

OFFICIAL RECORD OF PROCEEDINGS

Friday, 5 March 1993

The Council met at Two o'clock

PRESENT

THE PRESIDENT

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

THE CHIEF SECRETARY

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

THE FINANCIAL SECRETARY

THE HONOURABLE NATHANIEL WILLIAM HAMISH MACLEOD, C.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 STEPHEN CHEONG KAM-CHUEN, C.B.E., J.P.

THE HONOURABLE MRS SELINA CHOW LIANG SHUK-YEE, O.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 PANG CHUN-HOI, M.B.E.

THE HONOURABLE SZETO WAH

THE HONOURABLE TAM YIU-CHUNG

THE HONOURABLE EDWARD HO SING-TIN, O.B.E., J.P.

THE HONOURABLE RONALD JOSEPH ARCULLI, J.P.

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

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

THE HONOURABLE MRS MIRIAM LAU KIN-YEE, O.B.E., J.P.

THE HONOURABLE LAU WAH-SUM, O.B.E., J.P.

DR THE HONOURABLE LEONG CHE-HUNG, O.B.E.

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

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

THE HONOURABLE PETER WONG HONG-YUEN, O.B.E., J.P.

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE VINCENT CHENG HOI-CHUEN

THE HONOURABLE MOSES CHENG MO-CHI

THE HONOURABLE MARVIN CHEUNG KIN-TUNG, J.P.

THE HONOURABLE CHEUNG MAN-KWONG

REV THE HONOURABLE FUNG CHI-WOOD

THE HONOURABLE FREDERICK FUNG KIN-KEE

THE HONOURABLE TIMOTHY HA WING-HO, M.B.E., J.P.

THE HONOURABLE MICHAEL HO MUN-KA

DR THE HONOURABLE HUANG CHEN-YA

THE HONOURABLE SIMON IP SIK-ON, J.P.

DR THE HONOURABLE LAM KUI-CHUN

DR THE HONOURABLE CONRAD LAM KUI-SHING

THE HONOURABLE LAU CHIN-SHEK

THE HONOURABLE EMILY LAU WAI-HING

THE HONOURABLE ERIC LI KA-CHEUNG, J.P.

THE HONOURABLE FRED LI WAH-MING

THE HONOURABLE MAN SAI-CHEONG

THE HONOURABLE HENRY TANG YING-YEN, J.P.

THE HONOURABLE TIK CHI-YUEN

THE HONOURABLE JAMES TO KUN-SUN

DR THE HONOURABLE SAMUEL WONG PING-WAI, M.B.E., J.P.

DR THE HONOURABLE PHILIP WONG YU-HONG

DR THE HONOURABLE YEUNG SUM

THE HONOURABLE HOWARD YOUNG, J.P.

THE HONOURABLE ZACHARY WONG WAI-YIN

DR THE HONOURABLE TANG SIU-TONG, J.P.

THE HONOURABLE CHRISTINE LOH KUNG-WAI

THE HONOURABLE ROGER LUK KOON-HOO

THE HONOURABLE ANNA WU HUNG-YUK

ABSENT

THE HONOURABLE DAVID LI KWOK-PO, O.B.E., J.P.

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

THE HONOURABLE ANDREW WONG WANG-FAT, O.B.E., J.P.

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

THE HONOURABLE CHIM PUI-CHUNG

THE HONOURABLE LEE WING-TAT

THE HONOURABLE GILBERT LEUNG KAM-HO

THE HONOURABLE STEVEN POON KWOK-LIM

IN ATTENDANCE

THE CLERK TO THE LEGISLATIVE COUNCIL

MR CLETUS LAU KWOK-HONG

PURSUANT TO STANDING ORDER 4AA, HIS EXCELLENCY THE GOVERNOR, THE RIGHT HONOURABLE CHRISTOPHER FRANCIS PATTEN, ATTENDED TO ADDRESS THE COUNCIL AND TO RECEIVE QUESTIONS.

