusations. Officials violating the law should no doubt be punished. But for unreasonable accusations from the UNHCR or overseas organizations, the Government should not take a low-key approach by simply playing things down with a brief explanation. It should denounce their accusations in a fair and just manner and demand from them an open apology. Those boat people who defy the law and act with violence should be subjected to law. We should not be lenient and allow these lawless people to remain in the territory for fear of arousing unfavourable world opinion.

Sir, in tackling the Vietnamese boat people problem, it seems that our officials are at their wits' end and can do nothing further. This is in contrast with the usually high efficiency of our Civil Service. The people of Hong Kong are disappointed because of this. Moreover, our Government has failed to make adequate explanation to the foreign countries that Hong Kong has to introduce mandatory repatriation or abolish the first asylum policy under compelling conditions in order to win the sympathy and understanding of foreign countries. Sir, when I was in Britain to attend the Commonwealth Conference in May this year, upon my arrival in London, I requested the London Office of the Hong Kong Government to supply me

newspaper clippings on Vietnamese boat people during those 18 days while I was in Britain, in the hope that I might explain the situation in Hong Kong to Members of Parliament at the right moment. To my utter disappointment, though I had stayed in London for 18 days, the clippings were not delivered to me from the London Office until a few hours before I left for Hong Kong. Sir, as the London Office only gave lukewarm support in response to a Hong Kong legislator's initiative to ask for information regarding the Vietnamese boat people, how can we possibly expect that they will have the initiatives, zeal and efficiency in explaining to the British community and Members of Parliament about our perplexities and the compelling reasons for the introduction of mandatory repatriation and the abolition of the first asylum policy? Thus, when I talked with Members of Parliament about the Vietnamese boat people problem in May, I found that many of them did not have a clear picture about the boat people problem in Hong Kong, nor did they show concern on the issue. They were totally unaware of the impact of the boat people problem on the territory or the response of the general public on this issue. No wonder for the right of abode campaign, the OMELCO Members had to set up its own provisional office in London instead of using the service of Hong Kong Office in London. Sir, excuse me for speaking frankly, all along our officials have been taking a passive approach in stemming the influx of boat people and in introducing the repatriation programme. However, our government officials have been indomitable and have spared no effort in providing accommodation for the boat people, undaunted by dissatisfaction and opposition of the public. Their performance has been "remarkable". Sir, in July and August this year, the local people showed strong discontent and raised objection against the decision to use the land adjacent to the High Island Reservoir, Sai Kung for the construction of a detention centre. In order to get a better picture of the actual situation and the environment of the centre, I contacted the Sai Kung District Office several times through the OMELCO Secretariat to arrange a site visit at 3 pm on 8 August. I confirmed with the Sai Kung District Office on that morning about the time of the site visit. However I was told by the receiving Liaison Officer upon my arrival in Sai Kung in the afternoon that approval had not been given by the Security Branch. Subsequently, I was not allowed to make the visit there. Nevertheless, four days later in a meeting with the Security Branch on 12 August to discuss the Sai Kung boat people centre, the officials concerned remarked that Members of the Legislative Council should not just make empty talks but should pay a site visit before we voted for or against the scheme. Sir, forgive me for making frank remarks, such two-faced tactics adopted by the government officials has greatly disappointed us and dealt a drastic blow against the good reputation and image which the Civil Service has tried so hard to build up. There is much room for improvement in this respect.

Sir, before I conclude, I would like to make the following suggestions on ways to solve the Vietnamese boat people problem:

(1) The United Kingdom should be urged to abolish the port of first asylum policy immediately so as to close the gate once and for all to the boat people.

(2) It is necessary to urge the international community to join their effort in demanding Vietnam to stop its export of the boat people and to take back all the boat people being repatriated or else harsh economic sanctions should be taken against Vietnam.

(3) It is necessary to speed up the formulation of a reasonable timetable for repatriation.

(4) If repatriation cannot be completed within a short period of time, the United Nations should be asked to hold a meeting with a view to setting up ports of second asylum. These ports of second asylum should take refugees and boat people from the port of first asylum in accordance with their resources and capacity so that these refugees and boat people may await screening, resettlement or repatriation. This will help relieve the ports of first asylum of some pressure.

(5) Prior to the implementation of mandatory repatriation, we should reinforce our security forces and draw up a detailed and effective mandatory repatriation programme to prevent the occurrence of any violent actions taken by boat people from causing disturbance to our community.

(6) Efforts in lobbying and explaining to overseas countries on our plight and the rationale behind our boat people policy should be strengthened so as to win sympathy, understanding and support.

(7) In case of any change, we should hold discussions with China on the feasibility of repatriating boat people by land via China and moving some of the boat people to China to await screening and repatriation.

Sir, the Vietnamese boat people problem has become so acute that it requires urgent remedy now. It is high time we should make a wise decision with utmost determination. Repatriation, voluntary or mandatory, must be backed up by the

abolition of first asylum policy before we can hold out any hope to solve the Vietnamese boat people problem on a thorough scale.

Sir, with these remarks, I vote against the motion.

MR. TAI: No doubt before and during the course of this debate a lot has been or will be said on the relevant issues concerning the success of the screening policy, the rationale and the need for implementing the policy of mandatory repatriation, the desirability of abolishing the policy of Hong Kong continuing to be a port of first asylum.

During the last two years, in view of the large influx of boat people in Hong Kong, detention centres and open camps have been established in various regions of our territory. The Administration is well aware of the related problems that they have caused to the community, the police and the correctional services, as well as their feelings; the latter two are charged with the responsibility of manning the detention centres or open camps.

In Hong Kong, we hope that an ultimate solution can be brought about to stop the huge influx of boat people into Hong Kong, and carry out repatriation or resettlement of this people in as humane a manner as possible. The best course to arrive at a solution is by diplomatic means. However, this has resulted in years of discussion in the international arena, and, bilateral talks between the British and/or Hong Kong Government with the Vietnamese Government. Little in substance has been achieved in minimizing the problems that have arisen in Hong Kong over this issue, and the Administration is tight in releasing information relating to the progress of meetings with the Vietnamese Government as to the success of an eventual solution.

Lately, the British Government is campaigning the cause of mandatory repatriation for Hong Kong and report from various sources seems to have suggested that certain agreement relating to the repatriation of boat people in Hong Kong may be reached in due course.

Without knowing the exact implications, which the adoption of such a policy will entail as to:

Firstly, the financial implication to Hong Kong and to other nations in adopting such

policy;

Secondly, whether such a policy would effectively bring about a stop to the influx of boat people to Hong Kong for economic reasons;

Thirdly, the time span for the return of all the boat people remaining in Hong Kong to Vietnam; and

Fourthly, the time span for the resettlement of all refugees remaining in Hong Kong to resettle aboard,

I would not be voting on the call for mandatory repatriation having witnessed the price that we have paid for the adoption of screening policy for boat people. Fellow Councillors calling for abolishing the policy of Hong Kong continuing to be a port of first asylum may be branded as bloody murderers, but this is an option which Hong Kong cannot completely negate as a last resort, if all means fails, despite years of agony in searching for an eventual solution.

4.29 pm

HIS EXCELLENCY THE PRESIDENT: Members might like a short break at this point.

4.56 pm

HIS EXCELLENCY THE PRESIDENT: Council now resumes.

MRS. TAM (in Cantonese): Sir, one day, my eight-year-old daughter suddenly walked up to me and asked me, "What wrong have the Vietnamese boat people done? Why do Hong Kong residents hate them so much?" I have to give her an answer right away which must not contradict with what I have always taught her, that is: to care for and love others; but at the same time, my explanation must not deviate from the reality.

For more than a decade, the complex and intractable Vietnamese refugees and boat people problem has put Hong Kong people under enormous pressure and distress which is quite beyond the imagination of others who have never had such experience. Meanwhile, the Hong Kong community is gradually developing a hostile attitude towards the Vietnamese. This is what I loathe to see. No wonder even an eight-year-old girl

gets the wrong impression that Hong Kong people's repugnance towards the boat people has amounted to discrimination or even enmity.

Hong Kong people have always been kind-hearted and accommodating, as demonstrated by the innumerable community service functions held from time to time and the good result of charity fund-raising campaigns. However, the Vietnamese boat people issue has resulted in Hong Kong people being criticized by the rest of the world as heartless and unsympathetic. This is indeed most regrettable.

Despite its small area, Hong Kong is now one of the most densely populated cities in the world. Given our limited land resources, we are really unable to accommodate the endless influx of Vietnamese boat people, bearing in mind that the number now stranded in Hong Kong has already exceeded 40 000.

Hong Kong people have already paid an extremely handsome price in tackling the Vietnamese boat people problem, both in financial and emotional terms. In the past 10 years or so, we have spent as much as HK\$1.6 billion on the boat people and refugees. It can be said that we have already done our part. We definitely cannot continue to accept without an end the boat people who keep coming our way. It is only because we are at the end of our tether that we deem it necessary to adopt mandatory repatriation as a solution to the problem. Obviously, it is very unfair to us if we are thus denounced as hard-hearted or inhumane.

Being a member of the Hong Kong community, I fully understand that the resentment felt by Hong Kong people did not emerge overnight. As a matter of fact, we have been extremely tolerant all along. It is imperative for the Government to take immediate action to prevent such resentment from spreading and intensifying.

We must strive to make the resettlement countries understand that it is beyond Hong Kong's ability to do anything more for the boat people. We must also explain to them in very clear terms our plight and our reasons for adopting the mandatory repatriation policy. Although there is a continuous public outcry for the abolition of the first asylum policy, I maintain that the most appropriate and practical measure to be taken at this stage is mandatory repatriation.

Of course, even in the case of implementing mandatory repatriation, we have to confront external pressure. There are some countries who know little about the situation in Hong Kong and have not fully honoured their own responsibilities, but

are raising strong objection to our proposed mandatory repatriation policy under the pretext of humanitarianism. This is what we cannot accept.

It is my hope that the British Government, in negotiating with the Vietnamese authorities over the details of the repatriation programme, will ensure that the returnees will not be subjected to persecution or inhumane treatment, and that they will be allowed to lead a new life.

Finally, may I urge the Government to implement an effective repatriation programme as soon as possible so as to allay social discontent and relieve our community of the pressure it has been subjected to for such a long time.

Sir, with these remarks, I support the motion.

MR. TAM (in Cantonese): Sir, since the mid-'70s, the countries and places in the coastal region of the South China Sea have been perplexed by the problems arising from the influx of Vietnamese refugees. Hong Kong is one of the places that have been badly afflicted. Today, some 60 000 Vietnamese refugees and boat people are stranded in Hong Kong. The majority of them will have no chance of resettling in the western countries. It has become quite obvious that if those non-refugees are not returned to Vietnam, they will have to live on indefinitely in the camps enclosed by wire meshes. Unless the western countries are willing to fulfil the commitment they have made at the United Nations Conference in 1979 to accept all the refugees and boat people otherwise mandatory repatriation will be the only effective alternative to relieve the boat people and the public of Hong Kong of these never-ending plights.

Some western countries, however, refuse to accept the Vietnamese boat people on the one hand, and yet obstruct those ports of first asylum from repatriating the non-refugees on grounds of human rights. This selfish act of hypocrisy is entirely against humanity. It will induce a large number of boat people to risk their lives through stormy weather, robbery and slaying at sea to flee to places of first asylum thousands of miles away. No one knows how many Vietnamese people have been drowned or killed by swords and guns in their escape. These tragic stories repeat over and over again in the South China Sea. To the disappointment of the survivors, they reach Hong Kong only to find that no western countries wish to accept them. They have to be detained indefinitely in closed camps in the ports of first asylum. We really

find it difficult to consider this practice humane.

Apart from impeding the repatriation of boat people, some western countries often lash out at the living conditions of the Vietnamese boat people in Hong Kong, saying that the conditions here are appalling. They apply their own living standards rigidly as the yardstick without giving any consideration to the conditions of the local people. But what is more important is that they have rendered no concrete help to the Vietnamese refugees other than lashing out criticism.

The funds that the western countries donated to UNHCR are far from adequate to cover the outlays for improving or even upgrading the living conditions of the boat people. It is really annoying that these countries should cry out for human rights, and yet lose sight of their obligations.

Moreover, some people find fault with Hong Kong's way of handling the Vietnamese boat people issue saying that the arrangements of refugee/boat people management have brought about unnecessary confrontation; some also argue that Hong Kong is too lenient to the boat people and too weak in management thus allowing aggressiveness to build up among the boat people. I take the view that we must not overlook certain problems that have cropped up in the present management of the boat people. The recent incidents of detainees running away from the camps, gang fights and so on, all indicate that there are various shortcomings in the management of the boat people. None the less, the Hong Kong Government and the office of the UNHCR which have very important roles to play in the management of the Vietnamese boat people keep on with their bickering, resulting in further difficulties in management. I hope that both sides should remove their prejudices and distrust to work out certain remedies expeditiously to plug the loopholes so as to strengthen the management of the boat people.

On the other hand, we must realize that management problems are not the crucial factors that give rise to the confrontation of the boat people. The crux of the problem lies in the fact that they are unable to resettle in the western countries, and have to be stranded in a place where they do not belong. Thus as long as they are stranded in Hong Kong, unnecessary frictions and tragedies will inevitably occur.

On the aforesaid basis, we believe that mandatory repatriation or the acceptance of the remaining population of the boat people by the western countries is the only effective solution to the overall problems. The boat people will then be spared the

long-term detention in those closed centres, while the perpetual worries of the general public will come to an end. Regrettably, some countries have continuously obstructed Hong Kong from implementing the policy of mandatory repatriation. I take the view that if the Western countries really hope to improve the economic situation in Vietnam and safeguard human rights, consideration can be given to providing Vietnam with some economic assistance schemes upon the improvement of human rights in that country. It is believed that such economic assistance schemes will have constructive effects on the stability of Vietnam and the world. At the same time the Vietnamese Government should actively make preparation for taking back large number of boat people on mandatory repatriation and take practical measures to improve the economic situation in the country. I believe that only by a responsible commitment to giving effect to human rights can there be any hope of resolving the Vietnamese boat people issue.

Lastly, I welcome the efforts recently made by Britain in securing mandatory repatriation. I hope the repatriation programme can be implemented and effectively carried out. However, if the programme for mandatory repatriation of non-refugees fails to take effect, I submit that the Hong Kong Government should relinquish Hong Kong's status as a port of first asylum. All in all, the Vietnamese refugees/boat people issue has inflicted a heavy economic burden on Hong Kong. The British Government should try its very best to resolve the problem so that there will be a better guarantee for Hong Kong's future development.

Sir, with these remarks, I support the motion.

MR. LAU WONG-FAT (in Cantonese): Sir, the issue of the Vietnamese boat people has already caused bitter resentment and widespread discontent throughout the territory. The distress it has caused to our livelihood and the amount of human and material resources it has levied on us have already gone beyond the limits of our tolerance and capacity. We can no longer afford to let this never-ending problem, which is in fact a problem of illegal immigration, continue to grow and unfairly prejudice the overall interest of our community. Serious as this problem is, I think the British and the Hong Kong Governments must take decisive and effective measures to put an end to it.

The outcomes of the international conference on refugees last month were disappointing as expected. It once again demonstrates that it is unrealistic for

Hong Kong to rely on international consensus to solve its urgent problem of the Vietnamese boat people. During spring and summer this year, we were exhausted in handling the chaotic situation brought about by the influx of boat people. At present there are a total of 57 000 boat people and refugees stranded in Hong Kong. We must implement mandatory repatriation as soon as possible, otherwise, we will not be able to cope with the next surge of boat arrivals a few months later.

The British and Hong Kong government officials have time and again expressed their wish to put mandatory repatriation into force before the end of this year. Yet there is only one month left. The question of whether the scheme can be implemented as scheduled has caused much concern and great anxiety.

Sir, on the repatriation issue, we should not be obstructed by the reaction of certain countries any longer, particularly the opposing voice of the United States. The attitude of America fully exposes her hypocrisy, double standard and unreasonableness in handling this matter. Given her vast territory and resources, America should have no problem in taking all the stranded boat people from Hong Kong if she is sincere in advocating her so-called unrestricted humanitarianism and really wants to live up to her words. America is now reluctant to commit herself to what she always reckons as a humanitarian responsibility. Nor is she able to provide any alternative solution to this problem. It is therefore very ridiculous of the United States to insist on her objection to Hong Kong's repatriation action. If the British and Hong Kong Governments give in to such absurd views, they will find it difficult to convince the people of Hong Kong.

Being the sovereign country of Hong Kong, Britain has let us down in her performance in helping Hong Kong solve the boat people problem. Britain can hardly defend her reluctance to take the lead in setting a good example of increasing her resettlement quota for refugees substantially. On the issue of repatriation, I hope that the authorities concerned will take a firmer stance and try her utmost to press for the early implementation of the repatriation programme.

Although the international community has already indicated their lack of interest and ability to help solve this problem, I consider that the British Government should carry on the bilateral talks with the Vietnamese Government and secure an agreement on the repatriation issue as soon as practicable.

Owing to the compelling situation, Britain should keep the people of Hong Kong

informed and proceed as soon as she can to consider the feasibility of alternative actions, including the introduction of more drastic measures if the talks should come up against any intractable problems. No matter how things are going to develop, Hong Kong must rid herself of the burden of being a port of first asylum as early as possible. This is the only way to tackle the problem at root.

Sir, with these remarks, I support the motion.

MR. BARROW: Sir, as I said during the debate on the Foreign Affairs Committee report, I share the reluctant conclusion of that committee that orderly repatriation of the Vietnamese boat people with necessary safeguards has proved to be the only solution. Hong Kong has been faced with an appalling dilemma in dealing with this issue which is a side show unrelated to our long-term future. I wish there was another alternative.

I appreciate the concerns by segments of the community and the pressure which has been placed on the police and other disciplined services, who have done a marvellous job in 1989. However, I believe this is a time when Members of this Council, as well as the community as a whole, should show the patience which you, Sir, encouraged in your annual address last month.

Having returned from London last night, it is clear that the British Government is doing everything it can to progress repatriation, as is the Hong Kong Government. We must, however, be sensitive to international public opinion and the media. There is, of course, an important distinction between repatriation of boat people and the support which Hong Kong is seeking in the United Kingdom. Nevertheless, we must be conscious of the practical reality that it is easy to link the two together.

We are all committed to achieving a stable and prosperous Hong Kong and it is essential that we have international support. Hong Kong is one of the world's leading trading entities. More than any other economy, we are dependent on external relations. We can never turn inwards. Precipitate action or excessive haste in handling this issue will not be easily forgotten around the world.

Given that it has been clear for some weeks that both the British and Hong Kong Governments are committed to pursuing orderly repatriation, my concern is that further public debate at this time is only going to generate increased disquiet among Hong Kong people, as well as exacerbate the already complicated situation

internationally. A better course would be to quietly encourage patience amongst the community and eliminate the rhetoric which we have heard in recent months. I would also discourage those who believe in promoting an early decision to abolish the first asylum policy. Nothing could be more damaging to Hong Kong's short and long-term interests.

With these words, Sir, I advise that I will be abstaining from voting on the motion. I have also been asked by my colleagues Ronald ARCULLI and Paul CHENG to say that they share the sentiments I have expressed and they too will abstain from voting on the motion.

MR. MICHAEL CHENG (in Cantonese): Sir, the Vietnamese boat people have continued to flock into Hong Kong recently. If this situation is left unchecked, these boat people are expected to arrive by tens of thousands in the high season next year. The influx of boat people has already cast a heavy financial burden on the people of Hong Kong. Besides, law and order in residential areas is affected by boat people who run away from detention centres. Armed fights inside the detention centres are not infrequent and usually chemical mace has to be used before the scene can be kept under control. These endless disturbances have a serious impact on the sentiment of Hong Kong people and have a great unsettling effect on the community. In their great discontent, the people of Hong Kong have begun to doubt the competence of the Government in maintaining law and order. The prestige of the Hong Kong Government has therefore suffered to a certain extent. At the same time, the boat people problem has destroyed the good image of Hong Kong in the international community considerably. Hence, I think the introduction of mandatory repatriation is a down-to-earth approach to the problem though it may not be the most ideal solution. If the implementation of mandatory repatriation fails to achieve its expected effect, then it will be necessary for Hong Kong to abolish her port of first asylum policy. It is only by so doing that we can hope to bring a permanent end to the Vietnamese boat people problem in Hong Kong.