Papers

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

Subject

Subsidiary Legislation	<i>L.N. No.</i>
Public Revenue Protection (Dutiable Commodities) Order 1993	48/93
Public Revenue Protection (Entertainments Tax) Order 1993	49/93
Public Revenue Protection (Stamp Duty) Order 1993	50/93
Public Revenue Protection (Cross-Harbour Tunnel) (Passage Tax) Order 1993	51/93
Public Revenue Protection (Motor Vehicles) (First Registration Tax) Order 1993	52/93
Public Revenue Protection (Road Traffic) Order 1993	53/93
Gambling (Amendment) Regulation 1993	54/93
Newspapers Registration and Distribution (Amendment) Regulation 1993	55/93
News Agencies Registration (Amendment) Regulation 1993	56/93
Disciplinary Committee Proceedings (Amendment) Rules 1993.....	57/93
Solicitors (Professional Indemnity) (Amendment) Rules 1993.....	57/93
Food Business (Regional Council) (Amendment) Bylaw 1993	59/93
Frozen Confections (Regional Council) (Amendment) Bylaw 1993	60/93

Funeral Parlour (Regional Council) (Amendment) Bylaw 1993	61/93
Milk (Regional Council) (Amendment) Bylaw 1993	62/93
Offensive Trades (Regional Council) (Amendment) Bylaw 1993	63/93
Places of Amusement (Regional Council) (Amendment) Bylaw 1993	64/93
Public Swimming Pools (Regional Council) (Amendment) Bylaw 1993	65/93
Regional Council Financial (Amendment) Bylaw 1993	66/93
Undertakers of Burials (Regional Council) (Amendment) Bylaw 1993	67/93
Employees Retraining Ordinance (Amendment of Schedule 2) Notice 1993	68/93
Places of Public Entertainment (Licences) (Specification of Fees) (Regional Council Area) Notice	69/93
Declaration of Change of Titles (Office of Members of the Executive and Legislative Councils and Secretary General of the Office of the Members of Executive and Legislative Councils) Notice.....	70/93
Specification of Public Office.....	71/93
Statutes of the University of Hong Kong (Amendment) Statutes 1993	72/93
Pensions Ordinance (Cap. 89) (Day Appointed under Section 18(1AA) Notice	73/93
Pension Benefits Ordinance (Cap. 99) (Day Appointed under Section 19(4A)) Notice.....	74/93
Pension Benefits (Judicial Officers) Ordinance (Cap. 401) (Day Appointed under Section 20(4A)) Notice	75/93

PRESIDENT: Would Members please remain standing for the Governor?

CLERK: His Excellency the Governor.

PRESIDENT: The Governor will address the Council and will receive questions.

GOVERNOR: Mr President, can I say straightaway what a pleasure it is to use those words about you for the first time. Mr President, I have an announcement to make this afternoon to fulfill my promise to Honourable Members to keep them informed of progress on constitutional development issues. Honourable Members will have heard a number of statements made by senior Chinese officials in the last few days. And I think it is incumbent on me to set out the position as we see it.

As Honourable Members will know, diplomatic contacts have taken place in recent weeks in Peking. Our aim has been to explore whether a firm and productive basis could be found for the two sides to enter formal talks on the arrangements for the 1994-95 elections. In announcing last week that the Bill embodying those arrangements would not be published on 26 February, the Government promised to set out the reasons for the delay. I would like to explain to Honourable Members this afternoon exactly where we now stand.

Since my policy address last October, we have made clear that we are ready to talk at any time and without preconditions in an effort to reach an understanding with the Chinese side on these electoral arrangements. This Council is already examining the Boundary and Election Commission Bill. The Executive Council endorsed on 2 February draft legislation embodying the remainder of the constitutional proposals that I made on 7 October. So there is no mystery about what the draft legislation contains. We passed a copy of it to the Chinese side on 6 February. At the same time, we repeated formally our willingness to talk at any time without preconditions. And we explained to the Chinese side that the Bill was ready for gazetting.