Shortly after her recent meeting with the American President Mr. George BUSH, the British Prime Minister Mrs. Margaret THATCHER said that all screened-outs from among the Vietnamese boat people stranded in Hong Kong would be repatriated to Vietnam no matter they accepted the arrangement voluntarily or not. I am very glad to learn that the British Prime Minister has made such a statement in Hong Kong's favour. I earnestly hope that she will immediately act upon her words and secure the

implementation of the repatriation programme as soon as possible. However, I strongly oppose to any compromise that requires Hong Kong to make further contribution towards the Vietnamese boat people in exchange for the implementation of the repatriation programme. Hong Kong people have already spent too much on them. Besides, from the legal point of view, the people of Hong Kong are neither obliged nor required to make such extra payment which, as a matter of fact, is "ransom" in a disguised form. More importantly, this may encourage more boat people to come to Hong Kong. It will then be necessary for Hong Kong to spend more on repatriation expenses and deploy tremendous manpower and material resources for the reception, screening and repatriation. This is certainly not a practicable solution.

The Vietnamese boat people problem is an international issue. While it is obvious that the burden of finding a solution to the perplexing problem of Vietnamese boat people in Hong Kong is a responsibility which Britain should have no excuse whatsoever to shirk, the United States also has the obligation to undertake a share of this responsibility. As a matter of fact, the boat people stranded here do not wish to settle down in Hong Kong. They want to emigrate to other overseas places. Their dreamland is America. However, acting contrary to the humanitarian principles that she has been preaching enthusiastically, the United States cares little for the distress and general feelings of Hong Kong people. She has neither increased her resettlement quota for the genuine refugees, nor agreed to the implementation of mandatory repatriation for the screened-outs. As a result, the United States has left the Vietnamese boat people to lead a miserable life indefinitely in the detention centres, devoid of freedom and far away from their homes. Without doing anything to help Hong Kong solve the boat people problem, the United States even opposes the introduction of mandatory repatriation by Britain, the sovereign country of Hong Kong. In the light of such development, the Vietnamese Government has been encouraged to export large numbers of boat people unscrupulously with a view to gaining more bargaining chips. Hence, I urge that Britain should break loose from the restraints of America and resolutely perform her duty as the sovereign state of Hong Kong by securing a permanent end to the Vietnamese boat people problem in Hong Kong as soon as practicable so that the confidence of the Hong Kong people in British rule over this territory may be reinforced during the transitional period.

Furthermore, in order to ensure the success of mandatory repatriation in solving the problem of boat people stranded in Hong Kong the Hong Kong Government should deem it a task of utmost importance to speed up the repatriation work by increasing manpower and simplifying the screening procedures. If the screening work is too slow, the

43 000 boat people presently stranded in Hong Kong and many more who keep pouring in will need to stay here for a long time before they are repatriated. As a result, the population of boat people in Hong Kong will grow and more financial and material resources will be required for constructing new detention centres and providing food and shelter for them. The mandatory repatriation scheme will become meaningless. Although the "immediate repatriation upon arrest" policy for Chinese illegal immigrants is different from the repatriation scheme for Vietnamese boat people and the Hong Kong Government cannot take them as parallels, there should not be too great a disparity between the ways that these two categories of illegal immigrants are treated.

At the same time, the police and the correctional services staff are working under tremendous pressure in managing the boat people centres. I am glad to see that the Government has offered material incentives to ease their minds so that they may continue to discharge their duty of maintaining law and order. However, we are indignant to learn how the office of the United Nations High Commissioner for Refugees has made unjustified and unfounded accusation against the disciplinary staff at the boat people centres. This has dealt a blow to their already low morale. I hope that the United Nations High Commissioner for Refugees will take a fair and reasonable attitude in handling the problem of Vietnamese boat people stranded in Hong Kong. They should not be biased and over-sensitive about protecting the interests of the boat people, nor should they launch unwarranted attacks against the law enforcement officers. We must bear in mind that the police and the correctional services staff are common people. They too are entitled to human rights and fair treatment.

Sir, with these remarks, I support the motion.

MR. CHOW (in Cantonese): Sir, it has been more than a year since we assumed office in the Legislative Council and this is the second time we hold a debate on the Vietnamese boat people issue. If no decisive measures are taken to solve the problem, I am afraid debates on Vietnamese boat people will become an annual event in the Legislative Council, just like the policy and budget debates.

In a Greek myth, a person called Sisyphus had to take up endless hard labour as a punishment for having offended the gods. He had to push a piece of huge rock uphill until it reached the peak. When he had exhausted himself in doing so, the rock rolled down again because of its weight. Sisyphus therefore had to do the same thing again

and again forever.

The punishment on Sisyphus is really severe, but could it be said that the burden placed upon us by the Vietnamese boat people is insignificant? More than 10 years have gone by; the chance of having the burden reduced is still not within sight. Sisyphus is more fortunate than the people of Hong Kong because he could take a rest when the rock was rolling down the mountain, but Hong Kong people do not even have the chance to take a breath.

Some people may think that I have exaggerated the seriousness of the problem, but we might as well take a look at some of the figures. Even if the western countries really accept all Vietnamese refugees in the next few years, there will still be over 40 000 Vietnamese boat people stranded in Hong Kong. And supposing no Vietnamese boat people will come to Hong Kong from tomorrow onwards, and all those in the territory can be sent back to Vietnam by mandatory repatriation, how many years will it take to send all these boat people back? An UNHCR official told us in early November that the Vietnamese Government could not accept large numbers of returnees because of inadequate intake and examination facilities. The Vietnamese delegation also said that consideration was being given to increasing the number of flights for carrying homeward bound boat people to twice every month, and one to 200 boat people would be repatriated in each flight. In other words, only 4 000-odd boat people will be repatriated each year, and it will take more than 10 years to repatriate all the 40 000-odd boat people. It seems that apart from formulating medical policies which go beyond 1997, the Hong Kong Government also needs to make policies on Vietnamese boat people beyond 1997!

The above calculation is based on the assumption that our subject of debate today -- the Comprehensive Plan of Action -- can be implemented, and that Hong Kong can successfully relinquish its role as a port of first asylum with no more new arrivals in future. But is the situation really that promising? As of today, the United States still objects to our proposed implementation of mandatory repatriation on the ground that such measure is "inhuman". What right has the United States to talk about humanitarianism with Hong Kong people and the Vietnamese? As at October this year, the United States has merely accepted 153 out of the 56 000 boat people and refugees stranded in Hong Kong! While accepting 100-odd refugees, the United States has left tens of thousands of boat people confined in detention centres for years, and induced an unknown number of boat people to flee from Vietnam and some finally ended up at the bottom of the sea. Is this in fact "humanitarianism" or "inhumanitarianism"?

The United States had better listen to the teaching of Confucius to the effect that "those who initiate unworthy practices will suffer in the end".

Today, Hong Kong must try to gain the initiative to handle the Vietnamese boat people problem, take firm measures to relinquish its role as a port of first asylum and implement the mandatory repatriation scheme. Some people think that such a move goes against the principle of humanitarianism, but in fact, to promote the so-called humanitarianism is first to deceive oneself as well as others. Some people still expect a helping hand from the international community while, in fact, it is just nonsensical daydreaming to talk about international moral justice. Seventy years ago, Mr. CHANG Jun-li, a renowned Chinese politician and scholar on politics, having witnessed the reality of the so-called international moral justice claimed by the western countries during the Paris Conference, was so angry that he vowed to burn all the books on international law in his possession and never talk about those useless literature.

Sir, in your policy address, when referring to the scrapping of the port of first asylum policy, you pointed out that Hong Kong might have difficulty in bearing the possible cost. I cannot agree with your views. Last year when the Government decided to implement the screening policy, did it not think that the policy would naturally give a deterrent effect, so long as the boat people knew that those who were screened out would lose the chance of resettlement overseas?

However, it did not turn out to be the case. Similarly, it would be too optimistic to think that the combination of the screening policy and mandatory repatriation will deter the boat people from coming to Hong Kong. They will never give up the idea of fleeing to Hong Kong should they have even a slim chance of becoming political refugees. Just as at present, the greatest majority of boat people do not turn away from Hong Kong even though each one of them is told on arrival that his only prospect is to await repatriation should he be screened out as non-refugee. Mandatory repatriation will only solve the problem of boat people stranded in the territory but not deter the continuous influx of more boat people to Hong Kong. By that time, Hong Kong will become an off-shore consular region of Vietnam. Those Vietnamese who hope to resettle overseas will sail to Hong Kong. After screening, those who are approved by foreign institutions stationed in Hong Kong may resettle in other countries while others will be repatriated to Vietnam! Unless the Government is willing to let Hong Kong push a huge rock uphill indefinitely, it is necessary for us to pay the price of relinquishing the role as a port of first asylum!

Since the only way to thoroughly solve the problem of Vietnamese boat people is to scrap the port of first asylum policy, it is clear that the sooner we do it, the better. Moreover, the cost mentioned by you, Sir, is only a possibility. Sir, I do not want to see another debate on the problem of boat people, and I hope the Government can take some decisive action to solve the problem once and for all. Sir, with an appeal for the immediate scrapping of the port of first asylum policy, I support the motion.

MRS. LAM (in Cantonese): Sir, just now many of my colleagues have given a detailed account of the difficulties Hong Kong people have been facing over the past decade or so as a result of the Vietnamese boat people problem and the recent unrest in the detention centres. With the scarcity of land, manpower and funds, the situation has become increasingly unbearable that we can hardly stand the continued presence of the boat people in the territory. Mandatory repatriation is therefore the only solution to the problem. These are the views which I fully support and which I do not want to repeat. Yet I would like to discuss mandatory repatriation from a different angle.

The mandatory repatriation proposal which has dragged on for two years has finally won the firm support of the British Government. Under this policy, the 43 000 or so Vietnamese boat people stranded in Hong Kong will have to be repatriated voluntarily or involuntarily to Vietnam once they are screened out as non-refugees. This message has delighted all Hong Kong residents. If the first batch of returnees under the mandatory repatriation scheme can leave Hong Kong before Christmas, as predicted by the London Financial Times, I believe that this will be a big Christmas present from the British Government to the people of Hong Kong, who will no doubt appreciate and applaud the move. Besides, the efforts made by you, Sir, and Members of this Council in the past year will have achieved at least some results. At the same time, when the news of mandatory repatriation was disclosed, many people expressed their gratitude and delight. I wish to take this opportunity to share with you the people's aspirations, hoping that this will make us work even harder for the benefit of the community.

The implementation of the mandatory repatriation policy is a wise decision which fully reflects the British Government's concern for Hong Kong people and its understanding of their feelings. The British press reported that an amount of US\$620 might have to be paid for each returnee. In my opinion, the British Government should

bear the cost because Hong Kong has already spent more than HK\$1.6 billion on the Vietnamese boat people and refugees over the past 10 years. Having spent such a huge sum of money, Hong Kong has already done everything expected in the light of humanity and duty. Nobody will feel good to have to pay for the boat people's departure, but if that can solve the problem once and for all and result in social stability, there is at least some consolation.