We received a positive response on the principle of talks from the Chinese side. To help ensure that talks get off to the best possible start, I therefore decided with the advice of the Executive Council to postpone our original plan for gazettal on 12 February while making clear to the Chinese side that there could not be an indefinite delay given the practical need to press ahead with legislation. We proposed an early starting date for the talks and told the Chinese side of the composition of our negotiating team.

In the absence of a Chinese response, I decided with the advice of the Executive Council to delay gazettal for a second time on 19 February and for a third time on 26 February. We wished to give every possible opportunity for

the Chinese side to respond. In my judgment, Honourable Members and the community would expect us to go the extra mile in an effort to secure productive talks with the Chinese Government.

At the beginning of this week, we did receive a reply. But despite further diplomatic contacts in which we have continued to press for early talks, we have not yet been able to announce a starting date for them. We have made plain that we are ready for the talks to proceed on the basis of the Joint Declaration, the principle of convergence with the Basic Law and the relevant understandings and agreements reached between China and Britain. We consider our proposals are wholly compatible with these as, for example, I made clear when I addressed the Legislative Council on 24 October last year.

I thought it only right to give Honourable Members an account of where we now stand. As far as we are concerned, we are ready to talk immediately. Following further exchanges in Peking this week, there remain only a few points of disagreement which could, and should, be resolved quickly.

In the meantime we judge it best to defer gazettal for a fourth time today. I shall be happy to receive questions from Honourable Members.

PRESIDENT: As Members know, 10 questions have been allocated. Mr Simon IP.

MR SIMON IP: *Governor, can you please assure this Council that if talks should commence they will not be in complete secrecy and that this Council will be kept informed and will be consulted?*

GOVERNOR: I think that the Foreign Secretary made an admirably clear point the other day when he said this — and I quote what I think he said after a meeting with the Honourable Member and some of his colleagues in London — "The days when these matters (he was referring to the important constitutional issues) can be settled between London and Peking without taking any account of opinion in Hong Kong have obviously gone. Hong Kong has changed. Hong Kong clearly has a greater wish to have a say in its own future." I think it is legitimate to draw this distinction: I do not think we can hold secret talks but I think the Council will understand that the detail of discussions as they continue has to be confidential. But at the end of those talks we have to set out, if they take place and if they lead to agreement, exactly what the basis of that is and I would hope in those circumstances that the Legislative Council would agree that we had behaved in a sensible way for the future interest of Hong Kong.

PRESIDENT: Mr Allen LEE.

MR ALLEN LEE: *Governor, I agree to what you said in answering Mr Simon IP's question. But, Governor, would you inform this Council how the Government will consult the people of Hong Kong and this Council as to the acceptability of the final agreement reached between the British and the Chinese Governments?*

GOVERNOR: I have been impressed by the extent to which the whole community, and not just Members of this Council, have responded to the proposals which were placed on the table at the beginning of October. Honourable Members will know that many of the proposals which are contained in the compendium of alternatives that we have put forward come from members of the community outside the Legislative Council. I say there is huge interest, quite properly, on behalf of the community in how we develop our political institutions. But when it comes to enacting legislation for example, and legislation will be the basis for going forward with the arrangements for the 1994-95 elections, then it is this Council which reflects the views of the community. I thought the Honourable Member and some of his colleagues and the Honourable Member sitting in front of me made the point extremely well this week when they explained the constitutional realities of Hong Kong. And we must remember that constitutional realities are not just as-dry-as-dust arguments in legal textbooks; they are about the hearts and minds of the people of the community. So at the end of the day we will obviously be debating in the Legislative Council proposals for the 1994-95 elections, I hope, proposals which are the result of successful talks with China, if those take place. We will not be able to take that debate in a formal sense outside this community in that the whole community will be extremely interested in the outcome.

PRESIDENT: Mr Fred LI.