In order to effectively stop the further influx of Vietnamese boat people into Hong Kong, I think the following points should be heeded:

1. To avoid any possible hitches due to long delay, all Vietnamese boat people stranded in Hong Kong should be repatriated as soon as possible. It is especially desirable to have a large number of these boat people sent back to their own country before the influx during the next high season.

2. The policy of mandatory repatriation should be widely publicized in Vietnam through radio, television, newspaper advertisement, publicity booklets, and so on.

3. If the repatriated boat people are found sneaking into Hong Kong again, they should be repatriated upon arrest, without any payment by Hong Kong, so as to dampen their opportunist mentality.

4. Agreement must be made with the Vietnamese Government to adopt stringent measures to stop illegal departures from Vietnam. On the other hand, all new arrivals in Hong Kong shall in future be mandatorily repatriated without the payment of US\$620.

5. We shall strive for the co-operation and support of the Chinese Government in the hope that supplies will not be given by the Chinese people or authorities to the Vietnamese who may come to Hong Kong by land or sea, and that they should be advised to return to their own country. Only by so doing will the policy of mandatory repatriation turn out to be a complete success, and only under such condition shall I support Hong Kong to continue its role as a port of first asylum.

An authority on international refugees law has mentioned that a territory can assume the role of a port of first asylum only when its government considers that the social interests and stability of the land will not be compromised. But if Hong Kong implements the policy of mandatory repatriation and the Vietnamese boat people

are unwilling to leave or even resort to violence to resist the involuntary return, social stability will be affected. According to international practice, Hong Kong may be forced to scrap its first asylum policy. In that case, even the genuine refugees may also be refused entry.

Sir, with these remarks, I support the motion.

MR. LAM (in Cantonese): Sir, the Vietnamese boat people problem is becoming intolerable to Hong Kong both in terms of the material burden placed on us and the mental stress caused to the citizens at large.

In view of the current situation, we all need to express our views open-heartedly in a bid to identify a solution to the problem.

We are well aware that only 501 boat people have chosen to return to Vietnam since the implementation of the voluntary repatriation scheme. But during the same period, another 35 000-odd boat people arrived in Hong Kong, pushing the number of boat people and refugees now stranded in the territory to around 56 000.

This situation is indicative of the fact that leniency will boost the number of arrivals. The port of first asylum policy has incurred immeasurable damage to Hong Kong.

Sir, I fully agree with your comments on the issue of Vietnamese boat people stranded in Hong Kong which you made during your October visit to the United States. You said resolutely, "We must decide upon a policy which we believe will suit the situation in Hong Kong. We would have to make our own decision, even if that decision might not have the support of other countries." If you decide on implementing mandatory repatriation now and scrapping the port of first asylum policy at a later stage, I am convinced that all Hong Kong citizens will support your resolute decision. Actually, we need not worry about international censure. In fact, countries talking glibly about "international" obligation are evading problems and shirking their responsibilities. By exerting pressure on Hong Kong to uphold the port of first asylum policy, these countries are only being generous at our expense. The number of refugees stranded in Hong Kong now stands at 13 000. Those countries with moral obligations should have shared the burden and offered resettlement to these boat people long ago. In handling the Vietnamese boat people and refugees issue, Hong

Kong has all along been too apprehensive of international censure. Indeed, we have been enmeshed in a web of our own spinning. Hong Kong has faithfully observed the port of first asylum policy, yet we have to bear the trouble arising therefrom. On the other hand, the introduction of voluntary repatriation has attracted further influxes of non-refugees to Hong Kong.

Sir, we must promptly make a decision, for any further delay will bring more hitches. We are now facing a critical moment and I suggest that mandatory repatriation be introduced immediately.

Sir, with these remarks, I support the motion.

MRS. LAU: Sir, just over six months ago, on the eve of the Geneva Conference, the issue of Vietnamese boat people was heatedly debated by Members of this Council. Their views, most emotively and eloquently expressed, reflect by and large the views of the vast majority of the Hong Kong people. These views are still fairly valid today.

Prior to the Geneva Conference, the people of Hong Kong were hopeful that the conference would provide a realistic solution to the problem so that a glimmer of light may flicker at the end of this seemingly endless tunnel. The Geneva Conference did endorse the Comprehensive Plan of Action. The plan is comprehensive, but no plan, however comprehensive, can be effective unless there is action. Almost six months have elapsed but up to now we have only heard words and seen no real action. In the meantime, yet another 10 000 odd Vietnamese boat people have invaded our shores.

Sir, the Vietnamese boat people experience has been agonizing for all concerned. It is agonizing for our local people to see their land resources, financial resources and human resources being drained in what may believe to be a futile cause. It is agonizing for those who advocate humanitarianism to see so many men, women and children being confined indefinitely in overcrowded and frequently unhygienic conditions. It is agonizing for the Vietnamese boat people screened out as non-refugees to be suspended in limbo ad infinitum knowing but yet choosing not to believe that they have no future whether here or in the western world.

As far as Hong Kong is concerned, we have lived with the Vietnamese boat people problem for far too long. We have given the problem the greatest of patience and endurance. The strain on Hong Kong is fast approaching the stage of intolerability. The only question is how much longer we can hold on. Public resentment is high, anger

and frustration run rampant, there are already symptoms of social unrest and the effectiveness of the British administration is brought to question. Unless something is done quickly to ameliorate the problem, Government may find it hard to contain the dissatisfaction and emotions of the people. It is imperative that we should at least be able to afford some assurance that there will be a foreseeable end to this protracted nightmare.

Sir, mandatory repatriation has been denounced by those who advocate humanitarianism as being opposed to moral principles and violating human rights. We have already been frequently accused by some members of the international community for being inhumane towards the Vietnamese boat people by keeping them under what they deem to be appalling conditions. But if we are inhumane, which is denied, we are no less inhumane than those who disallow us to send home the screened-out non-refugees, for by doing so, they are effectively suggesting that the human misery should be perpetuated.

The United States have strongly criticized mandatory repatriation and protested its implementation, yet they say that they are fully committed to the Comprehensive Plan of Action. Actually, mandatory repatriation does not fall outside the spirit of the Comprehensive Plan of Action which states that "If, after the passage of reasonable time, it becomes clear that voluntary repatriation is not making sufficient progress towards the desired objective, alternatives recognized as being acceptable under international practices would be examined". We in Hong Kong have realized for a long time that voluntary repatriation is a non-starter, but if it appeases the mind of the international community, we were prepared to wait for a short while. More than reasonable time has elapsed since the conference. By now, it should be crystal clear to all concerned that voluntary repatriation is doomed for failure. So far only 501 have voluntarily returned to Vietnam. Another 1 000 have agreed to go but with repatriation arrangements going at snail's pace we might find that many would have changed their minds when the time comes for them to set foot on their return trip. Even if all went well, it would only represent an insignificant percentage of our backlog of 44 000 boat people not to mention that, in the meantime, yet more would be coming in.

I believe that to allow repatriation to operate only on a voluntary basis is to encourage more Vietnamese people to come. Not only do they know that they will not be rejected but that even though they may be determined to be non-refugees, they have no fear of leaving unless they volunteered. For many of the Vietnamese boat people,

so long as they need not leave, so long would they continue to believe, however erroneously, that there is hope to move to the west where the moon is larger and brighter. To allow ourselves to be party to such encouragement of false hope, is in my view, irresponsible.

Sir, I am convinced that mandatory repatriation is the only sensible, humane and responsible way of dealing with the issue. We must impress on the Vietnamese boat people, in clear and unequivocal terms, that once they are screened out as non-refugees, their only destiny is to return home. We must tell them not only by words but by action. The arrival rate of Vietnamese boat people has recently dropped but as sure as night follows day, we can expect another massive influx of Vietnamese boat people at the turn of spring. If that were allowed to happen, I am sure that we would definitely have passed our limits of endurance. Concrete measures must be in place well beforehand to deter a further exodus of boat people to Hong Kong. I am pleased that the British Government has at long last come around to accepting that mandatory repatriation is the only viable solution to the problem and would seem to be prepared to take a strong stand in that regard. I urge the British Government not to falter from that position but to make a decisive move as a matter of urgency. In order that our problem may be ameliorated, our only hope lies in effective implementation of mandatory repatriation before the next influx. We must procrastinate no further. And we must get our message across loud and clear to the Vietnamese people well in advance so that those who know their scores will not unwittingly take to the high seas. By doing so, we may save many lives and avert much agony. I accept that mandatory repatriation is not palatable to many, but in life, sometimes we need to be cruel in order to be kind.

Sir, if we are able to secure the understanding and support of the international community in regard to mandatory repatriation, that would of course be ideal but if other countries should choose to be stubborn, the British Government must remain firm and resolute in carrying out what it believes to be right. We have frequently heard that if mandatory repatriation should be implemented without universal blessing, then we run the risk of incurring the wrath of the international community, and thereby invite retaliation and economic sanctions. I personally do not believe that big nations such as the United States, despite their protests and criticisms, would act unreasonably. This is particularly so when, other than high-sounding principles and ideals, they do really not have much ground to stand on. They all know very well that there is no other alternative, for with all their wisdom, they themselves could not proffer any better solution to the problem. Actually mandatory repatriation is

not foreign to international practice. In countries all over the world, illegal immigrants who are not refugees are sent home. Why should Hong Kong be condemned for carrying out what in effect is an internationally accepted practice when those who point their fingers at us themselves adopt such practice?

Sir, our debate today is on the mandatory repatriation of non-refugees, but we must not forget about the Vietnamese refugees of which we still have a sizable backlog of 13 000 not to mention that a certain percentage of the boat people may be screened in. Apart from repatriation of non-refugees, one important aspect of the Comprehensive Plan of Action is the early resettlement of refugees. However regretfully, we have only seen buck passing and abdication of responsibility from the resettlement countries over the past few years; even after the Geneva Conference we have not seen any significant progress. When we look at the statistics, we find that Britain has this year up to October only accepted 149 refugees. This is a shamefully low figure. I wish to take this opportunity of reminding the British Government that the responsibility of arranging early resettlement of Vietnamese refugees lies fairly and squarely on the shoulders of Britain, and if Britain wishes the international community to assist in the exercise, she must be seen to be doing much better than what she has done in the past.

Sir, with these remarks, I support the motion.

MISS LEUNG (in Cantonese): Sir, I would like to state first of all that it is undebatable that Hong Kong has very early on easily reached a consensus on the problem of Vietnamese boat people. Public opinion on this issue has been very powerful, and strongly voiced.