MR FRED LI (in Cantonese): *Mr Governor, this is the fourth deferral in gazetting the Bill on political reform. However, time is somewhat limited. I would like to ask Mr Governor when will be the latest date, as you expect, for this Council to pass the reform package and do you expect the seven reform items outlined in your policy address delivered on 7 October last year to be covered in the talks with the Chinese side?*

GOVERNOR: The Honourable Member is quite right in saying that the fact that we have deferred gazettal for four Fridays running suggests that we are proceeding with great care. Nobody could accuse us of rushing ahead. We have done all we can to be conciliatory, to provide every opportunity for talks. I do not think one should believe, however, that to be as positive and constructive and conciliatory as we have been means that one abandons any of one's principles. I think one's principles are perhaps better advocated when one is able to do so in the rational and positive spirit which we have shown in the

last few weeks and which I tried to set out in my speech to the Legislative Council last October. I refer Honourable Members, for example, to paragraph 128 of my speech on that occasion. While we have delayed gazettal four Fridays, we obviously cannot defer gazettal indefinitely. The more we defer gazettal, the less time there is for any talks which may, I hope, take place because after those talks — which I am sure the whole Council hopes will take place and produce an outcome which is fair and open and acceptable to the people of Hong Kong and acceptable in London and acceptable in Peking — we will have to enact legislation. And if one works back from the end of the process, one sees that we are not dealing with infinity; we are dealing with a calendar in which the Hong Kong clock ticks just at the same pace as the one in Peking and the one in London.

MR FRED LI: *Mr President, there was a second part to my question.*

GOVERNOR: There was one last point which I am very anxious to respond to but I was so taken with my metaphor about clocks that I went on longer than the clock should have allowed. The proposals that I put forward in October — proposals which have been debated in this Council, proposals which at least on two occasions received the broad endorsement of this Council, proposals which were endorsed by the Executive Council in early February — have been and are on the table. I hope that if there are talks we will learn what alternative proposals Chinese officials have to put on the table. I think the whole community would be interested in that.

PRESIDENT: Dr YEUNG Sum.

DR YEUNG SUM (in Cantonese): *Mr Governor, now that the Chinese Government has repeatedly stated in public the precondition for the resumption of the negotiation, that is, once the 94-95 electoral arrangements have been agreed to, the British Government must ensure that they will be endorsed by the Legislative Council, would the British Government and you accept this precondition for the resumption of the negotiation? How could you, during the entire Sino-British negotiation process, make sure that the Legislative Council will actively play an advisory role so as to have a bearing on the outcome of the negotiation and prevent the Legislative Council from being reduced to a rubber stamp?*

GOVERNOR: The Foreign and Commonwealth Office in London yesterday made a statement in which, among other things, they made it absolutely clear in response to some newspaper stories that there was no question of the Governor or the Legislative Council being cut out of decisions about the way Hong Kong is governed. They made it absolutely clear that the Government and the

Executive Council have been and will continue to be fully involved in the development of policy on the political development of Hong Kong and they referred, in terms similar to those used by the Honourable Member on my left in Peking earlier this week, to the legislative responsibilities of the Legislative Council. Clearly, if there are talks which we hope will take place, we must enter them in a positive and constructive spirit and I would hope that talks would lead to a satisfactory conclusion. I find it inconceivable to imagine circumstances in which we thought that a satisfactory conclusion would not be acceptable to the Legislative Council and the people of Hong Kong. Satisfactory conclusions which are not acceptable in Hong Kong would seem to me not to be acceptable to anyone because both the present and the future sovereign powers must presumably be concerned about public support in Hong Kong for our governing institutions. So I hope that if there are talks they lead to positive conclusions and I very much hope that those positive conclusions would be endorsed by the Legislative Council. But I repeat I cannot imagine putting forward proposals at the end of discussions which I did not believe and which the British Government did not believe would be acceptable.

PRESIDENT: Mr Jimmy McGREGOR.

DR YEUNG SUM: *Sorry, Mr President, there is a part to my question that remains unanswered.*

PRESIDENT: I am so sorry.

DR YEUNG SUM: *Mr President, Can I have a follow-up please?*

PRESIDENT: I think time is running short.

GOVERNOR: Was there a point I missed?

DR YEUNG SUM: *I was talking about how to prevent the Legislative Council becoming a rubber stamp, Mr Governor.*

GOVERNOR: Yes. The Legislative Council, as the executive has discovered in Budget debates, in discussions about Budgets and so on over the last year, is anything but a rubber stamp. I say to Honourable Members, and I am sure you will not regard it as abusive, that there are occasions where the Governor and some of his colleagues in the Government quite like the idea of you behaving a little more like a rubber stamp (*Laughter*). But part of Hong Kong's admirable

political development is that you are not a rubber stamp for the 28th British Governor of Hong Kong and you will not be a rubber stamp after 1997 either. And that is what part of this argument is all about. Part of the argument is about how we ensure the acquiescence of the community in sensible decisions taken about the short-term and long-term interest of Hong Kong. No rubber stamp here!

PRESIDENT: Mr McGREGOR.

MR JIMMY McGREGOR: *Governor, China takes the position that the Legislative Council has no standing in regard to the negotiation of agreements between China and Britain. Will China be advised by the British side that any agreement between the two sovereign governments must be finally approved by the Executive and the Legislative Councils and that conceivably changes could be made in any agreement reached in accordance with the will of this Council? Should that not be made clear to and understood by the Chinese side before these talks begin?*

GOVERNOR: I have been a relatively early riser. I heard the Honourable Member answering that question extremely well on the Today Programme this morning. None of us can change or seek to change the constitutional realities. One of the constitutional realities is of course that sovereign governments negotiate together. Another of the realities is that the present sovereign government and, I imagine, the future sovereign government would not wish to come to a solution which is not acceptable to the legislators and to the community of Hong Kong, which they are talking about in these negotiations. So I repeat what I said a moment or two ago: I cannot imagine circumstances in which the British team in negotiations — a team which will of course include people who are Hong Kong government officials — the British Government and the Governor of Hong Kong would regard as acceptable something which they did not think would be acceptable to this Legislative Council. That is not an undermining of the sovereignty of the parties to any talks. It is a statement of political reality. When one talks about sovereignty, when one defines sovereignty, one cannot do it as if one were speaking in a political theory laboratory; one is talking about practical issues and I have described how things will operate here in Hong Kong. For me to deny that would be similar to me denying the wisdom of Galileo or the fact that there is a harbour in Hong Kong.

MR JIMMY McGREGOR: *Governor, I do not think you answered that little bit at the end of my question in regard to the possibility that this Council might seek to change any arrangement reached between the British and Chinese Governments. I realize of course there is this point in regard to our constitutional position, but the Chinese Government should understand very*

clearly from the outset that changes could be made by this Council when these arrangements are brought before this Council for enactment as legislation.

GOVERNOR: This Council can amend legislation that is put before it and it can do so whatever people outside happen to say. I think if there was an agreement between Britain and China which was broadly acceptable, not only to Britain and China but to people in Hong Kong, this Council would probably think twice or three times or more about amending it in ways which would send Britain back to the negotiating table with China to say, "Is this amendment acceptable to you?" I think I am stating what is an obvious scenario. So my hunch is if something was acceptable and was the result of agreement between Britain and China this Council would probably pass it. But the honourable gentleman has described precisely what is the situation in the Royal Instructions and the Letters Patent.

PRESIDENT: Dr TANG Siu-tong.

DR TANG SIU-TONG (in Cantonese): *Mr Governor, I should like to follow up Dr YEUNG Sum's question. Given that the Sino-British talks will be conducted through diplomatic channels, may I ask how you will enhance the transparency of the talks when they get under way? Will you, during the various stages of the talks, brief this Council about what has been achieved in the talks?*

GOVERNOR: During the various stages of the discussions, I would of course attempt to keep in touch with groups of Legislative Councillors and individual Legislative Councillors. But I must make this clear: I would not be in a position in which after every round of talks, if talks took place, I could come to this Council and describe exactly what had been happening round the negotiating table, because I think if one was to do that one would introduce an element into the diplomacy and into the negotiation which would be frankly unacceptable to both sides. I do not think it would make the negotiations themselves possible or reasonable. But I would obviously need to keep in touch with the development of thinking in this Council and in Hong Kong in order to give advice during the course of the negotiations, if they take place, about what is likely to be acceptable at the end of the day in Hong Kong. That surely does not need stating. That surely is acceptable to everyone. And at the end of any negotiations, if they take place, whether they are successful or whether they are not successful, I will have to be able to explain to this Council what has been done, what has been argued for in the name of the United Kingdom and in the name of Hong Kong, defend it and hope to convince this Council that the right decision has been taken.