We can see that the Government has, in response to public opinion, acted forcefully and finally secured the support of the British Government, which is now becoming more evident. The United States and the other refugee receiving western countries and organizations, including the Office of the UNHCR, have now begun to look squarely at the quagmire that Hong Kong has plunged into in the handling of the issue of the Vietnamese boat people. However, it is too early for optimism at this point. Although the British Government has recently become rather positive, the other western countries and organizations involved in the refugee business have only begun to look at the picture squarely. They are still as bound as ever by the constraints imposed on them by the self-styled international humanitarians who are

interested in evading international obligations that go with their high sounding principles.

Sir, the international conference on Indo-China refugees held in Geneva on 13 and 14 June this year came up with the Comprehensive Plan of Action which eventually accepted the reality of necessity for Hong Kong to take the lead to implement the screening policy with regard to the boat people. That in itself has been an achievement we have to content ourselves with, having fought so hard for it. Under the screening policy, both political and economic criteria are used to establish the status of a boat person. The policy is aimed at differentiating those boat people who left Vietnam for political reasons from those who did so for economic reasons. The latter will not qualify for refugee status, nor will they be resettled overseas. They will have to await repatriation to Vietnam.

Sir, as I had expected at the time of the debate held on 17 May this year on the motion of screening of Vietnamese boat people and repatriation options, one major reason why the United States Government, as well as governments of the other western countries, have continued to accept refugees is that they have to at least take a few as a symbolic gesture in keeping with their high profile humanitarian stance. And since the Geneva Conference held on 13 and 14 June, they might also have slightly increased their intake, by sheer force of circumstance. The fact that they continue to accept refugees at all has been applauded as a most important part of the CPA. Furthermore, on 16 and 17 October the steering committee, which were still meeting in Geneva to thrash out follow-up action, proudly announced that their intake of refugees had increased, insofar as the entire Southeast Asia region was concerned.

Sir, the problem of repatriation will inevitably crop up with the implementation of the screening policy. It is obvious that the idea of voluntary repatriation is indeed ridiculous, if not deliberately contrived as a joke. As we are all aware, there was no way of escaping Vietnam without having to go through a lot of hardships on the rough seas, and risking one's life in the process. Unless there are special compelling reasons, it is inconceivable that they would volunteer to go home just like that.

But voluntary repatriation was precisely the so-called innovative decision reached by the Geneva Conference on 13 and 14 of June. The conference decided, incidentally, that if after a certain period of time voluntary repatriation failed to achieve the desired objective, other appropriate means of solving the problem could

be contemplated. Indeed, as I had anticipated at the time of the 17 May debate, this is the kind of "humanitarian pressure" that the self-styled, loud-talking international humanitarians brought to bear on Hong Kong and other Southeast Asian countries which have been beset with the refugee problem. Their humanitarian stance gives them great flexibility in terms of offensive and defensive strategy.

Sir, the mandatory repatriation option put forward by Hong Kong was not agreed upon at the conference held in Geneva on 16 and 17 October, chiefly because of strong opposition voiced by the United States delegation. The conference was disrupted and the proposed option was put off to the next conference scheduled for early December. In any case, the United States Government yesterday reiterated its stand against mandatory repatriation.

It is apparent that, if mandatory repatriation failed to materialize and we were to get stuck with voluntary repatriation or other similar measures, the screening policy would inevitably become quite meaningless, and the entire CPA would consequently lose whatever substance and positive use it might have. It is in this connection that, at the 16 and 17 October meetings, both the Hong Kong and the British delegations strongly voiced their concern in this respect, insisting that mandatory repatriation should go ahead according to a fixed timetable as soon as possible.

Sir, leaving aside for the moment the Vietnamese Government which specializes in exporting boat people, why should the United States and French delegations, the former particularly, have been so vehemently opposed to mandatory repatriation at the meetings on 16 and 17 October? I believe that, quite apart from the so-called humanitarian reason which I mentioned just now, this could be attributed to the historical complex shared by both the United States and France. France was for a considerable period of time before the Second World War the sovereign state of Vietnam, which explains the strange bond between the two countries that endures even now.

The United States has special feelings about Vietnam, and I am sure that the Americans regret to this day their withdrawal from Vietnam in the face of popular discontent with the war, leaving the South Vietnamese Government to fall to the communists. The anti-war Americans themselves feel rather apologetic about their romanticism, and particularly about the Vietnamese people, more so if they come from the south. Now in their forties and early fifties, these are the influential people who are the pillars of the American society. It is therefore paramount that we should also take into account this mentality which lies behind the American policy with

regard to the boat people.

Sir, what should we do in the face of the strong opposition of the United States Government to our proposed mandatory repatriation of the Vietnamese boat people? If we should disregard the resistance, the opposition of the United States Government in particular, in implementing the repatriation policy, then we might have to live with the unreasonable trade restrictions that the United States and other western governments would threaten to slap on us, which could prove too high a price to pay after all. I therefore think that we could try to let the American people know about the reality of the boat people issue, and the real difficulties that Hong Kong and the other Southeast Asian countries are faced with, in order that they will get to know how the United States and other western governments, as well as the self-styled international humanitarians, are actually bringing their unreasonable pressure to bear on Hong Kong and the Southeast Asian countries. They will respond after they receive our message and make their influence felt by the United States Government.

How can we make sure the American public get our message in its entirety? I think the best way to go about it is to take a full or half front page advertisement on all the national papers in the United States. If needs be, we could also buy air time on national radio and television to publicize our cause.

When the American public get our message, we could also send along a representative or hire professional people to lobby all the Senators and House Representatives in the hope that they will be convinced and consequently support, under the scrutiny of the American people, our mandatory repatriation policy.

Sir, the motion before us is clearly contradictory with regard to the repatriation policy. The repatriation scheme detailed in the CPA refers in fact to voluntary repatriation, which I cannot agree with. I think that we should lose no time in implementing mandatory repatriation. Only in so doing can the problem be resolved. To conclude, as far as this debate is concerned, I basically support the motion, with the exception of the repatriation scheme as specified in the CPA.

MR. MCGREGOR: Sir, I have something to ask of you, please. I have proposed several times without success to introduce a more democratic system of establishing the speaking order at debates in this Council. Since I do not accept that any Member of this Council, except the Honourable Allen LEE, is senior to any other member, I

ask your permission to give way to the Honourable Elsie TU. Other Councillors feel as I do and the Honourable Kingsley SIT would like to give way to the Honourable James TIEN. The last five Members would therefore speak in reverse order, Sir, if you agree.

HIS EXCELLENCY THE PRESIDENT: What you asked comes unannounced to me. It is custom in this Council that the speaking order follows a traditional pattern. But if all those concerned have themselves requested to alter the speaking pattern, I will agree that they should speak in a different pattern. I would, however, ask that in future if there is a wish of individual Members to change the order of speaking they should do so through the normal channels rather than with a last minute announcement of this sort. You leave me now in a position where I am not exactly sure in the row of people facing me who has chosen to speak in which order. But I think you said that Mrs. Elsie TU was going to speak and I am prepared to call Mrs. Elsie TU.

MRS. TU: Thank you, Sir. The decision to make Hong Kong a port of first asylum was imposed upon the Hong Kong public 10 years ago without their consent. The Hong Kong public should therefore have the right to reject that role, and I believe that the vast majority do now reject it.

The countries which made that decision, mainly the United States, Britain, Canada and France have gradually backed down from their own chosen role as resettlement countries. In effect, these countries have turned Hong Kong into a human storeroom from which they choose only the human goods they want. The rest are left to rot in the Hong Kong storeroom. Yet these same countries refuse to have this unwanted human cargo returned to Vietnam.

By resettling some of the boat people, these countries have gained political capital as sympathizers with what they call refugees from communism. Hong Kong has been left to deal with their rejects, as well as any others who care to come from Vietnam, including small unaccompanied children, aged or handicapped people, fortune-seekers or even criminals.

Vietnam, on its part, is stalling on the bilateral discussions, and it appears to be using the boat people as bargaining-point; while the United Kingdom and other western countries with a political chip on their shoulders vis-a-vis Vietnam, are

refusing to face the consequences while admitting the fact that Vietnam does indeed need economic aid. To complete the catastrophe, the UNHCR has failed to pay its debts to us. Hong Kong is the victim in every way.

It is common for people with a chip on their shoulder or who have failed in their duty, to put the blame on others. So Hong Kong has become the butt of criticism of the United States, France, some British politicians, Vietnam and the UNHCR. Meanwhile, the boat people are working out their frustrations on the staff at the camps, who in turn are becoming frustrated and demoralized. This state of affairs cannot continue, and must not be allowed to continue.

Hong Kong is in fact no longer a port of first asylum but only a dead-end for tens of thousands of illegal immigrants. To continue to call this a port of first asylum and not to repatriate those without refugee status is, if I may quote your own words, Sir, a "fundamental illogicality", and it is totally unacceptable to the Hong Kong people.

6.00 pm

HIS EXCELLENCY THE PRESIDENT: Mrs. TU, I am afraid I must interrupt you. It is the penalty you suffer from having changed the speaking order of the debate. (laughter) It is now six o'clock and under Standing Order 8(2) Council should now adjourn.

CHIEF SECRETARY: Sir, with your consent I move that Standing Order 8(2) should be suspended so as to allow the Council's business this afternoon to be concluded.

Question proposed, put and agreed to.

HIS EXCELLENCY THE PRESIDENT: Mrs. TU, please continue.

MRS. TU: This motion today does not go far enough. News has recently been leaked to the press that the Government plans to spend \$300 million of public money to build a bigger camp in readiness for the huge influx expected early next year. Action must be taken to prevent any further traumas of that kind we have suffered this year. Hong Kong now has no alternative than to cancel the port of first asylum policy, unilaterally if necessary. Those countries who consider this step to be inhumane

have the remedy in their own hands: they can take the boat people themselves and show by their deeds as well as by their words that they are humanitarian.

I cannot in all conscience agree to place any further burden on the Hong Kong public, or on those public servants who have to face danger because of the boat people. Nor can I cheat the boat people with false hopes that they will find the new homes that they are seeking.

Our colleague Martin LEE has proposed an ideal solution, but in my estimation it is totally unrealistic and would never be implemented by the less than ideal politicians who are blackmailing us.

Sir, I will support the motion for urgent repatriation, but at the same time call for urgent cancellation of the one-sided port of first asylum policy which is at the root of the problem, and which has proved to be only a political charade holding out false hopes to the Vietnamese boat people. Sir, I support the motion.

MR. TIEN: Sir, I would like to begin where the problem begins, namely in Vietnam itself. I begin there because I believe that only there in Vietnam itself can this problem of the so-called Vietnamese boat people be solved.

The Vietnamese situation cannot be solved until Vietnam puts its own house in order. The former Thai Prime Minister Chomanan said that Vietnam's living standards were 25 years behind even those of Thailand. Nevertheless, Vietnam has not really taken the prospect of economic improvement seriously. It seems to imagine that it can improve its performance only with an improved application of socialism. The result has been to produce not wealth but bureaucracy, inefficiency, nepotism and corruption. Indeed these things are admitted by the Vietnamese media. Vietnam has, as a direct consequence of its disastrous economic policies, an admitted inflation rate of an average of 1 000% over the two years 1985 to 1987. Moonlighting by civil servants is now legal, other people resort to whatever means are available.

Nevertheless, food is scarce, industry is stagnant, prices remain high. According to the latest figures, in Vietnam, food supplies for the population (304 kilogrammes per capita) were below the bare minimum for survival. Production was severely reduced in 1987 also because most state-owned enterprises operated only at half capacity. Population growth at 2% was high.

Compared with a list of 164 nations listed by the United Nations, Vietnam ranks 161 measured in terms of GNP per capita.

In this context, and ignoring Vietnam's long history of war, it is not surprising that so many people seek to leave Vietnam for a better living. They set out for neighbouring countries such as Malaysia, Thailand, Singapore and Indonesia -- in the hope of gaining entry.

However, none of these countries is in fact prepared to guarantee them landing. Only Hong Kong has continued, consistently, to be at least a temporary port of first asylum. Let us look at the figures. Up to September this year, Hong Kong has accepted 33 000 Vietnamese boat people, whereas Singapore only took in 1 300. So, the question is simply, should Vietnam's economic problem be Hong Kong's problem? The answer to this question is self evidently "no". Suggestions that we should buy an island around Southeast Asia to house these boat people are impractical. How big an island can we buy? Which country would sell part of their territory? How many people can this island hold, bearing in mind Vietnam has a population of 66 million? Who should be responsible financially for building the infrastructure on this island? For those 66 million people, buying an island might as well mean buying the whole country of Vietnam.

I now turn to the motion before us today. What I have already stated so far is that the implementation of the Comprehensive Plan of Action will be extremely difficult to achieve. For the motion in part accepts the need for Vietnam to agree to take back its citizens.

But there are obstacles, too. The United States is no doubt well-meaning in its attitude towards the question of Vietnamese refugees, but Hong Kong has noted with dismay the attempts of President BUSH and certain members of the United States Congress to frustrate mandatory repatriation.

We should seriously point out to our American friends the illogicality of their position. It is now becoming crystal clear that many Americans, from the Coast Guard up to the United States President and the Senate, have actually developed a curious blindness about refugees. They pour scorn on the distinction between genuine political refugees and economic migrants. At the same time, they are busily using the political-economic distinction to refugees coming to their own shores.

According to a newspaper report (Washington Post, 18 November this year), only six out of 21 000 boat people from Haiti have actually been allowed to enter the United States on asylum grounds, while the rest are forced to return. The American themselves are in fact practising mandatory repatriation.

Sir, Hong Kong has reached the limits of its compassion. Our American friends could help in a positive, rather than in a negative way. The positive step is obviously to develop the Vietnamese economy by financial aid. In this regard, the United States has a crucial moral role to play.

I have already described the present run-down condition of Vietnam. This can be attributed, in large measure, to the devastation caused by the American involvement in the war of some 20 years ago. So the message should go forward to our American friends that the subject of our treatment of uninvited economic illegal immigrants from Vietnam is the same as United States' not welcoming uninvited economic illegal immigrants from Haiti.

Sir, another obstacle is the failure of the UNHCR to provide adequate help in the monitoring process. Here again we have been compelled to fall back upon our own resources, over-stretched, under pressure, but above all, an expensive charge upon the generosity and forbearance of the Hong Kong taxpayer.

Sir, we are here confronted by double standards. Other countries find it easy to instruct us in our "duty", so to speak. They find it difficult to apply to themselves the same strict standards which they apply to us. But after all, we are the innocent party. We have never hurt Vietnam in war, words, or sanctions. Nevertheless, we are the receiving end of the accusations from these same people who complain indignantly about closed camps in Hong Kong.

It is very easy to give moral lectures. Moralizing is a cheap and easy way out of the dilemma. Unfortunately it does not have to process these economic refugees, feed them, hospitalize them, find them temporary accommodation and make arrangements to police them when they squabble amongst each other. Above all those who offer us lessons in morality do not rush to accommodate these poor people, desperate to go anywhere except to the tragic and depressed country which gave them birth.

Sir, at the end of the day we have no alternative but to repatriate them. At this point, we must not forget the cost of such an action.

We should not be expected to bear the cost of repatriation. To send them all back could cost many millions of dollars. This would involve not only transportation costs but also all other forms of financial aid to them. They came uninvited. We took on the burden. Let someone else accept the cost of getting them out again. Let those countries expressing concern pay for the boat people. This is the end of the day, the end of the road to a most tragic event. In this belief we are fortified by the stand now finally taken by Her Majesty's Government which sees urgent mandatory repatriation as the only sane answer to this intractable problem.

However, should mandatory repatriation not succeed for whatever reasons, say, within the next few months, then I would support a move to introduce a motion terminating our commitment to the port of first asylum.

Sir, for the time being, I support the motion.

MRS. SO (in Cantonese): Sir, Hong Kong has been beset continuously by the Vietnamese boat people problem and trapped in a situation which has gone from bad to worse. So far, the number of Vietnamese boat people stranded in Hong Kong has already reached some 43 000. It is estimated that a new surge of boat people will possibly crash our gate by tens of thousands in the coming year.

Hong Kong is a small place with a large population and limited resources. Although the British Government has cast upon Hong Kong the never-ending task of caring for the boat people, the people here have demonstrated their great capacity for tolerance. To cope with the massive influx of boat people in recent years, the Hong Kong Government has to deploy enormous manpower and material resources in tackling the problem. This has inevitably affected the progress of improvement in upgrading the quality of services and the standard of social welfare for the general public. The recent incidents of local people being disturbed by boat people running away from nearby detention centres have turned the boat people issue into a household problem. The protests against the building of additional detention centres and the request for abolishing our port of first asylum policy by the local residents are therefore understandable.

Boat people continue to arrive in large numbers despite the implementation of the screening policy last June, showing the failure of this policy in deterring the

Vietnamese boat people from coming to Hong Kong.

Although the screened-outs can apply for voluntary repatriation to Vietnam, only 501 boat people have so far been sent back to Vietnam through this voluntary repatriation scheme since it was put into effect last August. This figure is negligibly small in comparison with the population of boat people currently staying in Hong Kong, which stands at some 43 000. Hence, it has been proved that voluntary repatriation can hardly solve the boat people problem. If these boat people do not want to be repatriated voluntarily, they will remain stranded in Hong Kong indefinitely. This would be unfair to both the boat people and the local residents in Hong Kong.

Statistics show that over 70% of the boat arrivals in recent years came from North Vietnam. They took to the angry sea not because of political persecution but rather for a better material life. According to international practice, these Vietnamese boat people who fled their country for economic reasons instead of for reasons of political, religious or racial persecutions should be treated as illegal immigrants. Some hold the view that it is inhumane to impose mandatory repatriation on these illegal immigrants from Vietnam. While it is a long standing practice in Hong Kong to effect the immediate repatriation of illegal immigrants upon their arrest, we are, however, accommodating all these Vietnamese boat people unconditionally and providing them with the necessities of life and assistance until their departure from Hong Kong.

Regarding the reports by overseas organizations on Vietnamese boat people being ill-treated in Hong Kong, I think it is due to their ignorance of the real situation in Hong Kong. I believe that if only these organizations know more about the living conditions of the Hong Kong people, they will not make such unfair criticisms. The implementation of the mandatory repatriation scheme for non-refugees is in line with the principle of humanitarianism and international practice. Only by implementing the mandatory repatriation scheme can we hope to put an end to the problem of Vietnamese boat people in Hong Kong.

To implement the mandatory repatriation scheme, we must first of all obtain international support. At the international conference on refugees held in the middle of this year, while the proposal to repatriate non-political refugees was supported in principle by the majority of the representatives, a few countries maintained their objection to the mandatory repatriation scheme. However, they were

unable to put forth any specific plans in remedy. The Government should therefore make further efforts to explain to these countries the gravity of the boat people problem in Hong Kong and point out to them our urgent need to implement mandatory repatriation.

Owing to the lack of facilities for settling the large number of Vietnamese boat people returning home and the shortage of manpower and resources for handling the repatriation exercise, the Vietnamese Government is in need of some form of financial assistance. Given the large amount of resources we have already spent on Vietnamese boat people stranded in Hong Kong, it would add to our already heavy burden if we are required to provide Vietnam with financial assistance. Moreover, large sums of money will be needed for our future infrastructural developments. In view of this, I think the British Government should be obliged to make greater commitment in this aspect by conducting diplomatic negotiations with the international community so as to formulate a policy to assist Vietnam in attaining economic recovery and improve the efficiency in administering the mandatory repatriation procedures.

The construction of new detention centres for boat people has led to frequent conflicts between the Government and the local community. At present, detention centres for boat people are located in various regions. As these centres are situated in the vicinity of residential areas, the boat people often break the rules and sneak out of the centres, posing a great threat to the safety of the nearby residents and their properties. The Government should consider setting up boat people centres in remote islands to accommodate boat people who are presently detained in various regions, so as to reduce the annoyances caused to local residents and to remove the potential risk of conflicts between the boat people and the nearby residents. Such arrangements can, at the same time, give the advantage of pooling the resources to facilitate management.

After prolonged negotiations between our government officials and the Vietnamese Government on the repatriation issue of the Vietnamese boat people, remarkable progress has been made recently. It is anticipated that both parties will reach an agreement on the "orderly repatriation programme." Lately, Mrs. THATCHER, the British Prime Minister, has explicitly said that Her Majesty's Government would implement the policy of forced repatriation in Hong Kong. Despite the United States Government's continual objections to mandatory repatriation on humanitarian grounds, it is believed that it will not directly interfere in or take any action to deter the repatriation exercise. I am therefore optimistic about the implementation of

the repatriation programme.