PRESIDENT: Mr SZETO Wah.

MR SZETO WAH (in Cantonese): *China has repeatedly stressed that the United Kingdom has to withdraw or abandon the Patten package and make sure that the agreement, if reached, will be endorsed by the Legislative Council if Sino-British negotiations are to be reopened. On the other hand, the United Kingdom has reiterated that there will be no preconditions for the talks. Now, will the Governor inform this Council whether the point I mentioned just now can be regarded as a precondition? Have you abandoned your own reform package? If the negotiations are resumed one day, after all, is it China or the United Kingdom that has changed its position? Or can we say that both sides have changed their positions and come to a new secret consensus?*

GOVERNOR: The Honourable Member knows how diplomatic I am and I would not seek to answer questions on China's behalf. It is for Chinese officials to explain their own position and to state their own position in due course and I imagine it would be done very plainly as it has been in the last few days. But I repeat without any equivocation, I repeat without any gloss, I repeat without any footnotes what I have said before and what I have said during the course of the afternoon : we have been happy at every stage to have discussions without preconditions. If we enter into talks we will enter into talks without preconditions. The proposals made by the Governor of Hong Kong last October, debated again and again by this Legislative Council, endorsed by the Executive Council at the beginning of February, are still on the table. How after that process could they not be? Others will have to explain, if there are talks, what their position is. But I have set out, I hope, clearly to the Honourable Member and to this Honourable House exactly what my position is, exactly what the Government of Hong Kong's position is, exactly what the Government of the United Kingdom's position is.

PRESIDENT: Mr PANG Chun-hoi.

MR PANG CHUN-HOI (in Cantonese): *Mr Governor, experience tells us that talks between China and Britain were conducted in secrecy. Would you tell us how this Council and the people of Hong Kong will be kept informed of such talks? In your policy address, you stated that future political development must be based on the principles of "openness, fairness and acceptability to the people of Hong Kong". Would you tell us whether these principles would be adhered to and how to put them into practice?*

GOVERNOR: The first question I think I answered earlier when I was asked about how we could keep the community informed. I explained the difficulties of the sovereign powers involved in difficult diplomatic negotiations and I think

this Council, though it will always want us to be more transparent rather than less transparent, understands the difficulties of behaving in that way when negotiations are actually taking place. As for the question of openness, of fairness and of acceptability, those remain our objectives for talks. I very much hope that we can come off with proposals at the end of the day which are open and fair and acceptable. I would very much hope that we could meet those objectives and get an agreement with China and that the political institutional changes that resulted from that would last through 1997 and be the basis for the good government of Hong Kong for the foreseeable future. That is my aspiration. If there are talks — and I underline that word "if" again — I do not think that anybody should underestimate the difficulty of achieving those objectives. I do not say that in the defeatist way; I do not say that because, if there are talks, I will enter them in none other than the spirit of optimism and constructiveness as far as one can. But talks will be very difficult; achieving the objectives I have set out will be very difficult and it would be wrong and dishonourable of me not to make that point to the community about any talks which may take place. I do not want to sound gloomy, I do not want to sound pessimistic, but these are very difficult matters, difficult for China as well as difficult for the United Kingdom and Hong Kong. And I hope we can approach them in a spirit of realism as well as with such hope as appropriate in the circumstances.

PRESIDENT: Mr Ronald ARCULLI.