Finally, I would like to reiterate that it is not only the responsibility of the Hong Kong Government to solve the boat people problem, but also the obligation of Britain, being our sovereign country, to have the problem settled. Hence, the British Government should endeavour to assist Hong Kong in solving the boat people problem as soon as possible. With regard to the expenses involved in the repatriation exercise, they should also be borne by Her Majesty's Government.

Sir, with these remarks, I support the motion.

MR. SIT (in Cantonese): Sir, as my learned colleague Mr. HUI Yin-fat said just now, this Council has held two debates on the motion of Vietnamese boat people within a short span of six months. This rather unusual phenomenon is in itself a reflection of the great impact of the boat people on the community of Hong Kong. None the less, it is my belief that, if Hong Kong is to remain a port of first asylum, a third debate on the issue will be inevitable before the end of this Session of the Legislative Council. This is because, judging by the wording of the motion today, "mandatory repatriation" is only a palliative measure which cannot solve the problem. There are dubious points in it which need to be clarified, and which I list as follows:

1. Who is going to foot the bill of transporting the boat people (back to their country of origin)?
2. What is the size of each batch of returnees and what is the timetable of repatriation?
3. What is the allowance given to the boat person and who is going to pay for it?

Meanwhile, according to reports of foreign news agencies, the cost of repatriation is to be shared by Hong Kong and Britain. I think this is an unreasonable arrangement. Hong Kong has conducted the screening of refugees on behalf of the receiving western countries; it follows that the cost of repatriating those who have been screened out should be jointly shared by the United Nations.

Sir, it has been recently reported that the British Government and the Vietnamese Government have arrived at a secret agreement on the matter of mandatory repatriation. This, coupled with the recent statement by the British Prime Minister Mrs Margaret

THATCHER in the United States that boat people who have been screened out as non-refugees should be given the same treatment as illegal immigrants from China, has virtually made the motion before us today quite meaningless. The about-turn signalled by the recent statements of British leaders and politicians suggested that they have all somehow jumped on the bandwagon, without our urging, of supporting the repatriation policy of Hong Kong. It is in this connection that, before we applaud the recent British moves, we should perhaps give some thought to why Her Majesty's Government, which turned Hong Kong into a port of first asylum without our consent, has become so considerate of Hong Kong all of a sudden and attached such weight to the interest of Hong Kong. Sir, I have great reservation about the whole matter. Very early on, before Sino-British negotiations on the future of Hong Kong started, Britain amended the Nationality Act which effectively slammed the door on millions of British passport holders in Hong Kong. And recently, on the ivory trade issue, the British Government has completely disregarded the situation of Hong Kong by taking the lead to sign the agreement on ivory manufactured products, resulting in the local ivory export trade and workers of the trade being thrown into disarray and a dire predicament. I suggest therefore that, in order that Hong Kong will not be betrayed yet again, Britain should be obliged to secure the endorsement of Hong Kong first of all before arriving at any agreement with Vietnam on the issue of repatriating the Vietnamese boat people stranded in Hong Kong.

Meanwhile, I would also like to express my scepticism about the Comprehensive Plan of Action which was endorsed by all the countries involved in June this year and which was described by both the Secretary for Security and a spokesman for the State Department of the United States on television last night to be a most effective and comprehensive solution to the problem of the Vietnamese boat people. The so-called CPA involves four key aspects as follows: (1) port of first asylum; (2) screening of boat people; (3) resettlement of refugees abroad; (4) repatriation of non-refugees.

A close examination of the CPA will reveal that it is only beneficial to receiving countries such as Britain and the United States. It brings harm, and no good at all, to places and countries like Hong Kong which are serving as the ports of first asylum in Southeast Asia. The first, second and fourth aspects of the CPA involve an open-ended commitment by the government of the port of first asylum in the way of manpower and financial resources. Britain, the United States as well as the other western countries are only responsible for receiving and resettling the refugees. The drastic reduction of refugee intake by the receiving western countries in recent

years and the fact that the majority of the boat people who have arrived in Hong Kong since the implementation of the screening policy turned out not to be political refugees after all is evidence that the CPA is a ploy used by the receiving western countries represented by Britain and the United States to pass the burden of the refugee problem to the ports of first asylum in Southeast Asia, including Hong Kong. Even if mandatory repatriation of non-refugees should turn out to be a successful solution, it does not mean that they would not keep coming back to Hong Kong. Provided that there is no change to the policy of port of first asylum, we have reason to believe that the Vietnamese who have been badly traumatized by the war would still be quite eager to leave their country in the hope that they would qualify for refugee status after all, or that even if they are to be screened out they would still be able to spend some time in Hong Kong and await a free journey home on a plane or boat, with the take-home money thrown in the deal.

It is for this reason that, insofar as the ports of first asylum are concerned, mandatory repatriation could be just like quenching their thirst by making them drink poison. The ultimate, once and for all solution to the problem is the revocation of the policy of port of first asylum.

Sir, I would like to look at the refugee problem in a new perspective. Your Government likes to tell the public that ours is not only a government that respects public opinion, but also one that is responsive to it.

What is public opinion with regard to the refugee problem in Hong Kong? I think all my colleagues will agree with me that the views of our various district boards would be a key barometer of public opinion. I believe you will all recall the recent expression of support by the district boards for our OMELCO consensus model which has been taken to be a reflection of popular endorsement of the public as a whole. The consensus model does not only reflect that we have been acting in synchrony with the public; the popular support bestowed upon us actually enhances the prestige of the Legislative and Executive Councils as well.

Sir and my learned colleagues, the challenge before us today is whether this Council will, as it has done before in coming up with the consensus model, act in synchrony with the public opinion in Hong Kong. This comes down to the question of whether we are prepared to attend to the immediate concern of our people.

Indeed, the 13 district boards have already debated the Vietnamese refugee issue, including whether Hong Kong should continue to be a port of first asylum. Nine

district boards, Wan Chai, Southern, Eastern, Kowloon City, Wong Tai Sin, Kwun Tong, New Territories North, Tuen Mun and Yuen Long (Tsuen Wan), have all come out against Hong Kong continuing to play the part of first asylum. I therefore think that it is part of our duty and obligation in this Council to truthfully reflect the public opinion.

Sir, the first priority of a responsible and responsive government is to look after the interest of the people it serves and work to meet their reasonable wishes. Other factors, including the so-called "international obligation", should only play a secondary role. It is for this reason that we need to review our policy with regard to Vietnamese boat people. For, despite our enormous outlay of manpower and resources, we have only managed to incur popular discontent of the people of Hong Kong, the Vietnamese boat people, the international humanitarians, and the Office of the UNHCR. It is just as if getting insulted is not enough; you have to pay for the experience as well. Hong Kong has not reaped any benefits, in terms of international trade or diplomacy, for all our blind adherence to the policy of port of first asylum imposed on us by Britain. On the contrary, Hong Kong would have been easily edged out of the world market if our products had not been good value for money.

Sir, it is a principle that all governments should abide by the maxim that what is taken from the people should be used for the benefit of the people. The aggravation of the refugee problem has meant that the Government has already allocated a lot of resources to the boat people so far, including mobilizing, on a daily basis, the strength of a whole police district to cope with the security problem which has arisen. We believe that if there is no change to the port of first asylum policy, Hong Kong should no longer use our resources on the boat people. We should use the resources instead for the people of Hong Kong. For example, the elderly service should be upgraded and old age allowance raised.

Meanwhile, the Security Branch is contemplating building a receiving centre on the Soko Island at a cost of hundreds of millions of dollars. We believe that the money could be better used to bring relief to the ivory trade caught in the dire circumstances. Sir, we like our Government to be one that uses what is taken from the people for the benefit of the people, rather than one that uses what is taken from the people of Hong Kong for the benefit of the Vietnamese boat people.

Sir, you said in the section of your policy address which deals with Hong Kong's relation with Britain that "this Government has for many years been left essentially

free to get on with the job of running Hong Kong by itself" and "we have developed some interests which are separate from those of the United Kingdom" and "when this happens, you can be sure that your Government argues hard on Hong Kong's behalf". The people of Hong Kong are at this point looking forward to seeing how our Government will argue hard with the British Government on our behalf on the issue of the port of first asylum policy.

Sir, with these remarks, I oppose the motion.

HIS EXCELLENCY THE PRESIDENT: Mr. MCGREGOR, I am left in some doubt about whether you have a substantive as well as a procedural contribution to this debate. If you have a substantive contribution, you may speak now.

MR. MCGREGOR: Thank you, Sir. Democracy does not come easily. Sir, you may be glad to hear that I have only a few points to make. This seems an odd time to debate a matter which is apparently very close to resolution at least insofar as the question of repatriation of the screened-out Vietnamese is concerned.

I have said before in this Council and I repeat today that I believe that one can only feel sympathy for this large body of people taking to the boats to seek a better life in a country other than their own. The danger in their hopeless quest and the desperate personal circumstances of so many of the Vietnamese must surely touch the hearts of caring people everywhere.

I have been unhappy over a long period of time to see the gradual swing of public opinion, encouraged by some Legislative Councillors, against the Vietnamese. It is probably true to say that most Hong Kong people have never seen a Vietnamese other than on television, yet a great many seem to have developed a powerful anti-Vietnamese feeling which sometimes translates into a desire to get rid of them at all costs including, if necessary, pushing the boats back out to sea.

This contrasts oddly with the fact that we in this Council, and a great many other people in Hong Kong ask for specific right of abode assurances from other countries in our own desire to protect ourselves against the need to take to the high seas in certain circumstances. I am told that these are two different issues. No doubt they are. I believe however that the humanitarian principle is the same.

I wish to reiterate that, whilst I fully support the proposals for mandatory repatriation of the Vietnamese, I will never agree to any change in the port of first asylum policy nor any other action which will place the lives of the Vietnamese at serious risk. I will also vote against any proposal in this Council to deny funds to the Government which may be essential to maintain the Vietnamese camps and to provide an acceptable standard of security and of life in these camps.

The cost so far at \$1.6 billion over 10 years should be considered as a proportion of Hong Kong's total government expenditure during that time. I think the figure would hardly represent a huge drain on our resources.

Nevertheless, I believe that Britain, as the constitutional authority and responsible for Hong Kong's external affairs, should pay the cost of maintaining the Vietnamese, this cost presently falling to the Hong Kong authorities. That, I think, is the least that Britain can do. We must also actively do our best to secure a change of policy by the United States Government to ensure that no punitive action is taken against Hong Kong when mandatory repatriation begins.

I hope that Members of this Council and Hong Kong people generally will find it in their hearts to recognize the Vietnamese problem for what it is, a massive human tragedy which needs our sympathy and understanding.

With these few words, Sir, I support the motion.

SECRETARY FOR SECURITY: Sir, this afternoon Members have spoken with deep feeling about the need to solve the problems with which the presence, and continuing arrival, of Vietnamese boat people have burdened Hong Kong. I shall not attempt to respond to the very many points which have been raised. But I can assure Members that in my statement of the government position the more substantive of these points have been generally, and in some cases specifically, taken into account.

Since the Council last debated a motion on this subject on 17 May this year, a further 24 000 Vietnamese have joined their compatriots in our crowded camps, making a total of 34 000 arrivals this year. We have had a long hard summer with many arrivals, few departures, and enormous efforts by the Administration to house, feed, care for, and control all those who have misguidedly chosen to come to Hong Kong in the vain

hope of resettlement elsewhere. The achievement in coping with this influx, for which Hong Kong deserves great credit, has also brought an unfair share of unhelpfully unconstructive, and often uninformed, criticism.

We now find ourselves with nearly 57 000 Vietnamese in 25 camps, ferries and centres spread around the territory, and over 2 700 of our regular and auxiliary services staff being deployed each day to look after them. These commitments have placed a heavy financial burden upon the territory and are testing sorely the patience and tolerance of our community.

In their simplest forms our objectives are two-fold: first to make proper arrangements for the resettlement of all genuine refugees and the departure of all non-refugees from Hong Kong; and secondly, to prevent more Vietnamese boat people from arriving in Hong Kong. These are our aims. Everything else, however important or however complicated, relates to these central issues.

The International Conference on Indochinese Refugees which was held in Geneva this year has provided a framework, in the form of the Comprehensive Plan of Action (CPA), in which these objectives can be achieved.

The CPA is an inter-dependent and comprehensive package of measures which seeks to identify and preserve the rights of the genuine refugee while at the same time addressing itself to the overall problem caused by the outflow from Vietnam. Its main components cover:

- the responsibility of the Vietnamese authorities to deter the departure of boat people from Vietnam;
- the expansion and acceleration of the Orderly Departure Programme from Vietnam;
- temporary refuge with access by UNHCR to all boat people arriving in countries of first asylum;
- the determination of status as refugees or non-refugees by UNHCR approved screening procedures;
- the acceleration of the resettlement of refugees; and finally

-- the matter of repatriation.

Here I quote paragraph 12 of the CPA: "Persons determined not to be refugees should return to their country of origin in accordance with international practices reflecting the responsibilities of States towards their own citizens. In the first instance, every effort will be made to encourage the voluntary return of such persons."

Our policy and that of Her Majesty's Government is to seek a solution to our Vietnamese problems through the implementation of the CPA. But this will only be attainable if the CPA is implemented in full. If the CPA cannot provide the countries of first asylum with the relief they so badly need, the CPA itself will be in jeopardy. Mandatory repatriation should be seen for what it is -- an important element in preserving the principle of first asylum. Some governments, exasperated with the lack of progress towards full implementation, have, indeed, already retreated from their first asylum commitments. The only way to ensure humane treatment for all asylum seekers is to provide governments with an internationally established mechanism for bringing the problem under control. That means adequate and humane methods of dealing with genuine refugees and with those who are found not to be refugees. Those who argue against the full implementation of the CPA are putting first asylum itself at risk.

Reverting to our objectives, I believe that, with special arrangements for long stayers, the resettlement of our refugees will be achieved under the CPA, and there have been sufficient pledges from resettlement countries for that purpose. We are grateful for these offers and for the resettlement of genuine refugees. If the proportion of Vietnamese found by the screening process to be refugees continues at roughly its present rate, we can expect some 17 000 of our present Vietnamese population to qualify for resettlement. Of these we might expect some 4 000 to be resettled between now and June 1990. For those who are found not to be refugees by what I must stress is a very thorough and careful screening and appeal process, there is no alternative but to return to Vietnam. As non-refugees, resettlement is not open to them, and they cannot remain for ever in detention in Hong Kong. That would be the ultimate inhumanity. Their options are to return voluntarily, or to be returned involuntarily.

Some countries and some people dislike the idea of the mandatory repatriation of non-refugees. They would like to see this option delayed or abandoned altogether.

But those who oppose mandatory repatriation can seldom suggest any viable alternative solution, certainly none that would meet Hong Kong's urgent practical needs.

The voluntary repatriation programme has been in being for a year now and over 500 boat people have returned in this way, with further groups expected to return shortly. We welcome and wholeheartedly support this programme which indeed we helped to engineer. However, although the process has recently speeded up, it cannot be expected to cater on its own for all 39 000 non-refugees. It would be a delusion to expect all these people to volunteer to return; and also a delusion to believe that, if the only arrangements in place for returning non-refugees to Vietnam are on a voluntary basis, people in Vietnam will stop setting out in a fruitless attempt to seek new lives on the other side of the world. Indeed since the agreement on voluntary repatriation was signed between the UNHCR and the Vietnamese authorities in December 1988 over 34 000 boat people have arrived in Hong Kong.

We are therefore left with involuntary (or mandatory) repatriation. We see this as being encompassed by the CPA and in accordance with international practice. It is the logical outcome of the screening process for those who have been classified as non-refugees and who do not volunteer to return. In this view we are fully supported by Her Majesty's Government who see the return of non-refugees to their country of origin as being in the same category as the deportation of illegal immigrants anywhere else in the world. The arrangements under which they will be returned will be in accordance with international practice, the only differences being that we should ensure arrangements for re-integration assistance, monitoring after their return and assurances of non-persecution of returnees from the Vietnamese authorities. We see mandatory repatriation as being complementary to voluntary repatriation, and for both modes continuing in parallel with each other. We believe that mandatory repatriation will not only discourage people who are not genuine political refugees from setting out from Vietnam, but will encourage those who are already here into volunteering to go back to Vietnam. We are now working, with the full support of Her Majesty's Government, towards arrangements which will enable us to establish a repatriation programme. Detailed arrangements have not yet been concluded and it would not be appropriate for me to be more specific at this stage.

In the longer term the search for solutions involves more fundamental issues, such as internal changes in Vietnam and the creation of living conditions there which would remove the incentive for departures. In short, an economic revival is required. The quicker this is achieved the quicker we shall see the creation of living conditions

which will not propel Vietnamese outwards from their own country.

Sir, I commend Mr. LEE for the restrained and moderate tone of his motion at a time when the frustration of Members, and the scope and nature of this extraordinarily difficult problem, might well have resulted in harsher words and calls for more extreme measures. This would have been understandable, but it would not have been right. The motion before the Council, Sir, embodies the present aims and policy of the Government and is therefore one to which the Government fully subscribes.

With these words, Sir, I support the motion.

Private Bill

First Reading of Bill

FIRST PACIFIC BANK LIMITED BILL 1989

Bill read the First time and ordered to be set down for Second Reading pursuant to Standing Order 41(3).

Second Reading of Bill

FIRST PACIFIC BANK LIMITED BILL 1989

MR. LI moved the Second Reading of: " A Bill to provide for the vesting in First Pacific Bank Limited of the undertaking of Far East Bank, Limited and for other related purposes."

He said: Sir, the Bill which I introduce today is technical in nature and uncontroversial. I am pleased to report the Bill has been approved by the Government and has been advertised the requisite number of times in the Chinese and English press. I therefore move that the Bill be read a Second time.

Both First Pacific Bank and Far East Bank have substantial banking practices in Hong Kong. Hong Kong has an interest in affording certainty and security of business to international banks operating here and this enabling legislation is the best manner

in which to afford certainty to both banks, their customers and employees.

The Bill is not unprecedented. You will recall that I have introduced the Deutsche Bank merger Bill and the Daiwa Bank Bill both in 1988 and indeed this Bill is itself modelled on those earlier Bills.

Members may be reassured that no stamp duty will be saved by this Bill and that the stamp duty position shall be precisely the same as if no legislation had been passed. There is no intention to avoid stamp duty by means of this Bill.

Sir, I believe this Bill to be uncontroversial and welcome. It shows Hong Kong affording certainty of operation to financial institutions and customers alike. I therefore move that debate on this Bill be adjourned.

Question on the adjournment proposed, put and agreed to.

Valedictory

HIS EXCELLENCY THE PRESIDENT: Before adjourning the Council, I would like to take this opportunity to pay tribute to the Secretary for Home Affairs, Mr. Donald LIAO, who will be leaving this Council on retirement from the Civil Service.

Mr. LIAO has served in the Civil Service for some 29 years and out of this I would like to highlight three important facets of his career. Firstly, and perhaps the most lengthy period of service, as head of the Housing Department, to which he was appointed Commissioner in 1968 at the very young age of 38. During the time he was there, he developed imaginative housing policies which have greatly benefited the growing population of Hong Kong and he is one of those lucky people who can look round him and say "Here is the monument to what I have achieved." Of that he can be proud and the community also can be proud.

Secondly, as Secretary for District Administration since 1985, he has played a major role in the development of district administration in Hong Kong. His vigorous efforts in promoting civic education have certainly borne fruit. As a result, people in Hong Kong today are more interested in their surroundings, in their Government and in their future.

And finally, as a member of the British team of the Joint Liaison Group to which he was appointed in March 1987. The team has benefited greatly from his profound knowledge of Hong Kong, his feel for the concerns and aspirations of its people.

I am sure that Members of this Council wish to join me in thanking Mr. LIAO most warmly for his contributions to the work of this Council and to Hong Kong and to wish him and Mrs. LIAO a very happy, prosperous and productive retirement. (Applause)

MR. ALLEN LEE: Sir, my colleagues and I would like to be associated with the warm tribute you have paid to Mr. Donald LIAO.

Many of us have known him for a long time, particularly those who have taken part in facilitating the tremendous housing development in Hong Kong. We have witnessed his dedication, his commitment and his untiring efforts in improving the standard of living of a large proportion of the population of Hong Kong. His distinguished contribution to the community has won him wide respect.

Furthermore, we will remember him as a member of the Executive Council and the Legislative Council, and will miss his sense of humour and patience in the often protracted proceedings of this Council.

Sir, we wish Mr. LIAO a very happy retirement. (Applause)

Adjournment and next sitting

HIS EXCELLENCY THE PRESIDENT: In accordance with Standing Orders, I now adjourn the Council until 2.30 pm on Wednesday, 6 December 1989.

Adjourned accordingly at twelve minutes to Seven o'clock.

Note: The short titles of the Bills/motions listed in the Hansard, with the exception of the First Pacific Bank Limited Bill 1989, have been translated into Chinese for information and guidance only; they do not have authoritative effect in Chinese.