MR RONALD ARCULLI: *Mr President, since the Governor's policy address in October last year, there has been much discussion about the Governor's proposals for constitutional reform. Without really putting too fine a point on whether there is majority or minority support for these proposals, there is, to say the least, a substantial body of opposition against two aspects, namely, the nine new functional constituencies and the Election Committee. Will the Governor, perhaps, advise this Council how these opinions will be taken into account during discussions with the Chinese Government?*

GOVERNOR: Obviously, those opinions will be taken into account, just as, I am sure, the Honourable Member would hope that the opinions of those who supported the Government's proposals on those matters would be taken into account, just as, I hope, will be taken into account the fact that there are many members, not least in this Legislative Council, who think that the Governor and the Government have not gone nearly far enough in the proposals on political development that have been put forward. I think that we have not actually met the aspirations of the people of Hong Kong for a greater share in determining their own future. Negotiators, if there are talks, will have to be very broad-minded, will have to take account of the broad spectrum of views in the community. I am sure that the British team, I am sure that those negotiating on the British side of the table, including those members of the team who are

Hong Kong government officials, will be well aware of the fact that when this Council has discussed the two particular issues that the Honourable Member refers to, the Councillors have on the whole given a very positive response. But I state the obvious when I say I was not born yesterday and I am aware of the fact that the Honourable Member is among those who have perhaps reservations about those two particular aspects of my proposals. They are at the heart of the political debate, the political argument when it comes to discussing the package or near the heart of it and I do not think there is any point in being secretive about that.

PRESIDENT: Mr K K FUNG.

MR FREDERICK FUNG (in Cantonese): *According to what the Governor has just said, the talks will be conducted on the basis of three things, namely the Sino-British Joint Declaration, the Basic Law and the agreements previously reached between China and Britain. The first two things, that is the Joint Declaration and the Basic law, can definitely be ascertained, because they are clearly put down in black and white, but I think the third one is a variable, even though the people of Hong Kong know the agreements reached are within the seven diplomatic exchanges made public earlier. My question is: Do "the agreements reached between China and Britain", as mentioned by the Governor, include the seven diplomatic exchanges? If not or if there are more than seven, then how many more are there? But if the answer is in the affirmative, does it mean that you have abandoned your own proposal since the agreements on the Election Committee mentioned in the seven exchanges are different from what you have proposed?*

GOVERNOR: No, it does not, as I have explained on a number of occasions this afternoon. The words I used were not casually plucked out of the ether. The words I used were very carefully used, were very carefully constructed. I think it is conceivable that, if talks take place, there may be some discussion about the relevant understandings and agreements reached between China and Britain. I hope that discussion does not take too long because I would very much like to see the negotiations make very rapid progress. But there may be discussions about all the words pretty well in that phrase, including relevant understandings and agreements. And the Honourable Member may be aware of the fact that there are some differences of opinion about what exactly those words mean. One of the understandings between Britain and China is that we should discuss the arrangements for the 1995 elections. And I will be delighted if, four months after I called for such discussion when I spoke to the Legislative Council and about three and a half months after I went to Peking and said that I was very happy to have such discussions, those discussions commence. But I repeat what I said earlier — alas, I am not able to announce the beginning of talks this afternoon — that I hope the remaining issues that are outstanding between China and Britain can be resolved swiftly because I do not think we can delay

indefinitely the gazettal of legislation and the putting in place of sensible arrangements for the 1994-95 elections.

MR FREDERICK FUNG (in Cantonese): *I do not think the Governor has answered my question.*

GOVERNOR: Well, I have given the answer to the honourable gentleman that I am going to give to the honourable gentleman. I think it is a perfectly adequate answer and I am sorry the honourable gentleman does not agree. But if the honourable gentleman wishes to follow up any particular points in his question which he does not think that I have adequately answered, I shall be very happy to hear from him and will respond either in public or in private, whichever he would like.

Adjournment and next sitting

PRESIDENT: In accordance with Standing Orders I now adjourn the sitting until Wednesday 10 March 1993.

Adjourned accordingly at twenty-two minutes to Three o'clock.